

[First Reprint]

**ASSEMBLY, No. 4094**

**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

INTRODUCED JANUARY 13, 2015

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**SYNOPSIS**

Permits administration of epinephrine auto-injector device by persons who complete approved educational program.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Health and Senior Services Committee on March 2, 2015, with amendments.

(Sponsorship Updated As Of: 12/8/2015)

1 AN ACT concerning access to epinephrine auto-injectors and  
 2 supplementing Title 24 of the Revised Statutes.

3  
 4 **BE IT ENACTED** by the Senate and General Assembly of the State  
 5 of New Jersey:

6  
 7 <sup>1</sup>1. This act shall be known and may be cited as the  
 8 “Epinephrine Access and Emergency Treatment Act.”<sup>1</sup>

9  
 10 <sup>1</sup>2. The Legislature finds and declares that:

11 a. Insect and food allergies are the leading cause of  
 12 anaphylaxis, a life-threatening condition that is easily treatable with  
 13 epinephrine, a medication only available via prescription;

14 b. Individuals who are known to be at risk of anaphylaxis may  
 15 carry emergency doses of epinephrine with them at all times.  
 16 However, many individuals may not be aware of their allergy and  
 17 therefore do not carry epinephrine medication;

18 c. New Jersey offers a broad array of outdoor, cultural, and  
 19 culinary experiences which may expose its citizens to different  
 20 kinds of insects and foods for the first time;

21 d. Exposure to insects or food resulting in an allergic reaction  
 22 may occur in settings, such as youth camps, where medical  
 23 professionals or first responders are not available to provide  
 24 emergency care for anaphylaxis;

25 e. The State of New Jersey, at P.L.1997, c.368 (C.18A:40-12.5  
 26 et seq.) and P.L.2013, c.211 (C.18A:61D-11 et seq.), has already  
 27 recognized the value of training non-medical professionals to  
 28 administer this life-saving drug in K-12 educational settings and  
 29 institutions of higher education when a medical professional is not  
 30 physically present at the scene; and

31 f. It is prudent to similarly provide members of the public who  
 32 have completed an approved training course with the tools  
 33 necessary to respond to emergency anaphylaxis situations when  
 34 assistance from medical professionals and first responders is not  
 35 readily available.<sup>1</sup>

36  
 37 <sup>1</sup>[1.] <sup>3</sup>.<sup>1</sup> As used in this act <sup>1</sup>["health]

38 “Commissioner” means the Commissioner of Health.

39 “Health<sup>1</sup> care professional” means a <sup>1</sup>licensed<sup>1</sup> physician,  
 40 physician assistant, advanced practice nurse, pharmacist, or other  
 41 health care professional whose professional practice is regulated  
 42 pursuant to Title 45 of the Revised Statutes and whose <sup>1</sup>authorized<sup>1</sup>  
 43 scope of practice includes prescribing, dispensing, or administering  
 44 <sup>1</sup>["epinephrine auto-injector devices] medication, whether

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AHE committee amendments adopted March 2, 2015.

1 independently or through a joint protocol or standing order from a  
2 physician<sup>1</sup>.

3  
4 <sup>1</sup>~~2.~~ 4. a.<sup>1</sup> Any person who has successfully completed an  
5 educational program approved by the <sup>1</sup>~~Commissioner of Health~~  
6 commissioner<sup>1</sup> pursuant to section <sup>1</sup>~~3 of P.L. , c. (C. )~~  
7 (pending before the Legislature as this bill) <sup>1</sup>5 of this act<sup>1</sup> to  
8 administer an epinephrine auto-injector device shall be  
9 <sup>1</sup>~~authorized~~ issued a certificate of completion, which shall  
10 authorize the person<sup>1</sup> to administer, maintain, and dispose of an  
11 epinephrine auto-injector device.

12 <sup>1</sup>~~This section shall not apply to a health care professional who~~  
13 ~~is authorized to administer an epinephrine auto-injector device in~~  
14 ~~the course of the professional's practice or to an emergency medical~~  
15 ~~technician who is certified to administer an epinephrine auto-~~  
16 ~~injector device pursuant to P.L.2003, c.1 (C.26:2K-47.1 et seq.)~~<sup>1</sup>

17 b. A licensed health care professional may prescribe or  
18 dispense an epinephrine auto-injector device, either directly or  
19 through a standing order, to a person authorized to administer,  
20 maintain, and dispose of the device pursuant to subsection a. of this  
21 section.

22 c. An entity employing a person authorized to administer,  
23 maintain, and dispose of an epinephrine auto-injector device  
24 pursuant to subsection a. of this section may obtain, maintain, and  
25 make available to the authorized person epinephrine auto-injector  
26 devices consistent with such standards and protocols as the  
27 commissioner may establish by regulation<sup>1</sup>.

28  
29 <sup>1</sup>~~3.~~ 5.<sup>1</sup> The commissioner shall establish written standards  
30 and application procedures for approval of educational programs for  
31 the safe administration of epinephrine using an auto-injector device.  
32 An educational program shall include training in the administration  
33 of epinephrine auto-injector devices, recognition of the symptoms  
34 of anaphylaxis, safe maintenance and storage of epinephrine auto-  
35 injector devices, and such other information as the commissioner  
36 deems necessary.

37  
38 <sup>1</sup>~~4.~~ A health care professional shall be authorized, consistent  
39 with the scope of that professional's practice, to prescribe or  
40 dispense an epinephrine auto-injector device, either directly or  
41 through a standing order, to a person authorized to administer,  
42 maintain, and dispose of the device pursuant to section 2 of  
43 P.L. , c. (C. ) (pending before the Legislature as this  
44 bill), or to an entity employing such person if administration of an  
45 epinephrine auto-injector device is within the scope of the person's  
46 employment.<sup>1</sup>

47

1 <sup>1</sup>~~5.~~ 6.<sup>1</sup> a. A health care professional shall not, as a result of  
2 the professional's acts or omissions, be subject to any civil liability  
3 or any professional disciplinary action under Title 45 of the Revised  
4 Statutes <sup>1</sup>~~for prescribing or dispensing an epinephrine auto-~~  
5 ~~injector device consistent with section 4 of P.L. , c. (C. )~~  
6 ~~(pending before the Legislature as this bill)~~ for any act or omission  
7 which is undertaken in good faith in accordance with this act<sup>1</sup>.

8 b. A person authorized to administer, maintain, or dispose of an  
9 epinephrine auto-injector device under <sup>1</sup>~~subsection a. of~~<sup>1</sup> section  
10 <sup>1</sup>~~2 of P.L. , c. (C. )~~ ~~(pending before the Legislature as~~  
11 ~~this bill)~~ 4 of this act<sup>1</sup> who, in good faith and without fee,  
12 administers an epinephrine auto-injector device to a person who  
13 appears to be suffering from anaphylaxis or any other serious  
14 condition treatable with epinephrine shall not, as a result of the  
15 person's acts or omissions, be subject to any civil liability for  
16 administering the device consistent with this act.

17 <sup>1</sup>c. An entity authorized to obtain, maintain, and make available  
18 epinephrine auto injector devices to a person employed by the entity  
19 pursuant to subsection c. of section 4 of this act shall not, as a result  
20 of the entity's acts or omissions, be subject to any civil liability for  
21 any act or omission which is undertaken in good faith in accordance  
22 with this act.

23 d. A person or entity conducting an educational program  
24 approved by the commissioner as provided in section 5 of this act  
25 shall not be subject to any civil liability for any act or omission  
26 which is undertaken in accordance with this act.

27 e. For the purposes of this section, good faith does not include  
28 willful misconduct, gross negligence, or recklessness.<sup>1</sup>

29  
30 <sup>1</sup>7. Nothing in this act shall be construed to:

31 a. permit a person who has completed a training program  
32 pursuant to this act to perform the duties or fill the position of a  
33 licensed medical professional;

34 b. prohibit the administration of an epinephrine auto-injector  
35 device by a person acting pursuant to a lawful prescription;

36 c. prevent a licensed and qualified member of a health care  
37 profession from administering an epinephrine auto-injector device if  
38 the duties are consistent with the accepted standards of practice  
39 applicable to the member's profession; or

40 d. violate the "Athletic Training Licensure Act," P.L.1984,  
41 c.203 (C.45:9-37.35 et seq.) in the event that a licensed athletic  
42 trainer administers epinephrine as authorized pursuant to this act.<sup>1</sup>

43  
44 <sup>1</sup>~~6.~~ 8.<sup>1</sup> This act shall take effect on the 120th day after  
45 enactment, but the Commissioner of Health may take such  
46 anticipatory administrative action in advance as shall be necessary  
47 for the implementation of this act.