

HOUSE BILL No. 1300

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2-338.3; IC 16-41-43; IC 34-30-2-83.6.

Synopsis: Administration of auto-injectable epinephrine. Allows a pharmacist to dispense auto-injectable epinephrine by standing order to a person who: (1) presents a certificate of completion from a specified course of instruction to the pharmacist at the time the auto-injectable epinephrine is dispensed; and (2) is an individual who is or may be in a position to assist an individual who is at risk of experiencing anaphylaxis. Requires a pharmacist to do the following when dispensing auto-injectable epinephrine to a person under a standing order: (1) Provide instruction concerning how to properly administer auto-injectable epinephrine from the specific device being dispensed to the person. (2) Instruct the individual to summon emergency medical services either immediately before or immediately after administering auto-injectable epinephrine to a person experiencing anaphylaxis. Provides that a person may administer auto-injectable epinephrine to an individual who is experiencing anaphylaxis if certain conditions are met. Specifies that a person is not practicing medicine without a license when administering auto-injectable epinephrine if the following conditions are met: (1) The person obtained auto-injectable epinephrine from a pharmacist by standing order. (2) The person administered the auto-injectable epinephrine to an individual experiencing anaphylaxis in a manner that was consistent with the instruction provided: (A) during a specified course of instruction; or (B) by the pharmacist at the time the auto-injectable epinephrine was dispensed to the person. (3) The person attempts to summon emergency medical services either
(Continued next page)

Effective: July 1, 2020.

Barrett

January 14, 2020, read first time and referred to Committee on Public Health.



immediately before or immediately after administering the auto-injectable epinephrine. Requires the state department of health (state department) to issue a statewide standing order authorizing the dispensing of auto-injectable epinephrine. Authorizes the state health commissioner and certain designated public health authorities to issue a statewide standing order authorizing the dispensing of auto-injectable epinephrine. Extends certain immunities to the state department, the state health commissioner, and certain designated public health authorities. Requires the state department to create a course of instruction concerning allergies, anaphylaxis, and the administration of auto-injectable epinephrine. Allows third parties to teach the state department's course of instruction concerning allergies, anaphylaxis, and the administration of auto-injectable epinephrine. Requires the state department to certify any third party responsible for teaching the state department's course of instruction. Allows the state department to revoke the certification of any third party that fails to comply with specified curriculum requirements. Requires a person to receive a certificate of completion upon completing a course of instruction that is certified by the state department. Requires the state department to maintain a list of certified courses on the state department's Internet web site. Permits the state department to contract with a third party for the purpose of creating or manufacturing the certificate of completion. Requires a certificate of completion to display certain information. Requires a person to have successfully completed the state department's course of instruction concerning allergies, anaphylaxis, and the administration of auto-injectable epinephrine in order to be immune from civil liability for any act or omission related to the administration of auto-injectable epinephrine. Specifies certain exemptions. Amends certain definitions.



Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1300



A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-338.3, AS ADDED BY P.L.32-2015,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 338.3. **(a)** "Standing order", for purposes of
4 IC 16-31 and IC 16-42-27, means:
5 (1) a written order; or
6 (2) an order transmitted by other means of communication;
7 that is prepared by a person authorized to write a prescription for the
8 distribution and administration of an overdose intervention drug,
9 including any actions and interventions to be used in order to ensure
10 timely access to treatment.
11 **(b)** "Standing order", for purposes of IC 16-41-43, means:
12 (1) a written order; or
13 (2) an order transmitted by other means of communication;
14 that is prepared by a person authorized to write a prescription for



1 the distribution and administration of auto-injectable epinephrine,
 2 including any actions and interventions to be used in order to
 3 ensure timely access to treatment.

4 SECTION 2. IC 16-41-43-2.3 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2020]: Sec. 2.3. (a) A pharmacist may, by
 7 standing order, dispense auto-injectable epinephrine without
 8 examining the individual to whom it may be administered if all of
 9 the following conditions are met:

10 (1) The auto-injectable epinephrine is dispensed to a person
 11 who:

12 (A) presents a certificate of completion issued under
 13 section 2.5(e) of this chapter to the pharmacist before the
 14 auto-injectable epinephrine is dispensed; and

15 (B) is an individual who is or may be in a position to assist
 16 an individual who is at risk of experiencing anaphylaxis.

17 (2) The pharmacist provides instruction concerning how to
 18 properly administer auto-injectable epinephrine from the
 19 specific device being dispensed at the time of the device's
 20 dispensing.

21 (3) The pharmacist instructs the individual receiving the
 22 auto-injectable epinephrine to summon emergency medical
 23 services either immediately before or immediately after
 24 administering the auto-injectable epinephrine to an individual
 25 experiencing anaphylaxis.

26 (b) A person wishing to receive auto-injectable epinephrine by
 27 standing order must do the following:

28 (1) Successfully complete the course of instruction described
 29 in section 2.5(a) of this chapter.

30 (2) Present a certificate of completion issued under section
 31 2.5(e) of this chapter to a pharmacist at the time the
 32 auto-injectable epinephrine is requested.

33 (c) An individual described in subsection (a)(1) may administer
 34 auto-injectable epinephrine to an individual that the person
 35 reasonably believes is experiencing anaphylaxis.

36 (d) An individual described in subsection (a)(1) may not be
 37 considered to be practicing medicine without a license in violation
 38 of IC 25-22.5-8-2 if the individual, acting in good faith:

39 (1) obtains auto-injectable epinephrine from a pharmacist by
 40 standing order;

41 (2) administers auto-injectable epinephrine to an individual
 42 that the person reasonably believes is experiencing



1 **anaphylaxis in a manner that is consistent with:**

2 **(A) the training provided during the course of instruction**
 3 **described in section 2.5(a) of this chapter; or**

4 **(B) the instruction provided to the person by a pharmacist**
 5 **at the time the auto-injectable epinephrine was dispensed;**
 6 **and**

7 **(3) attempts to summon emergency medical services either**
 8 **immediately before or immediately after administering the**
 9 **auto-injectable epinephrine.**

10 **(e) The state department shall ensure that a statewide standing**
 11 **order for the dispensing of auto-injectable epinephrine in Indiana**
 12 **is issued under this section. The state health commissioner may, as**
 13 **part of the individual's official capacity, issue a statewide standing**
 14 **order that may be used for the dispensing of auto-injectable**
 15 **epinephrine under this section. The immunity provided in**
 16 **IC 34-13-3-3 applies to an individual described in this subsection.**

17 SECTION 3. IC 16-41-43-2.5 IS ADDED TO THE INDIANA
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2020]: **Sec. 2.5. (a) The state department**
 20 **shall create a course of instruction concerning allergies and the**
 21 **administration of auto-injectable epinephrine.**

22 **(b) The course of instruction described in subsection (a) shall**
 23 **be:**

24 **(1) certified by the state department; and**

25 **(2) offered by an approved organization (as defined in**
 26 **IC 25-1-4-0.2).**

27 **(c) The state department shall maintain, on the agency's**
 28 **Internet web site, a list of all certified courses of instruction.**

29 **(d) The certification process for the course of instruction**
 30 **described in subsection (b) shall be prescribed by the state**
 31 **department. The certification for a course of instruction described**
 32 **in subsection (b) shall be revoked if the course of instruction fails**
 33 **to comply with any certification prerequisite specified by the state**
 34 **department.**

35 **(e) A person who successfully completes a certified course of**
 36 **instruction shall receive a certificate of completion. The state**
 37 **department may contract with a third party for the purpose of**
 38 **creating or manufacturing the certificate of completion, which**
 39 **must meet the requirements set forth in subsection (f).**

40 **(f) A certificate of completion issued under subsection (e) must:**

41 **(1) have dimensions that permit the certificate of completion**
 42 **to be carried in a wallet; and**



1 **(2) display the following information:**

2 **(A) The first and last name of the person.**

3 **(B) The first and last name of the course instructor.**

4 **(C) The name of the entity responsible for providing the**
 5 **instruction, if applicable.**

6 **(D) The date the course of instruction described in**
 7 **subsection (a) was completed.**

8 **(E) Any other information deemed necessary by the state**
 9 **department.**

10 **(g) The state department may adopt rules under IC 4-22-2,**
 11 **including emergency rules under IC 4-22-2-37.1, to implement this**
 12 **section.**

13 SECTION 4. IC 16-41-43-3.5, AS ADDED BY P.L.117-2017,
 14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2020]: Sec. 3.5. Injectable epinephrine that is filled and used
 16 in accordance with this chapter must have an expiration date of not less
 17 than twelve (12) months from the date that the pharmacy dispenses the
 18 injectable epinephrine to the entity **or person, as applicable.**

19 SECTION 5. IC 16-41-43-5.5 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2020]: **Sec. 5.5. (a) This chapter does not**
 22 **apply to a person who is eligible for immunity specified in one (1)**
 23 **or more of the following sections:**

24 **(1) IC 16-41-43-6.**

25 **(2) IC 20-34-4.5-4.**

26 **(3) IC 21-44.5-2-6.**

27 **(b) Except as provided in subsection (d), a person who meets all**
 28 **of the following criteria is not liable for civil damages for any act**
 29 **or omission related to the administration of auto-injectable**
 30 **epinephrine:**

31 **(1) The person has successfully completed a course of**
 32 **instruction described in section 2.5(a) of this chapter before**
 33 **administering auto-injectable epinephrine to a person.**

34 **(2) The person administered the auto-injectable epinephrine**
 35 **in a manner that was consistent with the instruction provided:**

36 **(A) during the course of instruction described in section**
 37 **2.5(a) of this chapter; or**

38 **(B) by the pharmacist at the time the auto-injectable**
 39 **epinephrine was dispensed to the person.**

40 **(3) The person reasonably believed that the recipient of the**
 41 **auto-injectable epinephrine was suffering from anaphylaxis**
 42 **at the time the auto-injectable epinephrine was administered.**



1 (c) A pharmacist who complies with section 2.3(a) of this
2 chapter is not liable for civil damages resulting from the
3 administration of auto-injectable epinephrine.

4 (d) The immunity described in subsection (b) or (c) does not
5 apply to any act or omission that constitutes gross negligence or
6 willful and wanton misconduct.

7 SECTION 6. IC 34-30-2-83.6 IS ADDED TO THE INDIANA
8 CODE AS A NEW SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2020]: **Sec. 83.6. IC 16-41-43-5.5 (Concerning**
10 **the administration of auto-injectable epinephrine by laypersons**
11 **and the dispensing of auto-injectable epinephrine by pharmacists).**

