

AN ACT relating to emergency allergy treatment.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 3 of this Act:

- (1) "Anaphylaxis" means an allergic reaction resulting from sensitization following prior contact with an antigen which can be a life-threatening emergency, including reactions triggered by, among other agents, foods, drugs, injections, insect stings, and physical activity;*
- (2) "Administer" means to directly apply an epinephrine auto-injector to the body of an individual;*
- (3) "Authorized entity" means an entity that may at any time have allergens present that are capable of causing a severe allergic reaction and has an individual who holds a certificate issued under Section 2 of this Act on the premises or officially associated with the entity. The term includes but is not limited to restaurants, recreation camps, youth sports leagues, theme parks and resorts, and sports arenas;*
- (4) "Certified individual" means an individual who successfully completes an approved educational training program and obtain a certificate from the department;*
- (5) "Department" means the Department for Public Health;*
- (6) "Epinephrine auto-injector" means a single-use device used to administer a premeasured dose of epinephrine;*
- (7) "Health-care practitioner" means a physician or other health-care provider who has prescriptive authority; and*
- (8) "Self-administration" means an individual's administration of an epinephrine auto-injector on herself or himself.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

- (1) A health-care practitioner may prescribe epinephrine auto-injectors in the name of an authorized entity or to a certified individual for use in accordance with this section.
- (2) A pharmacist may dispense epinephrine auto-injectors pursuant to a prescription issued in the name of an authorized entity or to a certified individual.
- (3) The department shall promulgate administrative regulations necessary to implement this section and Section 3 of this Act that include:

 - (a) Requirements for approved educational training programs for administering lifesaving treatment to persons who have severe allergic reactions when a physician is not immediately available;
 - (b) Requirements for training curriculum that include recognizing the symptoms of anaphylaxis and the proper administration of an epinephrine auto-injector; and
 - (c) Requirements for issuing and renewing certificates of training including necessary fees.
- (4) The department may approve individuals or entities, including the Kentucky Board of Nursing, to conduct in-person or on-line training.
- (5) An individual who has a certificate issued under this section may:

 - (a) Receive a prescription for epinephrine auto-injectors from a health-care practitioner;
 - (b) Possess prescribed epinephrine auto-injectors; and
 - (c) In an emergency situation when a physician is not immediately available and the certified individual in good faith believes a person is experiencing a severe allergic reaction regardless of whether the person has a prescription for an epinephrine auto-injector or has previously been diagnosed with an

allergy:

1. Administer an epinephrine auto-injector to the person; and
2. Provide an epinephrine auto-injector to the person for immediate self-administration.

(6) An authorized entity that acquires and stocks a supply of epinephrine auto-injectors with a valid prescription shall:

- (a) Store the epinephrine auto-injectors in accordance with manufacturer's instructions and with any additional requirements established by the department; and
- (b) Designate an employee or agent who holds a certificate issued under this section to be responsible for the storage, maintenance, and general oversight of epinephrine auto-injectors acquired by the authorized entity.

(7) An authorized entity that acquires and stocks a supply of epinephrine auto-injectors in accordance with this section may provide an auto-injector to a noncertified individual if a health-care practitioner authorizes by remote consultation via audio, video, or other similar means of electronic communication the administration or self-administration of an epinephrine auto-injector to a person who in good faith is believed to be experiencing a severe allergic reaction. Consultation with a health-care practitioner under this section shall not be considered the practice of telemedicine or otherwise be construed as violating any law or administrative regulation regulating the health-care practitioner's professional practice.

(8) Any individual or entity who administers or provides an epinephrine auto-injector to a person who is experiencing a severe allergic reaction shall contact the local emergency medical services system as soon as possible.

(9) Any individual or entity who acquires and stocks a supply of epinephrine auto-injectors in accordance with this section shall notify an agent of the local

emergency medical services system and the local emergency communications or vehicle dispatch center of the existence, location, and type of the epinephrine auto-injectors acquired.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

(1) Any individual or entity who, in good faith and without compensation, renders emergency care or treatment by the use of an epinephrine auto-injector 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 epinephrine auto-injector;

(b) A pharmacist who fills a prescription for the epinephrine auto-injector;

(c) A certified individual who provides or administers the epinephrine auto-injector;

(d) An authorized entity who stores or provides the epinephrine auto-injector 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 subsection (8) of Section 2 of this Act shall not apply to any individual who provides or administers an epinephrine auto-injector if that individual is acting as a Good Samaritan under KRS 313.035 and 411.148.

→Section 4. Sections 1 to 3 of this Act may be cited as the Emergency Allergy Treatment Act.