

ASSEMBLY, No. 1506

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman KEVIN J. ROONEY

District 40 (Bergen, Essex, Morris and Passaic)

SYNOPSIS

Extends “Epinephrine Access and Emergency Treatment Act” to include administration of epinephrine auto-injector devices by individuals in possession of devices pursuant to personal prescriptions.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning epinephrine auto-injector devices and
2 amending P.L.2015, c.215.

3

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

6

7 1. Section 4 of P.L.2015, c.215 (C.24:6L-4) is amended to read
8 as follows:

9 4. a. Any person who has successfully completed an
10 educational program approved by the commissioner pursuant to
11 section 5 of this act to administer an epinephrine auto-injector
12 device shall be issued a certificate of completion, which shall
13 authorize the person to administer, maintain, and dispose of an
14 epinephrine auto-injector device.

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

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

26 d. Any person who is in possession of an epinephrine auto-
27 injector device pursuant to a valid prescription issued to that person
28 or to a minor child of the person shall be authorized to administer
29 the epinephrine auto-injector device to any person who appears to
30 be suffering from anaphylaxis or any other serious condition
31 treatable with epinephrine.

32 (cf: P.L.2015, c.215, s.4)

33

34 2. Section 6 of P.L.2015, c.215 (C.24:6L-6) is amended to read
35 as follows:

36 6. a. A health care professional shall not, as a result of the
37 professional's acts or omissions, be subject to any civil liability or
38 any professional disciplinary action under Title 45 of the Revised
39 Statutes for any act or omission which is undertaken in good faith in
40 accordance with this act.

41 b. A person authorized to administer, maintain, or dispose of an
42 epinephrine auto-injector device under subsection a. of section 4 of
43 this act or pursuant to a valid prescription for the device issued to
44 the person or to a minor child of the person who, in good faith and
45 without fee, administers an epinephrine auto-injector device to a

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.

1 person who appears to be suffering from anaphylaxis or any other
2 serious condition treatable with epinephrine shall not, as a result of
3 the person's acts or omissions, be subject to any civil liability for
4 administering the device consistent with this act.

5 c. An entity authorized to obtain, maintain, and make available
6 epinephrine auto injector devices to a person employed by the entity
7 pursuant to subsection c. of section 4 of this act shall not, as a result
8 of the entity's acts or omissions, be subject to any civil liability for
9 any act or omission which is undertaken in good faith in accordance
10 with this act.

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

15 e. For the purposes of this section, good faith does not include
16 willful misconduct, gross negligence, or recklessness.

17 (cf: P.L.2015, c.215, s.6)

18

19 3. This act shall take effect immediately.

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22 STATEMENT

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24 This bill revises the provisions of the “Epinephrine Access and
25 Emergency Treatment Act” to allow any person who is in
26 possession of an epinephrine auto-injector device pursuant to a
27 valid prescription that was issued to the person, or to a minor child
28 of the person, to administer the auto-injector device to any
29 individual who appears to be suffering from anaphylaxis or any
30 other serious condition that is treatable with epinephrine. The
31 person would not be subject to civil liability for administering the
32 device in good faith and without fee.

33 Currently, the “Epinephrine Access and Emergency Treatment
34 Act” permits any person to obtain, administer, maintain, and
35 dispose of epinephrine auto-injector devices upon completing an
36 educational program approved by the Commissioner of Health.
37 However, current law does not explicitly allow individuals in
38 possession of a device pursuant to a prescription issued to that
39 person or a minor child of the person to administer the device to
40 another individual in an emergency. It is the sponsor’s belief that
41 extending the scope of the “Epinephrine Access and Emergency
42 Treatment Act” in this way will help promote access to this life-
43 saving medication and encourage individuals in possession of the
44 devices to administer them in emergency situations.