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CS/CS/HB 1131

2014 Legislature

1
 2 An act relating to emergency allergy treatment;
 3 amending s. 381.88, F.S.; defining terms; expanding
 4 provisions to apply to all emergency allergy
 5 reactions, rather than to insect bites only; creating
 6 s. 381.885, F.S.; authorizing certain health care
 7 practitioners to prescribe epinephrine auto-injectors
 8 to an authorized entity; authorizing such entities to
 9 maintain a supply of epinephrine auto-injectors;
 10 authorizing certified individuals to use epinephrine
 11 auto-injectors; authorizing uncertified individuals to
 12 use epinephrine auto-injectors under certain
 13 circumstances; providing immunity from liability;
 14 providing an effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Section 381.88, Florida Statutes, is amended to
 19 read:

20 381.88 ~~Insect-sting~~ Emergency allergy treatment.—

21 (1) This section and s. 381.885 may be cited as the
 22 "~~Insect-Sting~~ Emergency Allergy Treatment Act."

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

24 (a) "Administer" means to directly apply an epinephrine
 25 auto-injector to the body of an individual.

26 (b) "Authorized entity" means an entity or organization at

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27 or in connection with which allergens capable of causing a
 28 severe allergic reaction may be present. The term includes, but
 29 is not limited to, restaurants, recreation camps, youth sports
 30 leagues, theme parks and resorts, and sports arenas. However, a
 31 school as described in s. 1002.20(3)(i) is an authorized entity
 32 for the purposes of subsection (5) only.

33 (c) "Authorized health care practitioner" means a licensed
 34 practitioner authorized by the laws of the state to prescribe
 35 drugs.

36 (d) "Department" means the Department of Health.

37 (e) "Epinephrine auto-injector" means a single-use device
 38 used for the automatic injection of a premeasured dose of
 39 epinephrine into the human body.

40 (f) "Self-administration" means an individual's
 41 discretionary administration of an epinephrine auto-injector on
 42 herself or himself.

43 (3)(2) The purpose of this section is to provide for the
 44 certification of persons who administer lifesaving treatment to
 45 persons who have severe allergic ~~adverse~~ reactions ~~to insect~~
 46 ~~stings~~ when a physician is not immediately available.

47 (4)(3) The department ~~of Health~~ may:

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

49 (b) Conduct educational training programs as described in
 50 subsection (5) ~~(4)~~, and approve programs conducted by other
 51 persons or governmental agencies.

52 (c) Issue and renew certificates of training to persons

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53 | who have complied with this section and the rules adopted by the
54 | department.

55 | (d) Collect fees necessary to administer this section.

56 | (5)~~(4)~~ Educational training programs required by this
57 | section must be conducted by a nationally recognized
58 | organization experienced in training laypersons in emergency
59 | health treatment or an entity or individual approved by the
60 | department ~~physician licensed to practice medicine in this~~
61 | ~~state~~. The curriculum must include at a minimum:

62 | (a) Recognition of the symptoms of systemic reactions to
63 | food, insect stings, and other allergens; and

64 | (b) The proper administration of an ~~a subcutaneous~~
65 | ~~injection of~~ epinephrine auto-injector.

66 | (6)~~(5)~~ A certificate of training may be given to a person
67 | who:

68 | (a) Is 18 years of age or older;

69 | (b) Has, or reasonably expects to have, responsibility for
70 | or contact with at least one other person ~~who has severe adverse~~
71 | ~~reactions to insect stings~~ as a result of his or her
72 | occupational or volunteer status, including, but not limited to,
73 | a camp counselor, scout leader, school teacher, forest ranger,
74 | tour guide, or chaperone; and

75 | (c) Has successfully completed an educational training
76 | program as described in subsection (5) ~~(4)~~.

77 | (7)~~(6)~~ A person who successfully completes an educational
78 | training program may obtain a certificate upon payment of an

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79 application fee of \$25.

80 (8)~~(7)~~ A certificate issued pursuant to this section
 81 authorizes the holder ~~thereof~~ to receive, upon presentment of
 82 the certificate, ~~from any physician licensed in this state or~~
 83 ~~from the department,~~ a prescription for ~~premeasured doses of~~
 84 epinephrine auto-injectors from an authorized health care
 85 practitioner or the department ~~and the necessary paraphernalia~~
 86 ~~for administration.~~ The certificate also authorizes the holder
 87 ~~thereof to possess and administer,~~ in an emergency situation
 88 when a physician is not immediately available, to possess and
 89 administer a ~~the~~ prescribed epinephrine auto-injector to a
 90 person experiencing ~~suffering~~ a severe allergic ~~adverse~~ reaction
 91 ~~to an insect sting.~~

92 Section 2. Section 381.885, Florida Statutes, is created
 93 to read:

94 381.885 Epinephrine auto-injectors; emergency
 95 administration.—

96 (1) PRESCRIBING TO AN AUTHORIZED ENTITY.—An authorized
 97 health care practitioner may prescribe epinephrine auto-
 98 injectors in the name of an authorized entity for use in
 99 accordance with this section, and pharmacists may dispense
 100 epinephrine auto-injectors pursuant to a prescription issued in
 101 the name of an authorized entity.

102 (2) MAINTENANCE OF SUPPLY.—An authorized entity may
 103 acquire and stock a supply of epinephrine auto-injectors
 104 pursuant to a prescription issued in accordance with this

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105 section. Such epinephrine auto-injectors must be stored in
 106 accordance with the epinephrine auto-injector's instructions for
 107 use and with any additional requirements that may be established
 108 by the department. An authorized entity shall designate
 109 employees or agents who hold a certificate issued pursuant to s.
 110 381.88 to be responsible for the storage, maintenance, and
 111 general oversight of epinephrine auto-injectors acquired by the
 112 authorized entity.

113 (3) USE OF EPINEPHRINE AUTO-INJECTORS.—An individual who
 114 holds a certificate issued pursuant to s. 381.88 may, on the
 115 premises of or in connection with the authorized entity, use
 116 epinephrine auto-injectors prescribed pursuant to subsection (1)
 117 to:

118 (a) Provide an epinephrine auto-injector to a person who
 119 the certified individual in good faith believes is experiencing
 120 a severe allergic reaction for that person's immediate self-
 121 administration, regardless of whether the person has a
 122 prescription for an epinephrine auto-injector or has previously
 123 been diagnosed with an allergy.

124 (b) Administer an epinephrine auto-injector to a person
 125 who the certified individual in good faith believes is
 126 experiencing a severe allergic reaction, regardless of whether
 127 the person has a prescription for an epinephrine auto-injector
 128 or has previously been diagnosed with an allergy.

129 (4) EXPANDED AVAILABILITY.—An authorized entity that
 130 acquires a stock supply of epinephrine auto-injectors pursuant

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131 to a prescription issued by an authorized health care
 132 practitioner in accordance with this section may make the auto-
 133 injectors available to individuals other than certified
 134 individuals identified in subsection (3) who may administer the
 135 auto-injector to a person believed in good faith to be
 136 experiencing a severe allergic reaction if the epinephrine auto-
 137 injectors are stored in a locked, secure container and are made
 138 available only upon remote authorization by an authorized health
 139 care practitioner after consultation with the authorized health
 140 care practitioner by audio, televideo, or other similar means of
 141 electronic communication. Consultation with an authorized health
 142 care practitioner for this purpose is not considered the
 143 practice of telemedicine or otherwise construed as violating any
 144 law or rule regulating the authorized health care practitioner's
 145 professional practice.

146 (5) IMMUNITY FROM LIABILITY.—Any person, as defined under
 147 s. 1.01, including an authorized health care practitioner, a
 148 dispensing health care practitioner or pharmacist, an individual
 149 trainer under s. 381.88(5), and a person certified pursuant to
 150 s. 381.88(7), who possesses, administers, or stores an
 151 epinephrine auto-injector in compliance with this act, and an
 152 uncertified person who administers an epinephrine auto-injector
 153 as authorized under subsection (4) in compliance with this act,
 154 is afforded the civil liability immunity protections provided
 155 under s. 768.13.

156 Section 3. This act shall take effect July 1, 2014.