

By Senator Baxley

12-00899-20

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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.; revising the definition of
4 the term "authorized entity" to include state
5 universities and Florida College System institutions;
6 requiring, rather than authorizing, the Department of
7 Health to adopt rules and perform certain duties;
8 providing that educational training programs relating
9 to the administration of epinephrine auto-injectors
10 may be offered online; requiring that state
11 universities and Florida College System institutions
12 pay the costs associated with such training for
13 certain personnel; authorizing the certification of
14 such personnel to administer epinephrine auto-
15 injectors in emergency situations; requiring state
16 universities and Florida College system institutions
17 to provide funding for the payment of application fees
18 for such certification; requiring that a person issued
19 a certificate to administer an epinephrine auto-
20 injector submit an incident report within a specified
21 timeframe after administering an epinephrine auto-
22 injector; requiring that the department publish a
23 summary of such incident reports annually; amending s.
24 381.885, F.S.; requiring, rather than authorizing,
25 pharmacists to dispense epinephrine auto-injectors in
26 certain circumstances; requiring, rather than
27 authorizing, certain individuals to use epinephrine
28 auto-injectors for specified purposes; requiring,
29 rather than authorizing, authorized entities that

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30 acquire and stock a supply of epinephrine auto-
31 injectors pursuant to a prescription issued by a
32 health care practitioner to make auto-injectors
33 available to certain individuals, who are required,
34 rather than authorized, to administer an epinephrine
35 auto-injector in certain situations and under certain
36 circumstances; providing an effective date.

37
38 Be It Enacted by the Legislature of the State of Florida:

39
40 Section 1. Paragraph (b) of subsection (2) and subsections
41 (4) through (7) of section 381.88, Florida Statutes, are
42 amended, and subsection (9) is added to that section to read:

43 381.88 Emergency allergy treatment.—

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

45 (b) "Authorized entity" means an entity or organization at
46 or in connection with which allergens capable of causing a
47 severe allergic reaction may be present. The term includes, but
48 is not limited to, restaurants, recreation camps, youth sports
49 leagues, theme parks and resorts, ~~and~~ sports arenas, state
50 universities, and Florida College System institutions. However,
51 a school as described in s. 1002.20(3)(i) or s. 1002.42(17)(b)
52 is an authorized entity for the purposes of s. 381.885(4) and
53 (5) only.

54 (4) The department shall ~~may~~:

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

56 (b) Conduct educational training programs as described in
57 subsection (5) and approve programs conducted by other persons
58 or governmental agencies.

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59 (c) Issue and renew certificates of training to persons who
60 have complied with this section and the rules adopted by the
61 department.

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

63 (5) Educational training programs required by this section
64 must be conducted by a nationally recognized organization
65 experienced in training laypersons in emergency health treatment
66 or an entity or individual approved by the department and may be
67 offered online. For personnel who perform their duties in a food
68 service establishment or a recreation and wellness facility at a
69 state university or a Florida College System institution, the
70 costs associated with such training programs must be paid by the
71 state university or the Florida College System institution. The
72 curriculum must include at a minimum:

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

75 (b) The proper administration of an epinephrine auto-
76 injector.

77 (6) A certificate of training may be given to a person who:

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

79 (b) Has, or reasonably expects to have, responsibility for
80 or contact with at least one other person as a result of his or
81 her occupational or volunteer status, including, but not limited
82 to, a camp counselor, scout leader, school teacher, forest
83 ranger, tour guide, or chaperone, or any personnel who perform
84 their duties in a food service establishment or a recreation and
85 wellness facility at a state university or Florida College
86 System institution; and

87 (c) Has successfully completed an educational training

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88 program as described in subsection (5) or holds a current state
89 emergency medical technician certification with evidence of
90 training in the recognition of a severe allergic reaction and
91 the administration of an epinephrine auto-injector.

92 (7) A person who successfully completes an educational
93 training program may obtain a certificate upon payment of a \$25
94 ~~an application fee of \$25.~~ For personnel who perform their
95 duties in a food service establishment or a recreation and
96 wellness facility at a state university or a Florida College
97 System institution, the state university or Florida College
98 System institution shall provide funding for the payment of such
99 fees.

100 (9) (a) A person issued a certificate pursuant to this
101 section shall submit an incident report to the department within
102 30 days after he or she administers an epinephrine auto-injector
103 during the performance of his or her duties as an employee or
104 agent of an authorized entity.

105 (b) By December 1 of each year, the department shall
106 publish a summary of the information contained within the
107 incident reports submitted pursuant to paragraph (a).

108 Section 2. Subsections (1) through (4) of section 381.885,
109 Florida Statutes, are amended to read:

110 381.885 Epinephrine auto-injectors; emergency
111 administration.—

112 (1) PRESCRIBING TO AN AUTHORIZED ENTITY.—An authorized
113 health care practitioner may prescribe epinephrine auto-
114 injectors in the name of an authorized entity for use in
115 accordance with this section, and pharmacists shall ~~may~~ dispense
116 epinephrine auto-injectors pursuant to a prescription issued in

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117 the name of an authorized entity.

118 (2) MAINTENANCE OF SUPPLY.—An authorized entity shall ~~may~~
119 acquire and stock a supply of epinephrine auto-injectors
120 pursuant to a prescription issued in accordance with this
121 section. Such epinephrine auto-injectors must be stored in
122 accordance with the epinephrine auto-injector's instructions for
123 use and with any additional requirements ~~that may be~~ established
124 by the department. An authorized entity shall designate
125 employees or agents who hold a certificate issued pursuant to s.
126 381.88 to be responsible for the storage, maintenance, and
127 general oversight of epinephrine auto-injectors acquired by the
128 authorized entity.

129 (3) USE OF EPINEPHRINE AUTO-INJECTORS.—An individual who
130 holds a certificate issued pursuant to s. 381.88 shall ~~may~~, on
131 the premises of or in connection with the authorized entity, use
132 epinephrine auto-injectors prescribed pursuant to subsection (1)
133 to:

134 (a) Provide an epinephrine auto-injector to a person who
135 the certified individual in good faith believes is experiencing
136 a severe allergic reaction for that person's immediate self-
137 administration, regardless of whether the person has a
138 prescription for an epinephrine auto-injector or has previously
139 been diagnosed with an allergy.

140 (b) Administer an epinephrine auto-injector to a person who
141 the certified individual in good faith believes is experiencing
142 a severe allergic reaction, regardless of whether the person has
143 a prescription for an epinephrine auto-injector or has
144 previously been diagnosed with an allergy.

145 (4) EXPANDED AVAILABILITY.—An authorized entity that

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146 acquires a stock supply of epinephrine auto-injectors pursuant
147 to a prescription issued by an authorized health care
148 practitioner in accordance with this section shall ~~may~~ make the
149 auto-injectors available to individuals other than certified
150 individuals identified in subsection (3) who shall ~~may~~
151 administer the auto-injector to a person believed in good faith
152 to be experiencing a severe allergic reaction if the epinephrine
153 auto-injectors are stored in a locked, secure container and are
154 made available only upon remote authorization by an authorized
155 health care practitioner after consultation with the authorized
156 health care practitioner by audio, televideo, or other similar
157 means of electronic communication. Consultation with an
158 authorized health care practitioner for this purpose is not
159 considered the practice of telemedicine or otherwise construed
160 as violating any law or rule regulating the authorized health
161 care practitioner's professional practice.

162 Section 3. This act shall take effect July 1, 2020.