

By the Committee on Health Policy; and Senators Bean, Gibson,  
and Bradley

588-02479-14

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1 A bill to be entitled  
2 An act relating to emergency allergy treatment;  
3 amending s. 381.88, F.S.; defining terms; expanding  
4 provisions to apply to all emergency allergy  
5 reactions, rather than to insect bites only; creating  
6 s. 381.885, F.S.; authorizing certain health care  
7 practitioners to prescribe epinephrine auto-injectors  
8 to an authorized entity; authorizing such entities to  
9 maintain a supply of epinephrine auto-injectors;  
10 authorizing certified individuals to use epinephrine  
11 auto-injectors; authorizing uncertified individuals to  
12 use epinephrine auto-injectors under certain  
13 circumstances; providing immunity from liability;  
14 providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Section 381.88, Florida Statutes, is amended to  
19 read:

20 381.88 ~~Insect sting~~ Emergency allergy treatment.—

21 (1) This section and s. 381.885 may be cited as the "~~Insect~~  
22 ~~Sting~~ Emergency Allergy Treatment Act."

23 (2) As used in this section and s. 381.885, the term:

24 (a) "Administer" means to directly apply an epinephrine  
25 auto-injector to the body of an individual.

26 (b) "Authorized entity" means an entity or organization at  
27 or in connection with which allergens capable of causing a  
28 severe allergic reaction may be present. The term includes, but  
29 is not limited to, restaurants, recreation camps, youth sports

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30 leagues, theme parks and resorts, and sports arenas. However, a  
31 school as described in s. 1002.20(3)(i) is an authorized entity  
32 for the purposes of subsection (5) only.

33 (c) "Authorized health care practitioner" means a licensed  
34 practitioner authorized by the laws of the state to prescribe  
35 drugs.

36 (d) "Department" means the Department of Health.

37 (e) "Epinephrine auto-injector" means a single-use device  
38 used for the automatic injection of a premeasured dose of  
39 epinephrine into the human body.

40 (f) "Self-administration" means an individual's  
41 discretionary administration of an epinephrine auto-injector on  
42 herself or himself.

43 (3)(2) The purpose of this section is to provide for the  
44 certification of persons who administer lifesaving treatment to  
45 persons who have severe allergic ~~adverse~~ reactions ~~to insect~~  
46 ~~stings~~ when a physician is not immediately available.

47 (4)(3) The department ~~of Health~~ may:

48 (a) Adopt rules necessary to administer this section.

49 (b) Conduct educational training programs as described in  
50 subsection (5) ~~(4)~~, and approve programs conducted by other  
51 persons or governmental agencies.

52 (c) Issue and renew certificates of training to persons who  
53 have complied with this section and the rules adopted by the  
54 department.

55 (d) Collect fees necessary to administer this section.

56 (5)(4) Educational training programs required by this  
57 section must be conducted by a nationally recognized  
58 organization experienced in training laypersons in emergency

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59 health treatment or an entity or individual approved by the  
60 department ~~physician licensed to practice medicine in this~~  
61 ~~state.~~ The curriculum must include at a minimum:

62 (a) Recognition of the symptoms of systemic reactions to  
63 food, insect stings, and other allergens; and

64 (b) The proper administration of an ~~a subcutaneous~~  
65 ~~injection of~~ epinephrine auto-injector.

66 ~~(6)~~~~(5)~~ A certificate of training may be given to a person  
67 who:

68 (a) Is 18 years of age or older;

69 (b) Has, or reasonably expects to have, responsibility for  
70 or contact with at least one other person ~~who has severe adverse~~  
71 ~~reactions to insect stings~~ as a result of his or her  
72 occupational or volunteer status, including, but not limited to,  
73 a camp counselor, scout leader, school teacher, forest ranger,  
74 tour guide, or chaperone; and

75 (c) Has successfully completed an educational training  
76 program as described in subsection ~~(5)~~ ~~(4)~~.

77 ~~(7)~~~~(6)~~ A person who successfully completes an educational  
78 training program may obtain a certificate upon payment of an  
79 application fee of \$25.

80 ~~(8)~~~~(7)~~ A certificate issued pursuant to this section  
81 authorizes the holder ~~thereof~~ to receive, upon presentment of  
82 the certificate, ~~from any physician licensed in this state or~~  
83 ~~from the department,~~ a prescription for ~~premeasured doses of~~  
84 epinephrine auto-injectors from an authorized health care  
85 practitioner or the department ~~and the necessary paraphernalia~~  
86 ~~for administration.~~ The certificate also authorizes the holder  
87 ~~thereof~~ to possess and ~~administer,~~ in an emergency situation

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88 when a physician is not immediately available, to administer a  
89 ~~the~~ prescribed epinephrine auto-injector to a person  
90 experiencing ~~suffering~~ a severe allergic ~~adverse~~ reaction ~~to an~~  
91 ~~insect sting~~.

92 Section 2. Section 381.885, Florida Statutes, is created to  
93 read:

94 381.885 Epinephrine auto-injectors; emergency  
95 administration.-

96 (1) PRESCRIBING TO AN AUTHORIZED ENTITY.-An authorized  
97 health care practitioner may prescribe epinephrine auto-  
98 injectors in the name of an authorized entity for use in  
99 accordance with this section, and pharmacists may dispense  
100 epinephrine auto-injectors pursuant to a prescription issued in  
101 the name of an authorized entity.

102 (2) MAINTENANCE OF SUPPLY.-An authorized entity may acquire  
103 and stock a supply of epinephrine auto-injectors pursuant to a  
104 prescription issued in accordance with this section. Such  
105 epinephrine auto-injectors must be stored in accordance with the  
106 epinephrine auto-injector's instructions for use and with any  
107 additional requirements that may be established by the  
108 department. An authorized entity shall designate employees or  
109 agents who hold a certificate issued pursuant to s. 381.88 to be  
110 responsible for the storage, maintenance, and general oversight  
111 of epinephrine auto-injectors acquired by the authorized entity.

112 (3) USE OF EPINEPHRINE AUTO-INJECTORS.-An individual who  
113 holds a certificate issued pursuant to s. 381.88 may, on the  
114 premises of or in connection with the authorized entity, use  
115 epinephrine auto-injectors prescribed pursuant to subsection (1)  
116 to:

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117 (a) Provide an epinephrine auto-injector to a person who  
118 the certified individual in good faith believes is experiencing  
119 a severe allergic reaction for that person's immediate self-  
120 administration, regardless of whether the person has a  
121 prescription for an epinephrine auto-injector or has previously  
122 been diagnosed with an allergy.

123 (b) Administer an epinephrine auto-injector to a person who  
124 the certified individual in good faith believes is experiencing  
125 a severe allergic reaction, regardless of whether the person has  
126 a prescription for an epinephrine auto-injector or has  
127 previously been diagnosed with an allergy.

128 (4) EXPANDED AVAILABILITY.—An authorized entity that  
129 acquires a stock supply of epinephrine auto-injectors pursuant  
130 to a prescription issued by an authorized health care  
131 practitioner in accordance with this section may make the auto-  
132 injectors available to individuals other than certified  
133 individuals identified in subsection (3) who may administer the  
134 auto-injector to a person believed in good faith to be  
135 experiencing a severe allergic reaction if the epinephrine auto-  
136 injectors are stored in a locked, secure container and are made  
137 available only upon remote authorization by an authorized health  
138 care practitioner after consultation with the authorized health  
139 care practitioner by audio, televideo, or other similar means of  
140 electronic communication. Consultation with an authorized health  
141 care practitioner for this purpose is not considered the  
142 practice of telemedicine or otherwise construed as violating any  
143 law or rule regulating the authorized health care practitioner's  
144 professional practice.

145 (5) IMMUNITY FROM LIABILITY.—

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146 (a) The administration of an epinephrine auto-injector in  
147 accordance with this section is not the practice of medicine.

148 (b) Any authorized health care practitioner who prescribes  
149 epinephrine auto-injectors to an authorized entity or to an  
150 individual that holds a certificate issued pursuant to s.  
151 381.88; any authorized entity that possesses and makes available  
152 epinephrine auto-injectors; any individual who holds a  
153 certificate issued pursuant to s. 381.88; any noncertified  
154 individual under subsection (4); and any person that conducts  
155 the training under s. 381.88 is not liable for civil damages  
156 that result from the administration or self-administration of an  
157 epinephrine auto-injector, the failure to administer an  
158 epinephrine auto-injector, or any other act or omission  
159 committed, in good faith, pursuant to this section or s. 381.88.

160 (c) An authorized entity doing business in this state is  
161 not liable for injuries or related damages that result from the  
162 provision or administration of an epinephrine auto-injector by  
163 its employees or agents outside this state if the entity or its  
164 employees or agents would not have been liable for such injuries  
165 or related damages had the provision or administration occurred  
166 within this state, or would not have been liable under the law  
167 of the state in which such provision or administration occurred.

168 (d) This section does not eliminate, limit, or reduce any  
169 other immunity or defense that may be available under state law,  
170 including the immunity provided under s. 768.13.

171 Section 3. This act shall take effect July 1, 2014.