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2 90th General Assembly
3 Regular Session, 2015
4

A Bill

SENATE BILL 393

5 By: Senator L. Chesterfield
6

For An Act To Be Entitled

8 AN ACT TO EXPAND PUBLIC ACCESS TO AUTO-INJECTABLE
9 EPINEPHRINE; TO EXPAND IMMUNITY TO INCLUDE AN
10 AUTHORIZED ENTITY THAT PROVIDES PRESCRIBED AUTO-
11 INJECTABLE EPINEPHRINE; AND FOR OTHER PURPOSES.
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Subtitle

14 TO EXPAND PUBLIC ACCESS TO AUTO-
15 INJECTABLE EPINEPHRINE; AND TO EXPAND
16 IMMUNITY TO INCLUDE AN AUTHORIZED ENTITY
17 THAT PROVIDES PRESCRIBED AUTO-INJECTABLE
18 EPINEPHRINE.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code §§ 20-13-403 and 20-13-404 are amended to
25 read as follows:

26 20-13-403. ~~Definition.~~ Definitions.

27 As used in this subchapter, ~~“physician” means a natural person licensed~~
28 ~~to practice medicine in the State of Arkansas pursuant to the Arkansas~~
29 ~~Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq., and § 17-95-~~
30 ~~401 et seq.;~~

31 (1) "Authorized entity" means an entity or organization at which
32 or in connection with which allergens capable of causing an anaphylactic
33 reaction may be present, including without limitation:

34 (A) A restaurant;

35 (B) An amusement park; and

36 (C) A sports arena;



1 (2) "Auto-injectable epinephrine" means a single-use device used
2 for the automatic injection of a premeasured dose of epinephrine into the
3 human body;

4 (3) "Certificate" means a certificate issued under this
5 subchapter to authorize the receipt, possession, and administration of
6 prescribed auto-injectable epinephrine;

7 (4) "Expected user" means an authorized entity's employee or
8 agent who is responsible for the storage, maintenance, and general
9 supervision of auto-injectable epinephrine acquired by the authorized entity;

10 (5) "Healthcare professional" means a licensed physician,
11 chiropractor, dentist, optometrist, podiatrist, or other licensed healthcare
12 professional;

13 (6) "Physician" means an individual licensed to practice
14 medicine in the State of Arkansas under the Arkansas Medical Practices Act, §
15 17-95-201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq.; and

16 (7) "Self-administration" means a person's discretionary use of
17 auto-injectable epinephrine pursuant to a prescription or written direction
18 from a healthcare professional.

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20 20-13-404. Eligibility for certificate.

21 ~~Persons eligible to~~ A person may receive a certificate under this
22 subchapter ~~shall meet the following requirements~~ only if the person:

23 (1) ~~Be~~ Is eighteen (18) years of age or older;

24 (2) ~~Have~~ Has, or reasonably ~~expect~~ expects to have,
25 ~~responsibility for regular contact with~~ at least one (1) other person as a
26 result of ~~one's~~ the person's relationship or occupational or volunteer
27 status, including without limitation ~~parents, camp counselors, scout leaders,~~
28 ~~school nurses, school teachers, other school employees, forest rangers, tour~~
29 ~~guides, or chaperones; and;~~

30 (A) A parent;

31 (B) A camp counselor;

32 (C) A scout leader;

33 (D) A school nurse, school teacher, or other school
34 employee;

35 (E) A forest ranger;

36 (F) A tour guide;

1 (G) A chaperone; or

2 (H) An authorized entity; and

3 (3)(A) ~~Have~~ Has been properly instructed by a physician ~~licensed~~
4 ~~under the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et~~
5 ~~seq., and § 17-95-401 et seq.~~

6 (B) The ~~curriculum~~ instruction shall ~~minimally~~ include
7 recognition of the symptoms of systemic reactions to insect stings and other
8 allergic reactions and the proper administration of ~~a subcutaneous~~ an
9 injection of epinephrine.

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11 SECTION 2. Arkansas Code § 20-13-405(b) and (c), concerning authority
12 of a certificate holder, is amended to read as follows:

13 (b) The certificate ~~shall~~ also shall authorize the certificate holder
14 to possess, provide, and administer, in an emergency situation when a
15 physician is not immediately available, the prescribed epinephrine to ~~persons~~
16 ~~suffering a severe adverse reaction to an insect sting or other allergic~~
17 ~~reaction.~~ a person who:

18 (1) Has contact with the certificate holder as a result of the
19 certificate holder’s relationship or occupational or volunteer status under §
20 20-13-404(2); and

21 (2) Appears to be suffering a severe adverse reaction to an
22 insect sting or other allergic reaction.

23 ~~(c) The certificate holder may administer epinephrine as provided in~~
24 ~~this subchapter only to those persons for whom the holder is responsible as~~
25 ~~provided in § 20-13-404(2).~~

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27 SECTION 3. Arkansas Code §§ 20-13-406 and 20-13-407 are amended to
28 read as follows:

29 20-13-406. Immunity.

30 ~~No cause of action shall arise against a certificate holder pursuant to~~
31 ~~this subchapter or against the issuing physician for any act or omission when~~
32 ~~acting in good faith pursuant to the authority granted by this subchapter,~~
33 ~~except when the conduct amounts to gross negligence.~~

34 (a) A person or entity that in good faith renders emergency care or
35 treatment by the use of auto-injectable epinephrine is immune from civil
36 liability resulting from:

1 (1) An expected user:

2 (A) Completes appropriate knowledge and skills courses at
3 least one (1) time every two (2) years in anaphylaxis and auto-injectable
4 epinephrine use; and

5 (B) Obtains a certificate under this subchapter;

6 (2) The auto-injectable epinephrine is maintained according to
7 the manufacturer's operational guidelines and instructions in a locked,
8 secure location; and

9 (3) A person who renders emergency care or treatment to a person
10 having an anaphylactic reaction by using auto-injectable epinephrine
11 activates the emergency medical services system as soon as possible and
12 immediately reports the use of auto-injectable epinephrine to the medical
13 provider responding to the emergency.

14 (b) An authorized entity and its expected users may:

15 (1) Provide auto-injectable epinephrine for immediate self-
16 administration to an individual who the authorized entity or expected user
17 believes in good faith is experiencing anaphylaxis, regardless of whether the
18 individual has a prescription for auto-injectable epinephrine or has
19 previously been diagnosed with an allergy;

20 (2) Administer auto-injectable epinephrine directly to an
21 individual who the authorized entity or expected user believes in good faith
22 is experiencing anaphylaxis, regardless of whether the individual has a
23 prescription for auto-injectable epinephrine or has been previously diagnosed
24 with an allergy; and

25 (3) Provide auto-injectable epinephrine to an untrained
26 individual for emergency use upon remote authorization by a healthcare
27 professional after a consultation by audio communication, video
28 communication, or other similar means of electronic communication.

29 (c) An authorized entity that possesses and makes available auto-
30 injectable epinephrine shall:

31 (1)(A) Submit to the Department of Health a report of each
32 incident on the authorized entity's premises in which the authorized entity
33 provides or administers auto-injectable epinephrine.

34 (B) The department annually shall publish a report that
35 summarizes and analyzes the reports submitted under this subdivision (c)(1);
36 and

1 (2) Notify an agent of emergency communications, 911, or vehicle
2 dispatch center of the existence, location, and type of auto-injectable
3 epinephrine.

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