



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2226

Introduced 8/17/2017, by Sen. Chris Nybo

SYNOPSIS AS INTRODUCED:

20 ILCS 2610/40
50 ILCS 705/10.19
225 ILCS 60/65 new
410 ILCS 125/30 new

Amends the State Police Act. Provides that a physician, physician's assistant with prescriptive authority, or advanced practice registered nurse with prescriptive authority who provides a standing order or prescription for epinephrine auto-injectors in the name of the Department of State Police shall incur no civil or professional liability, except for willful and wanton conduct, as a result of any injury or death arising from the use of an epinephrine auto-injector. Amends the Illinois Police Training Act. Provides that a physician, physician's assistant with prescriptive authority, or advanced practice registered nurse with prescriptive authority who provides a standing order or prescription for epinephrine auto-injectors in the name of a local governmental agency shall incur no civil or professional liability, except for willful and wanton conduct, as a result of any injury or death arising from the use of an epinephrine auto-injector. Makes conforming changes to the Medical Practice Act of 1987 and the Public Health Standing Orders Act. Effective immediately.

LRB100 13523 SLF 28138 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Police Act is amended by changing
5 Section 40 as follows:

6 (20 ILCS 2610/40)

7 Sec. 40. Training; administration of epinephrine.

8 (a) This Section, along with Section 10.19 of the Illinois
9 Police Training Act, may be referred to as the Annie LeGere
10 Law.

11 (b) For the purposes of this Section, "epinephrine
12 auto-injector" means a single-use device used for the automatic
13 injection of a pre-measured dose of epinephrine into the human
14 body prescribed in the name of the Department.

15 (c) The Department may conduct or approve a training
16 program for State Police officers to recognize and respond to
17 anaphylaxis, including, but not limited to:

18 (1) how to recognize symptoms of an allergic reaction;

19 (2) how to respond to an emergency involving an
20 allergic reaction;

21 (3) how to administer an epinephrine auto-injector;

22 (4) how to respond to an individual with a known
23 allergy as well as an individual with a previously unknown

1 allergy;

2 (5) a test demonstrating competency of the knowledge
3 required to recognize anaphylaxis and administer an
4 epinephrine auto-injector; and

5 (6) other criteria as determined in rules adopted by
6 the Department.

7 (d) The Department may authorize a State Police officer who
8 has completed the training program under subsection (c) to
9 carry, administer, or assist with the administration of
10 epinephrine auto-injectors whenever he or she is performing
11 official duties.

12 (e) The Department must establish a written policy to
13 control the acquisition, storage, transportation,
14 administration, and disposal of epinephrine auto-injectors
15 before it allows any State Police officer to carry and
16 administer epinephrine auto-injectors.

17 (f) A physician, physician's assistant with prescriptive
18 authority, or advanced practice registered nurse with
19 prescriptive authority may provide a standing protocol or
20 prescription for epinephrine auto-injectors in the name of the
21 Department to be maintained for use when necessary.

22 (g) When a State Police officer administers an epinephrine
23 auto-injector in good faith, the officer and the Department,
24 and its employees and agents, including a physician,
25 physician's assistant with prescriptive authority, or advanced
26 practice registered nurse with prescriptive authority who

1 provides a standing order or prescription for an epinephrine
2 auto-injector, incur no civil or professional liability,
3 except for willful and wanton conduct, as a result of any
4 injury or death arising from the use of an epinephrine
5 auto-injector. A health care professional shall not be subject
6 to civil or professional liability for not providing an
7 epinephrine auto-injector standing order or prescription.

8 (Source: P.A. 99-711, eff. 1-1-17.)

9 Section 10. The Illinois Police Training Act is amended by
10 changing Section 10.19 as follows:

11 (50 ILCS 705/10.19)

12 Sec. 10.19. Training; administration of epinephrine.

13 (a) This Section, along with Section 40 of the State Police
14 Act, may be referred to as the Annie LeGere Law.

15 (b) For purposes of this Section, "epinephrine
16 auto-injector" means a single-use device used for the automatic
17 injection of a pre-measured dose of epinephrine into the human
18 body prescribed in the name of a local governmental agency.

19 (c) The Board shall conduct or approve an optional advanced
20 training program for police officers to recognize and respond
21 to anaphylaxis, including the administration of an epinephrine
22 auto-injector. The training must include, but is not limited
23 to:

24 (1) how to recognize symptoms of an allergic reaction;

1 (2) how to respond to an emergency involving an
2 allergic reaction;

3 (3) how to administer an epinephrine auto-injector;

4 (4) how to respond to an individual with a known
5 allergy as well as an individual with a previously unknown
6 allergy;

7 (5) a test demonstrating competency of the knowledge
8 required to recognize anaphylaxis and administer an
9 epinephrine auto-injector; and

10 (6) other criteria as determined in rules adopted by
11 the Board.

12 (d) A local governmental agency may authorize a police
13 officer who has completed an optional advanced training program
14 under subsection (c) to carry, administer, or assist with the
15 administration of epinephrine auto-injectors provided by the
16 local governmental agency whenever he or she is performing
17 official duties.

18 (e) A local governmental agency that authorizes its
19 officers to carry and administer epinephrine auto-injectors
20 under subsection (d) must establish a policy to control the
21 acquisition, storage, transportation, administration, and
22 disposal of epinephrine auto-injectors and to provide
23 continued training in the administration of epinephrine
24 auto-injectors.

25 (f) A physician, physician's assistant with prescriptive
26 authority, or advanced practice registered nurse with

1 prescriptive authority may provide a standing protocol or
2 prescription for epinephrine auto-injectors in the name of a
3 local governmental agency to be maintained for use when
4 necessary.

5 (g) When a police officer administers an epinephrine
6 auto-injector in good faith, the police officer and local
7 governmental agency, and its employees and agents, including a
8 physician, physician's assistant with prescriptive authority,
9 or advanced practice registered nurse with prescriptive
10 authority who provides a standing order or prescription for an
11 epinephrine auto-injector, incur no civil or professional
12 liability, except for willful and wanton conduct, as a result
13 of any injury or death arising from the use of an epinephrine
14 auto-injector. A health care professional shall not be subject
15 to civil or professional liability for not providing an
16 epinephrine auto-injector standing order or prescription.

17 (Source: P.A. 99-711, eff. 1-1-17.)

18 Section 15. The Medical Practice Act of 1987 is amended by
19 adding Section 65 as follows:

20 (225 ILCS 60/65 new)

21 Sec. 65. Annie LeGere Law; epinephrine auto-injector. A
22 licensee under this Act may not be subject to discipline for
23 providing or not providing a standing order or prescription for
24 an epinephrine auto-injector in accordance with Section 40 of

1 the State Police Act or Section 10.19 of the Illinois Police
2 Training Act.

3 Section 20. The Public Health Standing Orders Act is
4 amended by adding Section 30 as follows:

5 (410 ILCS 125/30 new)

6 Sec. 30. Annie LeGere Law; epinephrine auto-injector.
7 Health care personnel may not be subject to civil or
8 professional liability for providing or not providing a
9 standing order or prescription for an epinephrine
10 auto-injector in accordance with Section 40 of the State Police
11 Act or Section 10.19 of the Illinois Police Training Act.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.