

Senate Bill 126

By: Senators Hufstetler of the 52nd and Orrock of the 36th

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to provide for expansion of certain medical professionals to prescribe auto-injectable epinephrine to an authorized entity and for other emergency purposes; to amend Chapter 2A of Title 31 of the Official Code of Georgia Annotated, relating to the Department of Public Health, so as to provide for expansion of treatment for allergy reactions; to authorize certain health care practitioners to prescribe auto-injectable epinephrine; to authorize certain individuals to administer auto-injectable epinephrine under certain circumstances; to provide immunity from liability; to amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, physician assistants, and others, so as to provide for emergency public access stations to allow a lay rescuer to consult with a medical professional to administer or make available auto-injectable epinephrine under certain circumstances; to provide for immunity; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, is amended by revising Code Section 26-4-116.1, relating to licensed health practitioners authorized to prescribe auto-injectable epinephrine for schools and pharmacists authorized to fill prescriptions, as follows:

"26-4-116.1.

(a) A physician licensed to practice medicine in this state, an advanced practice registered nurse acting pursuant to the authority of Code Section 43-34-25, and a physician assistant acting pursuant to the authority of subsection (e.1) of Code Section 43-34-103 may prescribe auto-injectable epinephrine in the name of a public or private school for use in accordance with Code Section 20-2-776.2 and in accordance with protocol specified by such physician, advanced practice registered nurse, or physician assistant.

~~(b) A pharmacist may dispense auto-injectable epinephrine pursuant to a prescription issued in accordance with subsection (a) of this Code section~~ A physician licensed to practice medicine in this state, an advanced practice registered nurse acting pursuant to the authority of Code Section 43-34-25, and a physician assistant acting pursuant to the authority of subsection (e.1) of Code Section 43-34-103 may prescribe auto-injectable epinephrine in the name of an authorized entity in accordance with Code Section 31-2A-18.  
(c) A medical professional, as defined in Code Section 43-34-26.2, may prescribe auto-injectable epinephrine to an entity described in Code Section 31-2A-18. A pharmacist may dispense auto-injectable epinephrine pursuant to a prescription issued in accordance with subsection (a), (b), or (c) of this Code section."

## SECTION 2.

Chapter 2A of Title 31 of the Official Code of Georgia Annotated, relating to the Department of Public Health, is amended by adding a new Code section to read as follows:

"31-2A-18.

(a) As used in this Code section, the term:

(1) 'Administer' means the direct application of auto-injectable epinephrine to the body of an individual.

(2) 'Authorized entity' means any entity or organization, other than a school described in Code Section 20-2-776.2, in connection with or at which allergens capable of causing anaphylaxis may be present, including, but not limited to, recreation camps, colleges and universities, day care facilities, youth sports leagues, amusement parks, restaurants, places of employment, and sports arenas.

(3) 'Auto-injectable epinephrine' means a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body.

(4) 'Health care practitioner' means a physician licensed to practice medicine in this state, an advanced practice registered nurse acting pursuant to the authority of Code Section 43-34-25, and a physician assistant acting pursuant to the authority of subsection (e.1) of Code Section 43-34-103.

(5) 'Provide' means the supply of one or more auto-injectable epinephrine to an individual.

(b) A health care practitioner may prescribe auto-injectable epinephrine in the name of an authorized entity for use in accordance with this Code section, and pharmacists and health care practitioners may dispense auto-injectable epinephrine pursuant to a prescription issued in the name of an authorized entity. A prescription issued pursuant to this Code section shall be valid for two years.

(c) An authorized entity may acquire and stock a supply of auto-injectable epinephrine pursuant to a prescription issued in accordance with this Code section. Such auto-injectable epinephrine shall be stored in a location readily accessible in an emergency and in accordance with the auto-injectable epinephrine's instructions for use and any additional requirements that may be established by the Department of Public Health. An authorized entity shall designate employees or agents who have completed the training required by subsection (e) of this Code section to be responsible for the storage, maintenance, control, and general oversight of auto-injectable epinephrine acquired by the authorized entity.

(d) An employee or agent of an authorized entity, or any other individual, who has completed the training required by subsection (e) of this Code section may use auto-injectable epinephrine prescribed pursuant to subsection (b) of this Code section to:

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

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

(e) An employee, agent, or other individual described in subsection (c) or (d) of this Code section must complete an anaphylaxis training program and repeat such training at least every two years following completion of the initial anaphylaxis training program. Such training shall be conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment or an entity or individual approved by the Department of Public Health. The Department of Public Health may approve specific entities or individuals or may approve classes of entities or individuals to conduct training. Training may be conducted online or in person and, at a minimum, shall cover:

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

(2) Standards and procedures for the storage and administration of auto-injectable epinephrine; and

(3) Emergency follow-up procedures.

The entity that conducts the training shall issue a certificate, on a form developed or approved by the Department of Public Health, to each individual who successfully completes the anaphylaxis training program.

(f) An authorized entity that possesses and makes available auto-injectable epinephrine and its employees, agents, and other individuals; a health care practitioner that prescribes or dispenses auto-injectable epinephrine to an authorized entity; a pharmacist or health care practitioner that dispenses auto-injectable epinephrine to an authorized entity; and an individual or entity that conducts the training described in subsection (d) of this Code section shall not be liable for any injuries or related damages that result from any act or omission taken pursuant to this Code section; provided, however, that this immunity does not apply to acts or omissions constituting willful or wanton misconduct. The administration of auto-injectable epinephrine in accordance with this Code section is not the practice of medicine or any other profession that otherwise requires licensure. This Code section does not eliminate, limit, or reduce any other immunity or defense that may be available under state law, including that provided under Code Section 51-1-29. An entity located in this state shall not be liable for any injuries or related damages that result from the provision or administration of auto-injectable epinephrine outside of this state if the entity:

(1) Would not have been liable for such injuries or related damages had the provision or administration occurred within this state; or

(2) Is not liable for such injuries or related damages under the law of the state in which such provision or administration occurred.

(g) An authorized entity that possesses and makes available auto-injectable epinephrine shall submit to the Department of Public Health, on a form developed by the Department of Public Health, a report of each incident on the authorized entity's premises that involves the administration of auto-injectable epinephrine pursuant to subsection (d) of this Code section. The Department of Public Health shall annually publish a report that summarizes and analyzes all reports submitted to it under this subsection."

### **SECTION 3.**

Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, physician assistants, and others, is amended by adding a new Code section to read as follows:

"43-34-26.2.

(a) As used in this Code section, the term:

(1) 'Auto-injectable epinephrine' means a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body.

(2) 'Emergency Public Access Station' or 'EPAS' means a locked, secure container for the storage of auto-injectable epinephrine which:

(A) Allows a lay rescuer to consult with a medical professional in real time by audio, video, or other similar means of electronic communication;

(B) Upon authorization of the consulting medical professional, may be unlocked to make available the auto-injectable epinephrine;

(C) Has received any approval required under Title 21 of the United States Code from the United States Food and Drug Administration; and

(D) Is maintained under the general oversight of a medical professional.

(3) 'Medical professional' means any physician or other person authorized under this title to treat, use, or prescribe medicine and drugs in this state or the state in which such physician or other person is located.

(b) A medical professional may prescribe a stock supply of auto-injectable epinephrine to any entity or organization for storage in an Emergency Public Access Station or may place a stock supply of auto-injectable epinephrine at any entity or organization in an EPAS in accordance with protocols established by the medical professional and approved by the Department of Public Health.

(c) A medical professional may provide consultation to the user of an EPAS and may make the auto-injectable epinephrine stored in the EPAS available to the user in accordance with protocols established by the medical professional and approved by the Department of Public Health.

(d) Any person may use an EPAS and may administer or provide auto-injectable epinephrine made available through the EPAS to a specific individual believed in good faith to be experiencing anaphylaxis or to the parent, guardian, or caregiver of such individual.

(e) Any person, including any entity or organization at which an EPAS is located, a medical professional, and any user of an EPAS who undertakes in good faith any act or omission pursuant to this Code section shall not be liable for any injuries or related damages that result from any such act or omission; provided, however, that this immunity does not apply to acts or omissions constituting willful or wanton misconduct. This Code section does not eliminate, limit, or reduce any other immunity or defense that may be available under state law, including that provided under Code Section 51-1-29. Use of an EPAS in accordance with this Code section is not the practice of medicine or any other profession that otherwise requires licensure."

#### SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.