

House Bill 491

By: Representatives Cantrell of the 22<sup>nd</sup>, Jasperse of the 11<sup>th</sup>, Broadrick of the 4<sup>th</sup>, Bentley of the 139<sup>th</sup>, Harrell of the 106<sup>th</sup>, and others

A BILL TO BE ENTITLED

AN ACT

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

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

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

20 "26-4-116.1.

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

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

## 37 SECTION 2.

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

40 "31-2A-18.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

95 (3) Emergency follow-up procedures.

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

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

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

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

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

### 124 **SECTION 3.**

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

127 "43-34-26.2.

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

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

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

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

135 (B) Upon authorization of the consulting medical professional, may be unlocked to  
136 make available the auto-injectable epinephrine;  
137 (C) Has received any approval required under Title 21 of the United States Code from  
138 the United States Food and Drug Administration; and  
139 (D) Is maintained under the general oversight of a medical professional.  
140 (3) 'Medical professional' means any physician or other person authorized under this title  
141 to treat, use, or prescribe medicine and drugs in this state or the state in which such  
142 physician or other person is located.  
143 (b) A medical professional may prescribe a stock supply of auto-injectable epinephrine to  
144 any entity or organization for storage in an Emergency Public Access Station or may place  
145 a stock supply of auto-injectable epinephrine at any entity or organization in an EPAS in  
146 accordance with protocols established by the medical professional and approved by the  
147 Department of Public Health.  
148 (c) A medical professional may provide consultation to the user of an EPAS and may  
149 make the auto-injectable epinephrine stored in the EPAS available to the user in accordance  
150 with protocols established by the medical professional and approved by the Department of  
151 Public Health.  
152 (d) Any person may use an EPAS and may administer or provide auto-injectable  
153 epinephrine made available through the EPAS to a specific individual believed in good  
154 faith to be experiencing anaphylaxis or to the parent, guardian, or caregiver of such  
155 individual.  
156 (e) Any person, including any entity or organization at which an EPAS is located, a  
157 medical professional, and any user of an EPAS who undertakes in good faith any act or  
158 omission pursuant to this Code section shall not be liable for any injuries or related  
159 damages that result from any such act or omission; provided, however, that this immunity  
160 does not apply to acts or omissions constituting willful or wanton misconduct. This Code  
161 section does not eliminate, limit, or reduce any other immunity or defense that may be  
162 available under state law, including that provided under Code Section 51-1-29. Use of an  
163 EPAS in accordance with this Code section is not the practice of medicine or any other  
164 profession that otherwise requires licensure."

165 **SECTION 4.**

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