

The House Committee on Health and Human Services offers the following substitute to SB 126:

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 authorize certain health care practitioners to prescribe
3 auto-injectable epinephrine to an authorized entity for emergency purposes; to amend
4 Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to health generally,
5 so as to provide for authorized entities to acquire and stock a supply of auto-injectable
6 epinephrine; to authorize certain individuals to administer auto-injectable epinephrine under
7 certain circumstances; to provide for immunity; to provide for reports; to provide for related
8 matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

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

15 "26-4-116.1.

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

22 (b) ~~A pharmacist may dispense auto-injectable epinephrine pursuant to a prescription~~
23 ~~issued in accordance with subsection (a) of this Code section~~ A physician licensed to
24 practice medicine in this state, an advanced practice registered nurse acting pursuant to the
25 authority of Code Section 43-34-25, and a physician assistant acting pursuant to the

26 authority of subsection (e.1) of Code Section 43-34-103 may prescribe auto-injectable
 27 epinephrine in the name of an authorized entity in accordance with Code Section 31-1-14.
 28 (c) A pharmacist may dispense auto-injectable epinephrine pursuant to a prescription
 29 issued in accordance with subsection (a) or (b) of this Code section."

30 SECTION 2.

31 Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to health generally,
 32 is amended by adding a new Code section to read as follows:

33 "31-1-14.

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

35 (1) 'Authorized entity' means any entity or organization, other than a school subject to
 36 Code Section 20-2-776.2, in connection with or at which allergens capable of causing
 37 anaphylaxis may be present, as identified by the department. The department shall,
 38 through rule or other guidance, identify the types of entities and organizations that are
 39 considered authorized entities no later than January 1, 2016, and shall review and update
 40 such rule or guidance at least annually thereafter. For purposes of illustration only, such
 41 entities may include, but are not limited to, restaurants, recreation camps, youth sports
 42 leagues, theme parks and resorts, and sports arenas.

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

45 (3) 'Health care practitioner' means a physician licensed to practice medicine in this state,
 46 an advanced practice registered nurse acting pursuant to the authority of Code Section
 47 43-34-25, and a physician assistant acting pursuant to the authority of subsection (e.1) of
 48 Code Section 43-34-103.

49 (b) An authorized entity may acquire and stock a supply of auto-injectable epinephrine
 50 pursuant to a prescription issued in accordance with Code Section 26-4-116.1. Such
 51 auto-injectable epinephrine shall be stored in a location readily accessible in an emergency
 52 and in accordance with the auto-injectable epinephrine's instructions for use and any
 53 additional requirements that may be established by the department. An authorized entity
 54 shall designate employees or agents who have completed the training required by
 55 subsection (d) of this Code section to be responsible for the storage, maintenance, control,
 56 and general oversight of auto-injectable epinephrine acquired by the authorized entity.

57 (c) An employee or agent of an authorized entity, or any other individual, who has
 58 completed the training required by subsection (d) of this Code section may use
 59 auto-injectable epinephrine prescribed pursuant to Code Section 26-4-116.1 to:

60 (1) Provide auto-injectable epinephrine to any individual who the employee, agent, or
 61 other individual believes in good faith is experiencing anaphylaxis, or to the parent,

62 guardian, or caregiver of such individual, for immediate administration, regardless of
63 whether the individual has a prescription for auto-injectable epinephrine or has previously
64 been diagnosed with an allergy; and

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

69 (d) An employee, agent, or other individual described in subsection (b) or (c) of this Code
70 section shall complete an anaphylaxis training program and repeat such training at least
71 every two years following completion of the initial anaphylaxis training program. Such
72 training shall be conducted by a nationally recognized organization experienced in training
73 laypersons in emergency health treatment or an entity or individual approved by the
74 department. Training may be conducted online or in person and, at a minimum, shall
75 cover:

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

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

80 (3) Emergency follow-up procedures.

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

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

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

100 (f) An authorized entity that possesses and makes available auto-injectable epinephrine
101 shall submit to the department, on a form developed by the department, a report including
102 each incident on the authorized entity's premises that involves the administration of
103 auto-injectable epinephrine pursuant to subsection (c) of this Code section and any other
104 information deemed relevant by the department. The department shall annually publish a
105 report that summarizes and analyzes all reports submitted to it under this subsection.

106 (g) The department shall establish requirements regarding the storage, maintenance,
107 control, and oversight of the auto-injectable epinephrine, including but not limited to any
108 temperature limitations and expiration of such auto-injectable epinephrine."

109

SECTION 3.

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