

**311.647 Immunity from civil liability for rendering emergency care or treatment with injectable epinephrine auto-injector or bronchodilator rescue inhaler.**

- (1) Any individual or entity who, in good faith and without compensation, renders emergency care or treatment by the use of an injectable epinephrine device or a bronchodilator rescue inhaler shall be immune from civil liability for any personal injury as a result of the care or treatment, or as a result of any act or failure to act in providing or arranging further medical treatment, if the person acts as an ordinary, reasonable prudent person would have acted under the same or similar circumstances.
- (2) The immunity from civil liability for any personal injury under subsection (1) of this section includes:
  - (a) A health-care practitioner who prescribes or authorizes the emergency use of the injectable epinephrine device or bronchodilator rescue inhaler;
  - (b) A pharmacist who fills a prescription for the injectable epinephrine device or bronchodilator rescue inhaler;
  - (c) A certified individual who provides or administers the injectable epinephrine devices or bronchodilator rescue inhaler;
  - (d) An authorized entity who stores or provides the injectable epinephrine device or bronchodilator rescue inhaler to a certified individual or authorized noncertified individual; and
  - (e) An individual trainer or training entity providing the certified individual.
- (3) The immunity from civil liability under subsection (1) of this section shall not apply if the personal injury results from the gross negligence or willful or wanton misconduct of the person rendering the emergency care.
- (4) The requirements of KRS 311.646(6) shall not apply to any individual who provides or administers an injectable epinephrine device or a bronchodilator rescue inhaler if that individual is acting as a Good Samaritan under KRS 313.035 and 411.148.

**Effective:** June 29, 2021

**History:** Amended 2021 Ky. Acts ch. 112, sec. 5, effective June 29, 2021. -- Created 2015 Ky. Acts ch. 113, sec. 31, effective June 24, 2015.

**Legislative Research Commission Note** (6/24/2015). 2015 Ky. Acts ch. 113, sec. 32 provides that this statute and KRS 311.645 and 311.646 created in 2015 Ky. Acts ch. 113, secs. 29, 30, and 31 may be cited as the "Emergency Allergy Treatment Act."