

26-LS0951\S

Bullard

3/26/10

**CS FOR HOUSE BILL NO. 277( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SIXTH LEGISLATURE - SECOND SESSION**

**BY****Offered:****Referred:****Sponsor(s): REPRESENTATIVES PEGGY WILSON AND LYNN****A BILL****FOR AN ACT ENTITLED**

**"An Act requiring the Department of Health and Social Services to adopt standards for the approval of and to approve certain training programs relating to the possession of epinephrine and the administration of epinephrine in emergency situations; and authorizing certain individuals to obtain a prescription for epinephrine, purchase epinephrine, and administer epinephrine in emergency situations."**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

**\* Section 1.** AS 17 is amended by adding a new chapter to read:

**Chapter 22. Use of Epinephrine in Emergency Situations.**

**Sec. 17.22.010. Prescription, purchase, and administration of epinephrine by a trained individual.** An individual who is 18 years of age or older may obtain a prescription for and purchase, and may, in an emergency situation, administer epinephrine using

(1) an auto-injector, if the individual has successfully completed a

1 training program approved by the department under AS 17.22.020(b); or

2 (2) an ampule, if the individual has successfully completed a training  
3 program approved by the department under AS 17.22.020(c).

4 **Sec. 17.22.020. Approval of training programs.** (a) The department shall  
5 adopt standards for the approval of training programs for the use of

6 (1) epinephrine auto-injectors; and

7 (2) epinephrine ampules.

8 (b) The department shall approve an auto-injector training program that meets  
9 standards adopted under (a)(1) of this section. The standards must require an  
10 epinephrine auto-injector program to provide training in

11 (1) techniques on how to recognize symptoms of severe asthmatic or  
12 allergic reactions, including anaphylaxis;

13 (2) standards and procedures for the storage of epinephrine auto-  
14 injectors and administration of epinephrine using auto-injectors; and

15 (3) emergency follow-up procedures.

16 (c) The department shall approve an epinephrine ampule training program that  
17 meets standards adopted under (a)(2) of this section. The standards must require an  
18 epinephrine ampule program to provide training in

19 (1) techniques on how to recognize symptoms of severe asthmatic or  
20 allergic reactions, including anaphylaxis;

21 (2) standards and procedures for the storage of epinephrine ampules  
22 and administration of epinephrine using ampules; and

23 (3) emergency follow-up procedures.

24 **Sec. 17.22.030. Applicability.** This chapter does not apply to a person who is  
25 authorized under another law to administer epinephrine or to a person who is  
26 prescribed epinephrine for personal use.

27 **Sec. 17.22.040. Liability of certified individual.** A claim for relief may not be  
28 brought against an individual who has successfully completed a training program  
29 approved by the department under AS 17.22.020 for an act or omission relating to the  
30 administration of epinephrine to another individual in an emergency situation if the  
31 individual who completed the training program acted in good faith under the authority

1 granted by this chapter.

2 **Sec. 17.22.090. Definitions.** In this chapter,

3 (1) "department" means the Department of Health and Social Services;

4 (2) "emergency situation" means a circumstance where an individual  
5 experiences a severe asthmatic or allergic reaction, including anaphylaxis, that  
6 requires the administration of epinephrine to avoid severe injury or death and where a  
7 certified or licensed health care provider authorized to administer epinephrine is not  
8 available.

# ALASKA STATE LEGISLATURE

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REPRESENTATIVE PEGGY WILSON  
HOUSE DISTRICT 2

## SPONSOR STATEMENT

### House Bill 277

**“An Act establishing a program in the Department of Health and Social Services to certify certain individuals to be issued a prescription to administer epinephrine and to possess and administer epinephrine in certain situations.”**

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House Bill 277 allows individuals who have passed a departmentally-approved program to purchase and administer epinephrine.

Epinephrine (adrenalin) is used in emergency situations to combat severe allergic reactions, anaphylactic shock and heart attacks.

It is difficult to foresee the possibility of an allergic reaction when an individual has no known allergies. A victim of an allergic reaction can go into anaphylactic shock and medical attention may not be readily available. During these situations, the administration of epinephrine could be necessary to save a victim's life. Under current statute, the administrator can be held personally liable.

The passage of this bill would increase access to this life-saving medication, maintain and increase available safety measures, and reduce personal liability for acts of good faith.

# ALASKA STATE LEGISLATURE

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REPRESENTATIVE PEGGY WILSON  
HOUSE DISTRICT 2

## Sectional

### Committee Substitute for House Bill 277

**“An Act requiring the Department of Health and Social Services to approve training programs to certify individuals to possess epinephrine and to administer epinephrine in emergency situations; and authorizing certified individuals to obtain a prescription for, purchase, and possess epinephrine, and to administer epinephrine in emergency situations.”**

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#### Section 1:

- An individual who successfully completes training requirements may obtain a prescription for epinephrine, purchase it, and may in an emergency situation administer epinephrine either through epinephrine auto-injectors or ampules.
- Department of Health and Social Services shall approve a set of standards for the training of both epinephrine auto-injectors and ampules.
- Applicability does not apply to an authorized administrator or to someone already prescribed epinephrine.
- Outlines liability of the certified individual.
- Defines “certified individual,” “department,” and “emergency situations.”

26-LS0951\E  
Bullard  
3/22/10

**CS FOR HOUSE BILL NO. 277( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SIXTH LEGISLATURE - SECOND SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVES PEGGY WILSON AND LYNN**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act requiring the Department of Health and Social Services to approve training**  
2 **programs to certify individuals to possess epinephrine and to administer epinephrine in**  
3 **emergency situations; and authorizing certified individuals to obtain a prescription for,**  
4 **purchase, and possess epinephrine, and to administer epinephrine in emergency**  
5 **situations."**

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 **\* Section 1.** AS 17 is amended by adding a new chapter to read:

8 **Chapter 22. Use of Epinephrine in Emergency Situations.**

9 **Sec. 17.22.010. Prescription, purchase, administration, and possession of**  
10 **epinephrine by a trained individual.** An individual who is 18 years of age or older  
11 may obtain a prescription for and purchase, and may, in an emergency situation,  
12 administer epinephrine using

13 (1) an auto-injector, if certified under AS 17.22.020(b); or

(2) an ampule, if certified under AS 17.22.020(c).

**Sec. 17.22.020. Approval of training programs.** (a) The department shall adopt standards for the approval of training and certification programs for the use of

(1) epinephrine auto-injectors; and

(2) epinephrine ampules.

(b) The department shall approve an auto-injector training and certification program that meets standards adopted under (a)(1) of this section. The standards must require an epinephrine auto-injector program to provide training and certification in

(1) techniques on how to recognize symptoms of severe asthmatic or allergic reactions, including anaphylaxis;

(2) standards and procedures for the storage of epinephrine auto-injectors and administration of epinephrine using auto-injectors; and

(3) emergency follow-up procedures.

(c) The department shall approve an epinephrine ampule training and certification program that meets standards adopted under (a)(2) of this section. The standards must require an epinephrine ampule program to provide training and certification in

(1) techniques on how to recognize symptoms of severe asthmatic or allergic reactions, including anaphylaxis;

(2) standards and procedures for the storage of epinephrine ampules and administration of epinephrine using ampules; and

(3) emergency follow-up procedures.

**Sec. 17.22.030. Applicability.** This chapter does not apply to a person who is authorized under another law to administer epinephrine or to a person who is prescribed epinephrine for personal use.

**Sec. 17.22.040. Liability of certified individual.** A claim for relief may not be brought against a certified individual for an act or omission relating to the administration of epinephrine to another individual in an emergency situation if the individual acted in good faith under the authority granted by this chapter.

**Sec. 17.22.090. Definitions.** In this chapter,

(1) "certified individual" means an individual certified by a training

1 program approved by the department under AS 17.20.020;

2 (2) "department" means the Department of Health and Social Services;

3 (3) "emergency situation" means a circumstance where an individual  
4 experiences a severe asthmatic or allergic reaction, including anaphylaxis, that  
5 requires the administration of epinephrine to avoid severe injury or death and where a  
6 licensed health care provider authorized to administer epinephrine is not available.



**HOUSE BILL NO. 277**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES PEGGY WILSON AND LYNN

Introduced: 1/19/10

Referred: Health and Social Services

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act establishing a program in the Department of Health and Social Services to  
2 certify certain individuals to be issued a prescription to administer epinephrine and to  
3 possess and administer epinephrine in certain situations."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* **Section 1.** AS 17 is amended by adding a new chapter to read:

6 **Chapter 22. Certification of Persons to Administer Epinephrine in Emergency**  
7 **Situations.**

8 **Sec. 17.22.010. Training and certification program.** (a) The department  
9 shall establish a program to train and certify persons qualified under AS 17.22.020(a)  
10 to administer epinephrine in emergency situations. The department may adopt  
11 regulations under AS 44.62 (Administrative Procedure Act) to carry out this chapter.

12 (b) The training and certification program described in (a) of this section must  
13 include

14 (1) techniques on how to recognize symptoms of severe allergic

1 reactions, including anaphylaxis;

2 (2) standards and procedures for the storage and administration of  
3 epinephrine auto-injectors;

4 (3) emergency follow-up procedures; and

5 (4) instruction and certification in cardiopulmonary resuscitation.

6 **Sec. 17.22.015. Certification; renewal, suspension, and revocation.** (a) The  
7 department may establish expiration periods for, and requirements and procedures for  
8 renewals of, certificates issued under this chapter, as the department considers  
9 necessary.

10 (b) The department may suspend or revoke a certificate if the department  
11 determines that a person holding a certificate no longer meets the qualifications  
12 established by the department or has failed to provide services or treatment of a  
13 quality acceptable to the department under this chapter.

14 **Sec. 17.22.020. Requirements for certification; authorized activities.** (a) An  
15 applicant for certification shall

16 (1) be 18 years of age or older;

17 (2) as a result of the applicant's professional or volunteer status in an  
18 occupation such as camp counselor or wilderness guide, have, or reasonably expect to  
19 have, responsibility for at least one other person in a remote area where professional  
20 medical care is not immediately available; and

21 (3) successfully complete the training program established by the  
22 department.

23 (b) A person who meets the qualifications of (a) of this section and is certified  
24 by the department under this chapter may, in an emergency situation where a medical  
25 professional is not readily available, administer prescribed epinephrine to a person  
26 experiencing a severe allergic reaction, including anaphylaxis.

27 (c) A person certified by the department to administer emergency treatment  
28 under this chapter may obtain from a physician or any other person or entity  
29 authorized to prescribe epinephrine a prescription for epinephrine auto-injectors.

30 (d) Except as provided under AS 17.22.030, a person not certified to  
31 administer epinephrine under this chapter, a person whose certification is suspended or

1       revoked, or a person whose certification is lapsed may not be issued a prescription to  
2       administer epinephrine to another and may not administer epinephrine to another or  
3       possess epinephrine for administration to another.

4               **Sec. 17.22.025. Prescription of epinephrine.** A person who is currently  
5       certified under this chapter may be issued a prescription to administer epinephrine  
6       from an authorized prescriber.

7               **Sec. 17.22.030. Application of chapter.** Notwithstanding AS 17.22.020(d),  
8       this chapter does not apply to a person or entity authorized under another law to  
9       administer epinephrine.

10              **Sec. 17.22.035. Fees.** The department may collect fees from applicants for  
11       certification and training provided under this chapter.

12              **Sec. 17.22.040. Liability of certificate holder.** A cause of action may not be  
13       brought against a person who holds a certificate under this chapter for an act or  
14       omission of the certificate holder when the certificate holder acted in good faith while  
15       rendering emergency treatment under the authority granted by this chapter, except in  
16       cases of gross negligence.

17              **Sec. AS 17.22.049. Definitions.** In this chapter,

18                      (1) "department" means the Department of Health and Social Services;

19                      (2) "program" means the training and certification program established  
20       by the department for administering epinephrine to certain persons suffering severe  
21       allergic reactions.

# **EXECUTIVE SUMMARY**

## **Introduction**

In 1999 the Washington State Legislature passed the "Kristine Kastner Act" (SHB 1992) requiring the Department of Health, with the respective House and Senate Health Care Committees, to prepare a report on the statewide incidence of anaphylaxis (severe allergic reactions) and the training and care necessary to allow Emergency Medical Technicians (EMTs) to carry and administer epinephrine. This legislation was driven by the concern that EMTs are not currently trained to diagnose the need for epinephrine by emergency patients they encounter. Epinephrine, when appropriately administered to the patient experiencing anaphylaxis or severe allergic reaction, may be required to save the patient's life.

This report includes data on the incidence of anaphylaxis statewide, and information on a pilot training program to determine the training and care standards necessary for EMTs to carry and administer epinephrine. Also included is an estimate of costs to provide that training. Recommendations are provided on the identification of any mitigating circumstances such as age, patient care protocols and specific signs and symptoms required to determine whether to administer epinephrine.

## **Recommendations**

### ***Education and Training -***

- Training EMTs to safely administer epinephrine to anaphylaxis patients less than 30 years old must:
  - include no less than two hours didactic time;
  - include department-approved educational objectives; and
  - include a written and practical assessment of each EMT by the instructor.
- Instructors of new epinephrine material must be recommended by the county EMS Medical Program Director (Physician responsible for oversight of EMS personnel in each county) and approved by DOH.
- To maintain effective quality assurance of EMT performance, medical program directors must evaluate and report to DOH every use of epinephrine by EMTs and any anaphylaxis death in their monthly report.
- To retain knowledge and skill competency, each EMT's required Continuing Medical Education must include the use of epinephrine for anaphylaxis during each certification period (3 years).

### ***Supplies -***

All licensed basic life support vehicles must carry at least one adult and one pediatric auto-injector of 1:1000 epinephrine for anaphylaxis.

### ***Mitigating Factors -***

#### **Age Factors:**

- Based upon the limits of the pilot program, for patients who do not have a prescription or parental request, we recommend epinephrine be administered to persons under the age of 30.

#### **Signs & Symptoms:**

- To ensure safe administration of epinephrine to persons, EMTs may only administer epinephrine when signs and/or symptoms of anaphylaxis include respiratory distress or hypoperfusion.

#### **Medical Control**

- Usual medical program director specific methods of on-line/offline medical control will be followed.

From: Mike Motti [mailto:mikemotti@mac.com]  
Sent: Friday, January 22, 2010 9:06 AM  
To: Rep. Peggy Wilson  
Subject: HB 277

Rep Wilson: I fully support this bill. I have been involved in EMS in Alaska since 1973 and have been teaching wilderness medicine for 20 years. However, as currently written, the Department is going to attach a huge fiscal note to the bill. I respectfully suggest that the wording be changed to direct the Section of EMS and Emergency Preparedness to approve the TRAINING COURSES, and that anyone showing a current certification card for one of these courses be allowed to purchase epinephrine without a prescription.

Right now the State EMS Training Committee approves CPR courses. They meet 3 times a year, and could approve epi training courses during their meetings without any significant expense to the State.

Respectfully,

Mike Motti  
Sitka, Alaska

From: messa@mtaonline.net

I am writing to ask that you have HB277 CERTIFY EMERGENCY USE OF EPINEPHRINE heard and voted on this session. I recently received my Wilderness First Responder (WFR) Certification. The reason I took the course is that I work in wilderness settings, for many years, as an outdoor educator with youth. I have been very fortunate to not have a trip go bad from an emergency stand point. I have come close a few times. A big worry I have is the need to treat Anaphylaxis or Severe Asthma in the field. Many of my clients have Epinephrine (Epi)prescribed to them and they carry it. There are other clients that may not know they have the predisposition to Anaphylaxis. The way the law is now I cannot administer Epi to this person because it is not prescribed to them. If I had a physicians order on hand I could, but in todays litigious society most physicians won't stick their neck out. I also subject my clients to stress, new environments and new natural vegetation (nature). These things can exacerbate Asthma to severe levels. Epi would give my Asthmatic clients a fighting chance if a severe attack occurs. I dread the day when, under the current law, I have to make a chance at life with the use of Epi or death because I am not allowed, by law, to administer the drug to my client. Please support HB277 and the many people who enjoy the wilds of Alaska. Thank You. Roger Gossett (907)746-3181.

~ Roger Gossett

Zip Code: 99645

Voter ID: I have one

The curriculum for training of people to deliver epi via epi pen has been developed by the American Heart Association, Wilderness Medical Society and the Red Cross. These plans are geared to the general public, are included with CPR instruction and would suit the requirements for training for the proposed bill.

I think that the Department should be able to review and endorse any or all of these nationally approved training modules to do the job.

If there are any other questions I can help with, let me know.

Bobbi Leichty, Director  
SEREMS  
907-747-8005



Here are summaries of enacted New Jersey and Utah laws from 2007 and 2008. These are specific to epinephrine administration. There are some bills specific to peanut allergies that have not been included in this list.

#### New Jersey

##### School allergy - Student Epinephrine Administration

(2006) NJ S  
79 **SPONSOR:** Kean  
**COSPONSOR(S):** Turner, Coniglio, Sarlo, Martin, Asselta N, McNamara, Sweeney  
**TITLE:** Student Epinephrine Administration  
**INTRODUCED:** 01/10/2006  
**ENACTED:** 03/16/2007  
**DISPOSITION:** Enacted  
**LOCATION:** Chaptered  
**CHAPTER:** 2007-57  
**SUMMARY:**  
Clarifies law concerning the emergency administration of epinephrine to students for anaphylaxis, increases number of delegates trained to administer epinephrine; requires a plan to reduce student exposure to allergens.  
**STATUS:**  
03/16/2007 Signed by GOVERNOR.  
03/16/2007 Chapter No. 2007-57

##### Utah - epi-pen use for Anaphylactic Reaction

(2007) UT H  
56 **AUTHOR:** Kiser  
**TITLE:** Emergency Injection for Anaphylactic Reaction Act  
**INTRODUCED:** 01/15/2007  
**ENACTED:** 03/07/2007  
**DISPOSITION:** Enacted  
**LOCATION:** Chaptered  
**CHAPTER:** 037  
**SUMMARY:**  
Amends the Emergency Injection for Anaphylactic Reaction Act; authorizes the Department of Health to approve training programs for the use and storage of epinephrine auto-injectors in an emergency; authorizes the department to conduct educational programs to train people in the use and storage of EPI pens; establishes a standard for when a person has a need for training in the use of epinephrine auto-injectors; authorizes a trained person to obtain a prescription for the auto-injector.  
**STATUS:**  
04/02/2007 Chaptered. Chapter No. 037

(2008) UT H  
101 **AUTHOR:** Kiser  
**TITLE:** Anaphylactic Emergency Injections  
**INTRODUCED:** 01/21/2008  
**ENACTED:** 03/14/2008  
**DISPOSITION:** Enacted  
**LOCATION:** Chaptered  
**CHAPTER:** 064  
**SUMMARY:**  
Provides that a school, school board, or school official may not prohibit or dissuade a teacher or other school employee from possessing, storing, administering, or receiving training to administer an epinephrine auto-injector; requires schools to make an emergency epinephrine auto-injector available to any qualified employee; requires primary and secondary school training regarding the storage and use of an epinephrine auto-injector to a teacher or school employee who volunteers to take the training.  
**STATUS:**  
04/02/2008 Chaptered. Chapter No. 064

The following are recently enacted laws:

New York - school allergy

**New York AB 4051 (Enacted 8/15/2007)**

The law enacts the Food Allergy and Anaphylaxis Management Act. The law requires that an anaphylactic policy is established for school districts for the prevention and treatment of anaphylaxis.

(2007) NY A **SPONSOR:** Rivera J  
4051 **TITLE:** Food Allergy and Anaphylaxis Management Act  
**INTRODUCED:** 01/31/2007  
**ENACTED:** 08/15/2007  
**DISPOSITION:** Enacted  
**LOCATION:** Chaptered  
**CHAPTER:** 579  
**SUMMARY:**

Enacts Food Allergy and Anaphylaxis Management Act; provides for the establishment of an anaphylactic policy for school districts for the prevention of anaphylaxis and during a medical emergency resulting from anaphylaxis.

**STATUS:**

08/15/2007 Signed by GOVERNOR.  
08/15/2007 Chapter No. 579

Nevada – School based administration of anaphylaxis medications – enacted

**NV AB 182** **Requires principals and school nurses to allow pupils to self-administer prescribed medications for asthma and anaphylaxis under certain circumstances**

Relating to pupils; requiring a principal or a school nurse of a public school to allow pupils to self-administer prescribed medications for asthma and anaphylaxis under certain circumstances; and providing other matters properly relating thereto. (9.6 KB)

Matches:  
allergen,  
allergic, allergy,  
food

05/09/2005 Approved by the Governor. Chapter 43.

Below is some additional information on the web site of the food allergy and anaphylaxis network, including training materials about how to use an epi-pen and permission/planning forms for who may administer in an emergency:

<http://www.foodallergy.org/section/schoolchildcare>

<http://www.foodallergy.org/page/food-allergy-action-plan1>

<http://www.foodallergy.org/files/FAAP.pdf>

Also, there was federal legislation proposed in 2009:

**At the federal level, the Food Allergy and Anaphylaxis Management Act (FAAMA),** which calls for voluntary national guidelines to help schools manage students affected by food allergy and anaphylaxis is pending:  
S.456 and HR.1378.