

Amendment to SB 642-FN

1 Amend the bill by replacing sections 1 and 2 with the following:

2
3 1 New Section; Physicians and Surgeons; Administration of Epinephrine. Amend RSA 329 by
4 inserting after section 1-e the following new section:

5 329:1-f Administration of Epinephrine.

6 I. In this section:

7 (a) "Administer" means the direct application of an epinephrine auto-injector to the body
8 of an individual.

9 (b) "Authorized entity" means any entity or organization in which allergens capable of
10 causing anaphylaxis may be present, including recreation camps and day care facilities. Authorized
11 entity shall not include an elementary or secondary school or a postsecondary educational institution
12 eligible to establish policies and guidelines for the emergency administration of epinephrine under
13 RSA 200-N.

14 (c) "Epinephrine auto-injector" means a single-use device used for the automatic
15 injection of a premeasured dose of epinephrine into the human body.

16 (d) "Health care practitioner" means a person who is lawfully entitled to prescribe,
17 administer, dispense, or distribute controlled drugs.

18 (e) "Provide" means to furnish one or more epinephrine auto-injectors to an individual.

19 II. A health care practitioner may prescribe epinephrine auto-injectors in the name of an
20 authorized entity for use in accordance with this section, and pharmacists and health care
21 practitioners may dispense epinephrine auto-injectors pursuant to a prescription issued in the name
22 of an authorized entity.

23 III. An authorized entity may acquire and maintain a supply of epinephrine auto-injectors
24 pursuant to a prescription issued in accordance with this section. Such epinephrine auto-injectors
25 shall be stored in a location readily accessible in an emergency and in accordance with the
26 instructions for use, and any additional requirements that may be established by board of medicine.
27 An authorized entity shall designate employees or agents who have completed the training required
28 by paragraph V to be responsible for the storage, maintenance, control, and general oversight of
29 epinephrine auto-injectors acquired by the authorized entity.

30 IV. An employee or agent of an authorized entity, or other individual, who has completed the
31 training required by paragraph V may use epinephrine auto-injectors prescribed pursuant to this
32 section to:

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1 (a) Provide an epinephrine auto-injector to any individual who the employee agent or
2 other individual believes in good faith is experiencing anaphylaxis, or the parent, guardian, or
3 caregiver of such individual, for immediate administration, regardless of whether the individual has
4 a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.

5 (b) Administer an epinephrine auto-injector to any individual who the employee, agent,
6 or other individual believes in good faith is experiencing anaphylaxis, regardless of whether the
7 individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with
8 an allergy.

9 V.(a) An employee, agent, or other individual described in paragraph IV shall complete an
10 anaphylaxis training program at least every 2 years, following completion of the initial anaphylaxis
11 training program. Such training shall be conducted by a nationally-recognized organization
12 experienced in training unlicensed persons in emergency health care treatment or an entity or
13 individual approved by the board of medicine. Training may be conducted online or in person and, at
14 a minimum, shall cover:

15 (1) How to recognize signs and symptoms of severe allergic reactions, including
16 anaphylaxis;

17 (2) Standards and procedures for the storage and administration of an epinephrine
18 auto-injector; and

19 (3) Emergency follow-up procedures.

20 (b) The entity or individual that conducts the training shall issue a certificate, on a form
21 developed or approved by the board of medicine to each person who successfully completes the
22 anaphylaxis training program.

23 VI. No authorized entity that possesses and makes available epinephrine auto-injectors and
24 its employees, agents, and other individuals, or health care practitioner that prescribes or dispenses
25 epinephrine auto-injectors to an authorized entity, or pharmacist or health care practitioner that
26 dispenses epinephrine auto-injectors to an authorized entity, or individual or entity that conducts
27 the training described in paragraph V, shall be liable for any injuries or related damages that result
28 from any act or omission pursuant to this section, unless such injury or damage is the result of
29 willful or wanton misconduct. The administration of an epinephrine auto-injector in accordance with
30 this section shall not be considered to be the practice of medicine or any other profession that
31 otherwise requires licensure. This section shall not be construed to eliminate, limit, or reduce any
32 other immunity or defense that may be available under state law. An entity located in this state
33 shall not be liable for any injuries or related damages that result from the provision or
34 administration of an epinephrine auto-injector outside of this state if the entity would not have been
35 liable for such injuries or related damages had the provision or administration occurred within this
36 state, or is not liable for such injuries or related damages under the law of the state in which such
37 provision or administration occurred.

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1 2 Repeal. RSA 126-A:70 and 71, relative to administration of epinephrine, are repealed.