

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:

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 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  
 22 "~~Insect-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  
 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

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

92 Section 2. Section 381.885, Florida Statutes, is created  
 93 to 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  
 103 acquire and stock a supply of epinephrine auto-injectors  
 104 pursuant to a prescription issued in accordance with this

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

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

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

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

129 (4) EXPANDED AVAILABILITY.—An authorized entity that  
130 acquires a stock supply of epinephrine auto-injectors pursuant

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

146 (5) IMMUNITY FROM LIABILITY.—

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

149 (b) Any authorized health care practitioner who prescribes  
150 epinephrine auto-injectors to an authorized entity or to an  
151 individual that holds a certificate issued pursuant to s.  
152 381.88; any authorized entity that possesses and makes available  
153 epinephrine auto-injectors; any individual who holds a  
154 certificate issued pursuant to s. 381.88; any noncertified  
155 individual under subsection (4); and any person that conducts  
156 the training under s. 381.88 is not liable for civil damages

157 that result from the administration or self-administration of an  
158 epinephrine auto-injector, the failure to administer an  
159 epinephrine auto-injector, or any other act or omission  
160 committed, in good faith, pursuant to this section or s. 381.88.

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

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

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