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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2655 Session of  
2024

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INTRODUCED BY KOSIEROWSKI, MARCELL, HILL-EVANS, PROBST, FREEMAN,  
SCHLOSSBERG, DONAHUE, GALLAGHER, SANCHEZ, NEILSON, OTTEN,  
BOROWSKI, MADSEN, SCHWEYER, VENKAT, GIRAL, OLSOMMER, WAXMAN,  
HARKINS, KINKEAD, BRENNAN, DALEY, GREEN, KENYATTA, ROZZI,  
SHUSTERMAN, WEBSTER, KAZEEM, MALAGARI, PASHINSKI, SOLOMON,  
GILLEN, ISAACSON, McNEILL AND WARREN, OCTOBER 25, 2024

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REFERRED TO COMMITTEE ON HEALTH, OCTOBER 25, 2024

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AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, in epinephrine auto-injector entities,  
3 further providing for definitions and for epinephrine auto-  
4 injectors for authorized entities.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. The definitions of "authorized entity" and  
8 "epinephrine auto-injector" in section 5502 of Title 35 of the  
9 Pennsylvania Consolidated Statutes are amended to read:

10 § 5502. Definitions.

11 The following words and phrases when used in this chapter  
12 shall have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 \* \* \*

15 "Authorized entity." Any entity or organization, other than  
16 a school entity or a nonpublic school under section 1414.2 of  
17 the act of March 10, 1949 (P.L.30, No.14), known as the Public

1 School Code of 1949, which has an employee or agent who has  
2 completed the required training and at which allergens capable  
3 of causing anaphylaxis may be present, including, but not  
4 limited to:

- 5 (1) recreation camps;
- 6 (2) colleges and universities;
- 7 [(3) day-care facilities;]
- 8 (4) youth sports leagues;
- 9 (5) amusement parks;
- 10 (6) restaurants;
- 11 (7) places of employment;
- 12 (8) sports arenas; and
- 13 (9) law enforcement agencies.

14 \* \* \*

15 "Epinephrine auto-injector." A single-use device used for  
16 the automatic injection of a premeasured appropriate weight-  
17 based dose of epinephrine into the human body.

18 \* \* \*

19 Section 2. Section 5503 of the act is amended to read:

20 § 5503. Epinephrine auto-injectors for authorized entities and  
21 day-care facilities.

22 (a) Prescribing and dispensing.--Notwithstanding any  
23 provision of law to the contrary, a health care practitioner  
24 with prescriptive authority may prescribe epinephrine auto-  
25 injectors in the name of an authorized entity or day-care  
26 facility for use in accordance with this section. Pharmacists  
27 and health care practitioners may dispense epinephrine auto-  
28 injectors pursuant to a prescription issued in the name of an  
29 authorized entity or day-care facility.

30 (b) Supply.--

1 [(1)] An authorized entity may acquire and stock a  
2 supply of epinephrine auto-injectors pursuant to a  
3 prescription issued in accordance with this section. [The  
4 epinephrine auto-injectors shall be stored:

5 (i) in a location readily accessible in an  
6 emergency; and

7 (ii) in accordance with:

8 (A) the epinephrine auto-injector's instructions  
9 for use; and

10 (B) any additional requirements that may be  
11 established by the department.

12 (2) An authorized entity shall designate employees or  
13 agents who have completed the training required under  
14 subsection (d) to be responsible for the storage,  
15 maintenance, control and general oversight of epinephrine  
16 auto-injectors acquired by the authorized entity.] A day-care  
17 facility shall, subject to the availability of funding by the  
18 department, acquire and stock a supply of epinephrine auto-  
19 injectors pursuant to a prescription issued in accordance  
20 with this section.

21 (b.1) Storage.--

22 (1) An epinephrine auto-injector shall be stored:

23 (i) in a location readily accessible in an  
24 emergency; and

25 (ii) in accordance with:

26 (A) the epinephrine auto-injector's instructions  
27 for use; and

28 (B) any additional requirements that may be  
29 established by the department.

30 (2) An authorized entity or day-care facility shall

1 designate an employee or agent who has completed the required  
2 training under subsection (d) to be responsible for the  
3 storage, maintenance, control and general oversight of  
4 epinephrine auto-injectors acquired by the authorized entity  
5 or day-care facility.

6 (c) Use.--An employee or agent of an authorized entity or  
7 other individual associated with the entity or day-care facility  
8 who has completed the training required under subsection (d) may  
9 use epinephrine auto-injectors prescribed under subsection (a)  
10 to do any of the following:

11 (1) Provide an epinephrine auto-injector for immediate  
12 administration to any individual, or the parent, guardian or  
13 caregiver of the individual, who the employee, agent or other  
14 individual associated with the entity believes, in good  
15 faith, is experiencing anaphylaxis, regardless of whether the  
16 individual has a prescription for an epinephrine auto-  
17 injector or has previously been diagnosed with an allergy.

18 (2) Administer an epinephrine auto-injector to any  
19 individual who the employee, agent or other individual  
20 believes, in good faith, is experiencing anaphylaxis,  
21 regardless of whether the individual has a prescription for  
22 an epinephrine auto-injector or has previously been diagnosed  
23 with an allergy.

24 (d) Training.--

25 (1) An employee or agent of the authorized entity or  
26 other individual associated with the entity or day-care  
27 facility shall complete an anaphylaxis training program as  
28 required by the department. The training shall be conducted  
29 by a nationally recognized organization experienced in  
30 training laypersons in emergency health treatment, a health

1 care practitioner employed or contracted by the authorized  
2 entity or day-care facility, or an entity or individual  
3 approved by the department. The department may approve  
4 specific entities or individuals or may approve classes of  
5 entities or individuals to conduct the training. Training may  
6 be conducted online or in person and, at a minimum, shall  
7 cover:

8 (i) how to recognize signs and symptoms of severe  
9 allergic reactions, including anaphylaxis;

10 (ii) standards and procedures for the storage and  
11 administration of an epinephrine auto-injector; and

12 (iii) emergency follow-up procedures.

13 (2) The entity or individual that conducts the training  
14 shall issue a certificate, on a form developed or approved by  
15 the department, to each individual who successfully completes  
16 the anaphylaxis training program.

17 (d.1) Informational materials for day-care facilities.--The  
18 department, in consultation with the Department of Human  
19 Services, shall develop, within 90 days of the effective date of  
20 this subsection, informational materials for a day-care facility  
21 to distribute to a parent or guardian of a child in the  
22 facility's care. The following shall apply:

23 (1) The materials shall include the following:

24 (i) Signs and symptoms of allergic reactions,  
25 including anaphylaxis.

26 (ii) The requirements under subsections (a), (b),  
27 (b.1), (c) and (d).

28 (2) The department shall update the informational  
29 materials on a triennial basis.

30 (3) A day-care facility shall provide the informational

1 materials to a parent or guardian of a child in its care on  
2 an annual basis.

3 (e) Good Samaritan protections.--

4 (1) The following shall not be liable for any injuries  
5 or related damages that result from any act or omission taken  
6 under this section:

7 (i) An authorized entity or day-care facility that  
8 possesses and makes available epinephrine auto-injectors  
9 and its employees, agents and other individuals  
10 associated with the entity;

11 (ii) a health care practitioner that prescribes or  
12 dispenses epinephrine auto-injectors to an authorized  
13 entity or day-care facility;

14 (iii) a pharmacist or health care practitioner that  
15 dispenses epinephrine auto-injectors to an authorized  
16 entity or day-care facility; and

17 (iv) an individual or entity that conducts the  
18 training described under subsection (d).

19 (2) The immunity provided under paragraph (1) shall not  
20 apply to acts or omissions constituting intentional  
21 misconduct or gross negligence.

22 (3) The administration of an epinephrine auto-injector  
23 in accordance with this section shall not be considered the  
24 practice of medicine or any other profession that otherwise  
25 requires licensure.

26 (4) This subsection shall not eliminate, limit or reduce  
27 any other immunity or defense that may be available under  
28 law, including that provided under 42 Pa.C.S. § 8332  
29 (relating to emergency response provider and bystander good  
30 Samaritan civil immunity).

1           (5) An entity located in this Commonwealth shall not be  
2 liable for any injuries or related damages that result from  
3 the provision or administration of an epinephrine auto-  
4 injector outside of this Commonwealth if the entity:

5           (i) would not have been liable for the injuries or  
6 related damages had the provision or administration  
7 occurred within this Commonwealth; or

8           (ii) is not liable for the injuries or related  
9 damages under the law of the state in which the provision  
10 or administration occurred.

11 Section 3. This act shall take effect in 60 days.