

1 A bill to be entitled
2 An act relating to emergency allergy treatment;
3 amending s. 381.88, F.S.; revising a definition;
4 requiring, rather than authorizing, the Department of
5 Health to perform certain duties; providing that
6 educational training programs relating to the
7 administration of epinephrine auto-injectors may be
8 offered online; requiring that state universities or
9 Florida College System institutions pay the costs
10 associated with such training for certain personnel;
11 authorizing the certification of such personnel to
12 administer epinephrine auto-injectors in emergency
13 situations; requiring a state university or Florida
14 College system institution to provide funding for the
15 payment of an application fee for such certification;
16 requiring that a person issued a certificate to
17 administer an epinephrine auto-injector submit an
18 incident report within a specified timeframe;
19 requiring that the Department of Health publish a
20 summary of such incident reports annually; amending s.
21 381.885, F.S.; requiring, rather than authorizing, an
22 authorized entity to acquire and stock a supply of
23 epinephrine auto-injectors issued by a health care
24 practitioner; requiring, rather than authorizing, an
25 individual certified to administer an epinephrine

26 auto-injector during an emergency situation to provide
 27 or administer such auto-injector under certain
 28 circumstances; requiring an authorized entity to make
 29 epinephrine auto-injectors available to individuals
 30 other than certified individuals for administration
 31 during emergency situations under certain
 32 circumstances; providing an effective date.

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 34 Be It Enacted by the Legislature of the State of Florida:

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 36 Section 1. Paragraph (b) of subsection (2) and subsections
 37 (4) through (7) of section 381.88, Florida Statutes, are
 38 amended, and subsection (9) is added to that section to read:

39 381.88 Emergency allergy treatment.—

40 (2) As used in this section and s. 381.885, the term:

41 (b) "Authorized entity" means an entity or organization at
 42 or in connection with which allergens capable of causing a
 43 severe allergic reaction may be present. The term includes, but
 44 is not limited to, restaurants, recreation camps, youth sports
 45 leagues, theme parks and resorts, ~~and~~ sports arenas, state
 46 universities, and Florida College System institutions. However,
 47 a school as described in s. 1002.20(3)(i) or s. 1002.42(17)(b)
 48 is an authorized entity for the purposes of s. 381.885(4) and
 49 (5) only.

50 (4) The department shall ~~may~~:

51 (a) Adopt rules necessary to administer this section.

52 (b) Conduct educational training programs as described in
 53 subsection (5) and approve programs conducted by other persons
 54 or governmental agencies.

55 (c) Issue and renew certificates of training to persons
 56 who have complied with this section and the rules adopted by the
 57 department.

58 (d) Collect fees necessary to administer this section.

59 (5) Educational training programs required by this section
 60 must be conducted by a nationally recognized organization
 61 experienced in training laypersons in emergency health treatment
 62 or an entity or individual approved by the department and may be
 63 offered online. For personnel who perform their duties in a food
 64 service establishment or a recreation and wellness facility at a
 65 state university or Florida College System institution, the
 66 costs associated with such training programs shall be paid by
 67 the state university or Florida College System institution. The
 68 curriculum must include at a minimum:

69 (a) Recognition of the symptoms of systemic reactions to
 70 food, insect stings, and other allergens; and

71 (b) The proper administration of an epinephrine auto-
 72 injector.

73 (6) A certificate of training may be given to a person
 74 who:

75 (a) Is 18 years of age or older;

76 (b) Has, or reasonably expects to have, responsibility for
 77 or contact with at least one other person as a result of his or
 78 her occupational or volunteer status, including, but not limited
 79 to, a camp counselor, scout leader, school teacher, forest
 80 ranger, tour guide, ~~or chaperone,~~ or personnel who perform their
 81 duties in a food service establishment or a recreation and
 82 wellness facility at a state university or Florida College
 83 System institution; and

84 (c) Has successfully completed an educational training
 85 program as described in subsection (5) or holds a current state
 86 emergency medical technician certification with evidence of
 87 training in the recognition of a severe allergic reaction and
 88 the administration of an epinephrine auto-injector.

89 (7) A person who successfully completes an educational
 90 training program may obtain a certificate upon payment of an
 91 application fee of \$25. For personnel who perform their duties
 92 in a food service establishment or a recreation and wellness
 93 facility at a state university or Florida College System
 94 institution, the state university or Florida College System
 95 institution shall provide funding for the payment of such fee.

96 (9) (a) A person issued a certificate pursuant to this
 97 section shall submit an incident report to the department within
 98 30 days after he or she administers an epinephrine auto-injector
 99 during the performance of his or her duties as an employee or
 100 agent of an authorized entity.

101 (b) By December 1 of each year, the department shall
102 publish a summary of the information contained within the
103 incident reports submitted pursuant to paragraph (a).

104 Section 2. Subsections (1) through (4) of section 381.885,
105 Florida Statutes, are amended to read:

106 381.885 Epinephrine auto-injectors; emergency
107 administration.—

108 (1) PRESCRIBING TO AN AUTHORIZED ENTITY.—An authorized
109 health care practitioner may prescribe epinephrine auto-
110 injectors in the name of an authorized entity for use in
111 accordance with this section, and pharmacists shall ~~may~~ dispense
112 epinephrine auto-injectors pursuant to a prescription issued in
113 the name of an authorized entity.

114 (2) MAINTENANCE OF SUPPLY.—An authorized entity shall ~~may~~
115 acquire and stock a supply of epinephrine auto-injectors
116 pursuant to a prescription issued in accordance with this
117 section. Such epinephrine auto-injectors must be stored in
118 accordance with the epinephrine auto-injector's instructions for
119 use and with any additional requirements ~~that may be~~ established
120 by the department. An authorized entity shall designate
121 employees or agents who hold a certificate issued pursuant to s.
122 381.88 to be responsible for the storage, maintenance, and
123 general oversight of epinephrine auto-injectors acquired by the
124 authorized entity.

125 (3) USE OF EPINEPHRINE AUTO-INJECTORS.—An individual who

126 holds a certificate issued pursuant to s. 381.88 shall ~~may~~, on
127 the premises of or in connection with the authorized entity, use
128 epinephrine auto-injectors prescribed pursuant to subsection (1)
129 to:

130 (a) Provide an epinephrine auto-injector to a person who
131 the certified individual in good faith believes is experiencing
132 a severe allergic reaction for that person's immediate self-
133 administration, regardless of whether the person has a
134 prescription for an epinephrine auto-injector or has previously
135 been diagnosed with an allergy.

136 (b) Administer an epinephrine auto-injector to a person
137 who the certified individual in good faith believes is
138 experiencing a severe allergic reaction, regardless of whether
139 the person has a prescription for an epinephrine auto-injector
140 or has previously been diagnosed with an allergy.

141 (4) EXPANDED AVAILABILITY.—An authorized entity that
142 acquires a stock supply of epinephrine auto-injectors pursuant
143 to a prescription issued by an authorized health care
144 practitioner in accordance with this section shall ~~may~~ make the
145 auto-injectors available to individuals other than certified
146 individuals identified in subsection (3) who shall ~~may~~
147 administer the auto-injector to a person believed in good faith
148 to be experiencing a severe allergic reaction if the epinephrine
149 auto-injectors are stored in a locked, secure container and are
150 made available only upon remote authorization by an authorized

151 health care practitioner after consultation with the authorized
152 health care practitioner by audio, televideo, or other similar
153 means of electronic communication. Consultation with an
154 authorized health care practitioner for this purpose is not
155 considered the practice of telemedicine or otherwise construed
156 as violating any law or rule regulating the authorized health
157 care practitioner's professional practice.

158 Section 3. This act shall take effect July 1, 2020.