



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB0062

Introduced 1/15/2015, by Sen. Chris Nybo

#### SYNOPSIS AS INTRODUCED:

New Act  
745 ILCS 49/13 new

Creates the Epinephrine Auto-Injector Act. Provides that a health care practitioner may prescribe epinephrine auto-injectors in the name of an authorized entity where allergens capable of causing anaphylaxis may be present. Requires each employee, agent, or other individual of the authorized entity to complete a training program before using an epinephrine auto-injector. Provides that a trained employee, agent, or other individual of the authorized entity may either provide or administer an epinephrine auto-injector to a person who the employee, agent, or other individual believes in good faith is experiencing anaphylaxis. Allows an entity or organization to keep on its premises an Emergency Public Access Station containing epinephrine auto-injectors under the general oversight of a health care practitioner that is capable of communicating with a health care practitioner in real time before it may be unlocked to dispense epinephrine auto-injectors. Defines required terms. Amends the Good Samaritan Act. Exempts from civil liability any person authorized under the Epinephrine Auto-Injector Act who administers an epinephrine auto-injector to a person he or she believes in good faith to be experiencing anaphylaxis.

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1 AN ACT concerning health.

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

4 Section 1. Short title. This Act may be cited as the  
5 Epinephrine Auto-Injector Act.

6 Section 5. Definitions. As used in this Act:

7 "Administer" means to directly apply an epinephrine  
8 auto-injector to the body of an individual.

9 "Authorized entity" means any entity or organization,  
10 other than a school covered under Section 22-30 of the School  
11 Code, in connection with or at which allergens capable of  
12 causing anaphylaxis may be present, including, but not limited  
13 to, recreation camps, colleges and universities, day care  
14 facilities, youth sports leagues, amusement parks,  
15 restaurants, sports arenas, and places of employment.

16 "Department" means the Department of Public Health.

17 "Emergency Public Access Station" or "EPAS" means a locked,  
18 secure container for the storage of epinephrine auto-injectors  
19 under the general oversight of a health care practitioner that  
20 allows a lay rescuer to consult with a health care practitioner  
21 in real time by audio, video, or other similar means of  
22 electronic communication and, upon authorization of the  
23 consulting health care practitioner, may be unlocked to make

1 available the epinephrine auto-injectors.

2 "Epinephrine auto-injector" means a single-use device used  
3 for the automatic injection of a pre-measured dose of  
4 epinephrine into the human body.

5 "Health care practitioner" means a physician licensed to  
6 practice medicine in all its branches under the Medical  
7 Practice Act of 1987, a physician assistant under the Physician  
8 Assistant Practice Act of 1987, or an advanced practice nurse  
9 with prescribing authority under Article 65 of the Nurse  
10 Practice Act.

11 "Pharmacist" has the meaning given to that term under  
12 subsection (k-5) of Section 3 of the Pharmacy Practice Act.

13 "Undesignated epinephrine auto-injector" means an  
14 epinephrine auto-injector prescribed in the name of an  
15 authorized entity.

16 Section 10. Prescription to authorized entity; use;  
17 training; reporting.

18 (a) A health care practitioner may prescribe epinephrine  
19 auto-injectors in the name of an authorized entity for use in  
20 accordance with this Act, and pharmacists and health care  
21 practitioners may dispense epinephrine auto-injectors pursuant  
22 to a prescription issued in the name of an authorized entity.  
23 Such prescriptions shall be valid for a period of 2 years.

24 (b) An authorized entity may acquire and stock a supply of  
25 undesignated epinephrine auto-injectors pursuant to a

1 prescription issued under subsection (a) of this Section. Such  
2 undesignated epinephrine auto-injectors shall be stored in a  
3 location readily accessible in an emergency and in accordance  
4 with the instructions for use of the epinephrine  
5 auto-injectors. The Department may establish any additional  
6 requirements an authorized entity must follow under this Act.

7 (c) An employee or agent of an authorized entity or other  
8 individual who has completed training under subsection (d) of  
9 this Section may:

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

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

25 (d) An employee, agent, or other individual authorized must  
26 complete an anaphylaxis training program before he or she is

1 able to provide or administer an epinephrine auto-injector  
2 under this Section. Such training shall be valid for a period  
3 of 2 years and shall be conducted by a nationally recognized  
4 organization experienced in training laypersons in emergency  
5 health treatment or an entity or individual approved by the  
6 Department. The Department may approve specific entities or  
7 individuals or may approve classes of entities or individuals  
8 to conduct training. Training may be conducted online or in  
9 person and, at a minimum, include:

10 (1) how to recognize signs and symptoms of an allergic  
11 reaction, including anaphylaxis;

12 (2) a review of high-risk areas on the authorized  
13 entity's premises and its related facilities;

14 (3) steps to take to prevent exposure to allergens;

15 (4) how to respond to an emergency involving an  
16 allergic reaction;

17 (5) how to administer an epinephrine auto-injector

18 (6) a test demonstrating competency of the knowledge  
19 required to recognize anaphylaxis and administer an  
20 epinephrine auto-injector;

21 (7) standards and procedures for the storage of an  
22 epinephrine auto-injector;

23 (8) emergency follow-up procedures; and

24 (9) other criteria as determined in rules adopted under  
25 this Act.

26 (e) Within 5 days of administering or providing an

1 undesignated epinephrine auto-injector to an individual on the  
2 authorized entity's premises under subsection (c) of this  
3 Section, the authorized entity shall submit to the Department a  
4 report on a form developed by the Department. The Department  
5 shall annually publish a report that summarizes and analyzes  
6 all reports it receives under this subsection (e).

7 Section 15. Emergency public access stations.

8 (a) A health care practitioner may prescribe a stock supply  
9 of epinephrine auto-injectors to any entity or organization for  
10 storage in an Emergency Public Access Station or may place a  
11 stock supply of epinephrine auto-injectors at any entity or  
12 organization in an EPAS in accordance with protocols  
13 established by the health care practitioner and approved by the  
14 Department.

15 (b) A health care practitioner may provide consultation to  
16 the user of an EPAS and may make the epinephrine auto-injectors  
17 stored in the EPAS available to the user in accordance with  
18 protocols established by the health care practitioner and  
19 approved by the Department.

20 (c) Any person may use an EPAS and may administer or  
21 provide epinephrine auto-injectors made available through the  
22 EPAS to an individual believed in good faith to be experiencing  
23 anaphylaxis or the parent, guardian, or caregiver of such  
24 individual.

1           Section 20. Limitations. The use of an undesignated  
2 epinephrine auto-injector in accordance with the requirements  
3 of this Act does not constitute the practice of medicine or any  
4 other profession that requires medical licensure.

5           Section 25. The Good Samaritan Act is amended by adding  
6 Section 13 as follows:

7           (745 ILCS 49/13 new)

8           Sec. 13. Use of an undesignated epinephrine auto-injector;  
9 exemption from liability for emergency care. Any employee,  
10 agent, or other individual of an authorized entity, or any user  
11 of an Emergency Public Access Station, including any entity or  
12 organization in which an Emergency Public Access Station is  
13 located and the medical professional providing assistance,  
14 under the Epinephrine Auto-Injector Act who in good faith and  
15 without fee or compensation renders emergency medical care  
16 involving the use of an undesignated epinephrine auto-injector  
17 in accordance with his or her training is not liable for any  
18 civil damages as a result of any act or omission, except for  
19 willful and wanton misconduct, by that person in rendering that  
20 care.