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State of Minnesota

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HOUSE OF REPRESENTATIVES

Unofficial Engrossment

House Engrossment of a Senate File

NINETY-FIRST SESSION

S. F. No. 1257

- 04/04/2019 Companion to House File No. 925. (Authors: Davids)
Read First Time and Referred to the Judiciary Finance and Civil Law Division
- 04/11/2019 Adoption of Report: Placed on the General Register as Amended
Pursuant to Joint Rule 2.03, re-referred to the Committee on Rules and Legislative Administration
- 05/16/2019 Adoption of Report: Placed on the General Register
Read for the Second Time

1.1 A bill for an act

1.2 relating to health care; authorizing the use of epinephrine auto-injectors by certain

1.3 individuals who complete a training program; amending Minnesota Statutes 2018,

1.4 section 144.999.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 144.999, is amended to read:

1.7 **144.999 EPINEPHRINE AUTO-INJECTOR.**

1.8 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have

1.9 the meanings given.

1.10 (b) "Administer" means the direct application of an epinephrine auto-injector to the body

1.11 of an individual.

1.12 (c) "Authorized entity" means entities that fall in the categories of recreation camps,

1.13 colleges and universities, preschools and daycares, and any other category of entities or

1.14 organizations that the commissioner authorizes to obtain and administer epinephrine

1.15 auto-injectors without a prescription. This definition does not include a school covered

1.16 under section 121A.2207.

1.17 (d) "Authorized individual" means an individual who has successfully completed the

1.18 training program under subdivision 5.

1.19 ~~(d)~~ (e) "Commissioner" means the commissioner of health.

1.20 ~~(e)~~ (f) "Epinephrine auto-injector" means a single-use device used for the automatic

1.21 injection of a premeasured dose of epinephrine into the human body or another epinephrine

1.22 delivery system approved by the Food and Drug Administration for public use.

2.1 ~~(f)~~(g) "Provide" means to supply one or more epinephrine auto-injectors to an individual
2.2 or the individual's parent, legal guardian, or caretaker.

2.3 Subd. 2. **Commissioner duties.** The commissioner may identify additional categories
2.4 of entities or organizations to be authorized entities if the commissioner determines that
2.5 individuals may come in contact with allergens capable of causing anaphylaxis. Beginning
2.6 July 1, 2016, the commissioner may annually review the categories of authorized entities
2.7 and may authorize additional categories of authorized entities as the commissioner deems
2.8 appropriate. The commissioner may contract with a vendor to perform the review and
2.9 identification of authorized entities.

2.10 Subd. 3. **Obtaining and storing epinephrine auto-injectors.** (a) Notwithstanding
2.11 section 151.37, an authorized entity or authorized individual may obtain and possess
2.12 epinephrine auto-injectors to be provided or administered to an individual if, in good faith,
2.13 an owner, manager, employee, or agent of an authorized entity or authorized individual
2.14 believes that the individual is experiencing anaphylaxis regardless of whether the individual
2.15 has a prescription for an epinephrine auto-injector. The administration of an epinephrine
2.16 auto-injector in accordance with this section is not the practice of medicine.

2.17 (b) An authorized entity or authorized individual may obtain epinephrine auto-injectors
2.18 from pharmacies licensed as wholesale drug distributors pursuant to section 151.47. Prior
2.19 to obtaining an epinephrine auto-injector, an owner, manager, or authorized agent of the
2.20 entity or authorized individual must present to the pharmacy a valid certificate of training
2.21 obtained pursuant to subdivision 5.

2.22 (c) An authorized entity shall store epinephrine auto-injectors in a location readily
2.23 accessible in an emergency and in accordance with the epinephrine auto-injector's instructions
2.24 for use and any additional requirements that may be established by the commissioner. An
2.25 authorized entity shall designate employees or agents who have completed the training
2.26 program required under subdivision 5 to be responsible for the storage, maintenance, and
2.27 control of epinephrine auto-injectors obtained and possessed by the authorized entity. The
2.28 authorized individual shall be responsible for the storage, maintenance, and control of
2.29 epinephrine auto-injectors obtained and possessed by the authorized individual.

2.30 Subd. 4. **Use of epinephrine auto-injectors.** (a) An owner, manager, employee, or agent
2.31 of an authorized entity or an authorized individual who has completed the training required
2.32 under subdivision 5 may:

2.33 (1) provide an epinephrine auto-injector for immediate administration to an individual
2.34 or the individual's parent, legal guardian, or caregiver if the owner, manager, employee, or

3.1 agent, or the authorized individual believes, in good faith, the individual is experiencing
3.2 anaphylaxis, regardless of whether the individual has a prescription for an epinephrine
3.3 auto-injector or has previously been diagnosed with an allergy; or

3.4 (2) administer an epinephrine auto-injector to an individual who the owner, manager,
3.5 employee, ~~or~~ agent, or authorized individual believes, in good faith, is experiencing
3.6 anaphylaxis, regardless of whether the individual has a prescription for an epinephrine
3.7 auto-injector or has previously been diagnosed with an allergy.

3.8 (b) Nothing in this section shall be construed to require any authorized entity or authorized
3.9 individual to maintain a stock of epinephrine auto-injectors.

3.10 (c) Nothing in this section shall be construed to permit an authorized individual to possess
3.11 or administer an epinephrine auto-injector to a student while on school property. The
3.12 possession and administration of an epinephrine auto-injector at a public school shall be
3.13 determined by the school district in accordance with sections 121A.2205 to 121A.2207.

3.14 Subd. 5. **Training.** (a) In order to use an epinephrine auto-injector as authorized under
3.15 subdivision 4, an individual must complete, every two years, an anaphylaxis training program
3.16 conducted by a nationally recognized organization experienced in training laypersons in
3.17 emergency health treatment, a statewide organization with experience providing training
3.18 on allergies and anaphylaxis under the supervision of board-certified allergy medical advisors,
3.19 or an entity or individual approved by the commissioner to provide an anaphylaxis training
3.20 program. The commissioner may approve specific entities or individuals to conduct the
3.21 training program or may approve categories of entities or individuals to conduct the training
3.22 program. Training may be conducted online or in person and, at a minimum, must cover:

3.23 (1) how to recognize signs and symptoms of severe allergic reactions, including
3.24 anaphylaxis;

3.25 (2) standards and procedures for the storage and administration of an epinephrine
3.26 auto-injector; and

3.27 (3) emergency follow-up procedures.

3.28 (b) The entity or individual conducting the training shall issue a certificate to each person
3.29 who successfully completes the anaphylaxis training program. The commissioner may
3.30 develop, approve, and disseminate a standard certificate of completion. The certificate of
3.31 completion shall be valid for two years from the date issued.

3.32 Subd. 6. **Good samaritan protections.** Any act or omission taken pursuant to this section
3.33 by any of the following entities or individuals shall be considered emergency care, advice,

4.1 or assistance under section 604A.01: (1) an authorized entity that possesses and makes
4.2 available epinephrine auto-injectors and its employees or agents; (2) an authorized individual
4.3 who possesses, makes available, and administers epinephrine auto-injectors; (3) a pharmacy
4.4 or manufacturer that dispenses epinephrine auto-injectors to an authorized entity; or
4.5 authorized individual; or (4) an individual or entity that conducts the training described in
4.6 subdivision 5 is considered "emergency care, advice, or assistance" under section 604A.01.