

SENATE, No. 3142

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED NOVEMBER 5, 2020

Sponsored by:

Senator JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

SYNOPSIS

Expands epinephrine access laws to include epinephrine nasal sprays.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/14/2021)

1 **AN ACT** concerning epinephrine and amending various parts of the
2 statutory law.

3

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

6

7 1. Section 1 of P.L.1997, c.368 (C.18A:40-12.5) is amended to
8 read as follows:

9 1. Each board of education or chief school administrator of a
10 nonpublic school shall develop a policy in accordance with the
11 guidelines established by the Department of Education pursuant to
12 section 4 of P.L.2007, c.57 (C.18A:40-12.6a) for the emergency
13 administration of epinephrine via a pre-filled auto-injector
14 mechanism or nasal spray to a pupil for anaphylaxis provided that:

15 a. the parents or guardians of the pupil provide to the board of
16 education or chief school administrator of a nonpublic school
17 written authorization for the administration of the epinephrine;

18 b. the parents or guardians of the pupil provide to the board of
19 education or chief school administrator of a nonpublic school
20 written orders from the physician or advanced practice nurse that
21 the pupil requires the administration of epinephrine for anaphylaxis;

22 c. the board or chief school administrator of a nonpublic school
23 informs the parents or guardians of the pupil in writing that the
24 district and its employees or agents or the nonpublic school and its
25 employees or agents shall have no liability as a result of any injury
26 arising from the administration of the epinephrine via a pre-filled
27 auto-injector mechanism or nasal spray;

28 d. the parents or guardians of the pupil sign a statement
29 acknowledging their understanding that the district or the nonpublic
30 school shall have no liability as a result of any injury arising from
31 the administration of the epinephrine via a pre-filled auto-injector
32 mechanism or nasal spray to the pupil and that the parents or
33 guardians shall indemnify and hold harmless the district and its
34 employees or agents or the nonpublic school and its employees or
35 agents against any claims arising out of the administration of the
36 epinephrine via a pre-filled auto-injector mechanism or nasal spray;
37 and

38 e. the permission is effective for the school year for which it is
39 granted and is renewed for each subsequent school year upon
40 fulfillment of the requirements in subsections a. through d. of this
41 section.

42 The policy developed by a board of education or chief school
43 administrator of a nonpublic school shall require:

44 (1) the placement of a pupil's prescribed epinephrine in a secure
45 but unlocked location easily accessible by the school nurse and

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 designees to ensure prompt availability in the event of an allergic
2 emergency at school or at a school-sponsored function. The
3 location of the epinephrine shall be indicated on the pupil's
4 emergency care plan. Back-up epinephrine via a pre-filled auto-
5 injector mechanism, epinephrine nasal spray, or both, shall also be
6 available at the school if needed;

7 (2) the school nurse or designee to be promptly available on site
8 at the school and school-sponsored functions in the event of an
9 allergic reaction; and

10 (3) the transportation of the pupil to a hospital emergency room
11 by emergency services personnel after the administration of
12 epinephrine, even if the pupil's symptoms appear to have resolved.

13 f. The policy developed by a board of education or chief
14 school administrator of a nonpublic school shall also:

15 (1) permit the school nurse or trained designee to administer
16 epinephrine via a pre-filled auto-injector mechanism or nasal spray
17 to any pupil without a known history of anaphylaxis or any pupil
18 whose parent or guardian has not met the requirements of
19 subsections a., b., and d. of this section and has not received the
20 notice required pursuant to subsection c. of this section when the
21 nurse or designee in good faith believes that the pupil is having an
22 anaphylactic reaction; and

23 (2) require each public and nonpublic school to maintain in a
24 secure but unlocked and easily accessible location a supply of
25 epinephrine auto-injectors and epinephrine nasal sprays that is
26 prescribed under a standing protocol from a licensed physician or
27 an advanced practice nurse, and is accessible to the school nurse
28 and trained designees for administration to a pupil having an
29 anaphylactic reaction.

30 (cf: P.L.2015, c.13, s.1)

31
32 2. Section 2 of P.L.1997, c.368 (C.18A:40-12.6) is amended to
33 read as follows:

34 2. The policy for the administration of medication to a pupil
35 shall provide that the school nurse shall have the primary
36 responsibility for the administration of the epinephrine. The school
37 nurse shall designate, in consultation with the board of education, or
38 chief school administrator of a nonpublic school additional
39 employees of the school district or nonpublic school who volunteer
40 to administer epinephrine via a pre-filled auto-injector mechanism
41 or nasal spray to a pupil for anaphylaxis when the nurse is not
42 physically present at the scene. In the event that a licensed athletic
43 trainer volunteers to administer epinephrine, it shall not constitute a
44 violation of the "Athletic Training Licensure Act," P.L.1984, c.203
45 (C.45:9-37.35 et seq.).

46 Except as otherwise provided pursuant to subsection f. of section
47 1 of P.L.1997, c.368 (C.18A:40-12.5), the school nurse shall
48 determine that:

- 1 a. the designees have been properly trained in the
2 administration of the epinephrine via a pre-filled auto-injector
3 mechanism, nasal spray, or both, using standardized training
4 protocols established by the Department of Education in
5 consultation with the Department of Health;
- 6 b. the parents or guardians of the pupil consent in writing to the
7 administration of the epinephrine via a pre-filled auto-injector
8 mechanism or nasal spray by the designees;
- 9 c. the board or chief school administrator of a nonpublic school
10 informs the parents or guardians of the pupil in writing that the
11 district and its employees or agents or the nonpublic school and its
12 employees and agents shall have no liability as a result of any injury
13 arising from the administration of the epinephrine to the pupil;
- 14 d. the parents or guardians of the pupil sign a statement
15 acknowledging their understanding that the district or nonpublic
16 school shall have no liability as a result of any injury arising from
17 the administration of the epinephrine via a pre-filled auto-injector
18 mechanism or nasal spray to the pupil and that the parents or
19 guardians shall indemnify and hold harmless the district and its
20 employees or agents against any claims arising out of the
21 administration of the epinephrine via a pre-filled auto-injector
22 mechanism or nasal spray to the pupil; and
- 23 e. the permission is effective for the school year for which it is
24 granted and is renewed for each subsequent school year upon
25 fulfillment of the requirements in subsections a. through d. of this
26 section.
- 27 The Department of Education, in consultation with the
28 Department of Health, shall require trained designees for students
29 enrolled in a school who may require the emergency administration
30 of epinephrine for anaphylaxis when the school nurse is not
31 available.
- 32 Nothing in this section shall be construed to prohibit the
33 emergency administration of epinephrine via a pre-filled auto-
34 injector mechanism or nasal spray to a pupil for anaphylaxis by the
35 school nurse or other employees designated pursuant to this section
36 when the pupil is authorized to self-administer epinephrine pursuant
37 to section 1 of P.L.1993, c.308 (C.18A:40-12.3), or when there is a
38 coexisting diagnosis of asthma, or when a prescription is received
39 from a licensed health care professional for epinephrine coupled
40 with another form of medication, or when the epinephrine is
41 administered pursuant to subsection f. of section 1 of
42 P.L.1997, c.368 (C.18A:40-12.5).
43 (cf: P.L.2015, c.13, s.2)
44
- 45 3. Section 3 of P.L.2013, c.211 (C.18A:61D-13) is amended to
46 read as follows:

1 3. As used in this act:

2 "Institution of higher education" means a public or independent
3 institution of higher education.

4 "Licensed campus medical professional" means a physician,
5 physician assistant, advanced practice nurse, or registered nurse
6 who is appropriately licensed by the State of New Jersey and is
7 designated by an institution of higher education to oversee the
8 institution's epinephrine administration and training program.

9 "Member of the campus community" means an individual who is
10 a student, faculty, or staff member of an institution of higher
11 education.

12 "Secretary" means the Secretary of Higher Education.

13 "Trained designee" means a member of the campus community
14 trained by a licensed campus medical professional in the emergency
15 administration of epinephrine via a pre-filled auto-injector
16 mechanism, nasal spray, or both.

17 (cf: P.L.2013, c.211, s.3)

18

19 4. Section 4 of P.L.2013, c.211 (C.18A:61D-14) is amended to
20 read as follows:

21 4. a. An institution of higher education may develop a policy,
22 in accordance with the guidelines established by the secretary
23 pursuant to section 6 of P.L.2013, c.211 (C.18A:61D-16), for the
24 emergency administration of epinephrine via a pre-filled auto-
25 injector mechanism, nasal spray, or both to a member of the campus
26 community for anaphylaxis when a medical professional is not
27 available. The policy shall:

28 (1) permit a trained designee, under the guidance of a licensed
29 campus medical professional, to administer epinephrine via a pre-
30 filled auto-injector mechanism or nasal spray to a member of the
31 campus community for whom the designee is responsible, when the
32 designee in good faith believes that the member of the campus
33 community is having an anaphylactic reaction;

34 (2) permit a trained designee, when responsible for the safety of
35 one or more members of the campus community, to carry in a
36 secure but easily accessible location a supply of pre-filled
37 epinephrine auto-injectors and epinephrine nasal sprays that is
38 prescribed under a standing protocol from a licensed physician; and

39 (3) provide that the licensed campus medical professional shall
40 have responsibility for: training designees on how to identify an
41 anaphylactic reaction, how to identify the indications for when to
42 use epinephrine, and how to administer epinephrine via a pre-filled
43 auto-injector mechanism, nasal spray, or both; and distributing
44 prescribed pre-filled epinephrine auto-injectors and epinephrine
45 nasal sprays to trained designees.

46 b. Each institution of higher education that develops a policy
47 pursuant to subsection a. of this section shall designate a physician,
48 physician assistant, advanced practice nurse, or registered nurse

1 who is appropriately licensed by the State of New Jersey to serve as
2 the licensed campus medical professional.

3 c. A licensed campus medical professional is authorized to:

4 (1) establish and administer a standardized training protocol for
5 the emergency administration of epinephrine by trained designees;

6 (2) ensure that trained designees have satisfactorily completed
7 the training protocol;

8 (3) obtain a supply of pre-filled epinephrine auto-injectors,
9 epinephrine nasal sprays, or both, under a standing protocol from a
10 licensed physician; and

11 (4) control distribution to trained designees of pre-filled
12 epinephrine auto-injectors and epinephrine nasal sprays.

13 (cf: P.L.2013, c.211, s.4)

14

15 5. Section 8 of P.L.2013, c.211 (C.18A:61D-18) is amended to
16 read as follows:

17 8. Nothing in this act shall be construed to:

18 a. permit a trained designee to perform the duties or fill the
19 position of a licensed medical professional;

20 b. prohibit the administration of a pre-filled epinephrine auto-
21 injector mechanism or epinephrine nasal spray by a person acting
22 pursuant to a lawful prescription;

23 c. prevent a licensed and qualified member of a health care
24 profession from administering a pre-filled epinephrine auto-injector
25 mechanism or epinephrine nasal spray if the duties are consistent
26 with the accepted standards of the member's profession; or

27 d. violate the "Athletic Training Licensure Act,"
28 P.L.1984, c.203 (C.45:9-37.35 et seq.) in the event that a licensed
29 athletic trainer administers epinephrine to a member of the campus
30 community as a trained designee pursuant to this act.

31 (cf: P.L.2013, c.211, s.8)

32

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

35 4. a. Any person who has successfully completed an
36 educational program approved by the commissioner pursuant to
37 section 5 of this act to administer **[an]** epinephrine using an auto-
38 injector device or an epinephrine nasal spray shall be issued a
39 certificate of completion, which shall authorize the person to
40 administer, maintain, and dispose of an epinephrine auto-injector
41 device or epinephrine nasal spray.

42 b. A licensed health care professional may prescribe or
43 dispense an epinephrine auto-injector device or nasal spray, either
44 directly or through a standing order, to a person authorized to
45 administer, maintain, and dispose of the device or nasal spray
46 pursuant to subsection a. of this section.

47 c. An entity employing a person authorized to administer,
48 maintain, and dispose of an epinephrine auto-injector device or

1 epinephrine nasal spray pursuant to subsection a. of this section
2 may obtain, maintain, and make available to the authorized person
3 epinephrine auto-injector devices or epinephrine nasal sprays, as
4 applicable, consistent with such standards and protocols as the
5 commissioner may establish by regulation.

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

7
8 7. Section 5 of P.L.2015, c.215 (C.24:6L-5) is amended to read
9 as follows:

10 5. The commissioner shall establish written standards and
11 application procedures for approval of educational programs for the
12 safe administration of epinephrine using an auto-injector device or
13 an epinephrine nasal spray. An educational program shall include
14 training in the administration of epinephrine using auto-injector
15 devices, nasal sprays, or both, recognition of the symptoms of
16 anaphylaxis, safe maintenance and storage of epinephrine auto-
17 injector devices and nasal sprays, as applicable, and such other
18 information as the commissioner deems necessary.

19 (cf: P.L.2015, c.215, s.5)

20
21 8. Section 6 of P.L.2015, c.215 (C.24:6L-6) is amended to read
22 as follows:

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

28 b. A person authorized to administer, maintain, or dispose of an
29 epinephrine auto-injector device or epinephrine nasal spray under
30 subsection a. of section 4 of this act who, in good faith and without
31 fee, administers an epinephrine auto-injector device or epinephrine
32 nasal spray to a person who appears to be suffering from
33 anaphylaxis or any other serious condition treatable with
34 epinephrine shall not, as a result of the person's acts or omissions,
35 be subject to any civil liability for administering the device or nasal
36 spray consistent with this act.

37 c. An entity authorized to obtain, maintain, and make available
38 epinephrine auto injector devices and epinephrine nasal sprays to a
39 person employed by the entity pursuant to subsection c. of section 4
40 of this act shall not, as a result of the entity's acts or omissions, be
41 subject to any civil liability for any act or omission which is
42 undertaken in good faith in accordance with this act.

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

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

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

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

7 7. Nothing in this act shall be construed to:

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

11 b. prohibit the administration of an epinephrine auto-injector
12 device or epinephrine nasal spray by a person acting pursuant to a
13 lawful prescription;

14 c. prevent a licensed and qualified member of a health care
15 profession from administering an epinephrine auto-injector device
16 or epinephrine nasal spray if the duties are consistent with the
17 accepted standards of practice applicable to the member's
18 profession; or

19 d. violate the "Athletic Training Licensure Act,"
20 P.L.1984, c.203 (C.45:9-37.35 et seq.) in the event that a licensed
21 athletic trainer administers epinephrine as authorized pursuant to
22 this act.

23 (cf: P.L.2015, c.215, s.7)

24
25 10. Section 2 of P.L.2003, c.1 (C.26:2K-47.2) is amended to
26 read as follows:

27 2. a. An emergency medical technician who has been certified
28 by the commissioner pursuant to subsection b. of this section to
29 administer an epinephrine auto-injector device or epinephrine nasal
30 spray shall administer, maintain and dispose of the device or nasal
31 spray in accordance with rules and regulations adopted by the
32 commissioner.

33 Each administration of an epinephrine auto-injector device or
34 epinephrine nasal spray pursuant to this act shall be reported to the
35 Department of Health in a manner determined by the commissioner.

36 b. The commissioner shall establish written standards and
37 application procedures which an emergency medical technician
38 shall meet in order to obtain certification. The commissioner shall
39 certify a candidate who: provides evidence of satisfactory
40 completion of an educational program which is approved by the
41 commissioner and includes training in the administration of
42 epinephrine auto-injector devices, epinephrine nasal sprays, or both;
43 and passes an examination in the administration of the devices,
44 nasal sprays, or both, as applicable, which is approved by the
45 commissioner.

46 c. The commissioner shall maintain a registry of all persons
47 certified pursuant to this section, which shall include, but not be
48 limited to:

- 1 (1) the person's name and residence; and
- 2 (2) the date that certification was granted.

3 d. The commissioner shall annually compile a list of
4 emergency medical technicians who have obtained certification to
5 administer an epinephrine auto-injector device or epinephrine nasal
6 spray pursuant to this section, which shall be available to the public.

7 e. A fee may be charged to a person enrolled in an educational
8 program approved by the department which includes training in the
9 administration of an epinephrine auto-injector device, epinephrine
10 nasal spray, or both, in order to cover the cost of training and
11 testing for certification pursuant to this section, if the entity that
12 provides the educational program is not reimbursed for the cost of
13 that training and testing from the "Emergency Medical Technician
14 Training Fund" established pursuant to section 3 of P.L.1992, c.143
15 (C.26:2K-56).

16 (cf: P.L.2012, c.17, s.280)

17

18 11. Section 3 of P.L.2003, c.1 (C.26:2K-47.3) is amended to
19 read as follows:

20 3. Notwithstanding the provisions of any other law to the
21 contrary, an emergency medical technician, first aid, ambulance or
22 rescue squad, or other entity employing the services of an
23 emergency medical technician certified to administer an
24 epinephrine auto-injector device or epinephrine nasal spray
25 pursuant to section 2 of this act may purchase, store or transport the
26 devices or nasal sprays, as applicable, pursuant to an agreement
27 with an emergency medical service, a hospital or a State licensed
28 physician trained in emergency medicine, for the purpose of
29 providing basic life support services as defined in section 1 of
30 P.L.1985, c.351 (C.26:2K-21).

31 (cf: P.L.2003, c.1, s.3)

32

33 12. Section 5 of P.L.2003, c.1 (C.26:2K-47.5) is amended to
34 read as follows:

35 5. A person shall not advertise or disseminate information to
36 the public that the person is certified to use an epinephrine auto-
37 injector device or epinephrine nasal spray unless the person is
38 authorized to do so pursuant to this act.

39 (cf: P.L.2003, c.1, s.5)

40

41 13. Section 6 of P.L.2003, c.1 (C.26:2K-47.6) is amended to
42 read as follows:

43 6. An emergency medical technician certified to administer an
44 epinephrine auto-injector device or epinephrine nasal spray
45 pursuant to section 2 of this act, licensed physician, hospital or its
46 board of trustees, officers and members of the medical staff, nurses,
47 paramedics or other employees of the hospital, or officers and
48 members of a first aid, ambulance or rescue squad shall not be

1 liable for any civil damages as the result of an act or the omission
2 of an act committed while in training to administer, or in the
3 administration of, the device or nasal spray in good faith and in
4 accordance with the provisions of this act.

5 (cf: P.L.2003, c.1, s.6)

6
7 14. Section 8 of P.L.2003, c.1 (C.26:2K-47.8) is amended to
8 read as follows:

9 8. Nothing in this act shall be construed to:

10 a. permit a person certified to administer an epinephrine auto-
11 injector device or epinephrine nasal spray pursuant to section 2 of
12 this act to perform the duties or fill the position of another health
13 care professional employed by a hospital;

14 b. interfere with an emergency service training program
15 authorized and operated under the provisions of the "New Jersey
16 Highway Traffic Safety Act of 1987," P.L.1987, c.284 (C.27:5F-18
17 et seq.);

18 c. prohibit the administration of an epinephrine auto-injector
19 device or epinephrine nasal spray by a person acting pursuant to a
20 lawful prescription or pursuant to the provisions of P.L.2015, c.215
21 (C.24:6L-1 et seq.); or

22 d. prevent a licensed and qualified member of a health care
23 profession from administering an epinephrine auto-injector device
24 or epinephrine nasal spray if the duties are consistent with the
25 accepted standards of the member's profession.

26 (cf: P.L.2003, c.1, s.8)

27
28 15. Section 10 of P.L.2015, c.215 (C.26:2K-47.9) is amended to
29 read as follows:

30 10. Pursuant to the "Administrative Procedure Act,"
31 P.L.1968, c.410 (C.52:14B-1 et seq.), the Commissioner of Health
32 shall adopt rules and regulations to effectuate the purposes of this
33 act, including medical protocols for the administration of
34 epinephrine auto-injector devices and epinephrine nasal sprays, in
35 consultation with the State mobile intensive care advisory council
36 and the EMS Council of New Jersey **[State First Aid Council, Inc]**.
37 The rules and regulations shall address age appropriateness in the
38 administration of epinephrine.

39 (cf: P.L.2012, c.17, s.281)

40
41 16. Section 4 of P.L.2015, c.215 (C.26:2K-57) is amended to
42 read as follows:

43 4. The commissioner, in accordance with recommendations
44 adopted by the council, and within the limits of those monies in the
45 fund, shall annually reimburse any private agency, organization or
46 entity which is certified by the commissioner to provide training
47 and testing for volunteer ambulance, first aid and rescue squad
48 personnel who are seeking emergency medical technician-

1 ambulance, or EMT-A, or emergency medical technician-
2 defibrillation, or EMT-D, certification or recertification, or an
3 entity which provides an educational program in the administration
4 of epinephrine auto-injector devices or epinephrine nasal sprays that
5 is approved by the commissioner pursuant to P.L.2003, c.1
6 (C.26:2K-47.1 et al.), and for which that entity is not otherwise
7 reimbursed.

8 The priority for reimbursement from the fund to an agency,
9 organization or entity for training and testing of volunteer
10 ambulance, first aid and rescue squad personnel shall be in the
11 following order: EMT-A certification, EMT-A recertification,
12 EMT-D certification, EMT-D recertification and certification to
13 administer epinephrine auto-injector devices and epinephrine nasal
14 sprays pursuant to P.L.2003, c.1 (C.26:2K-47.1 et al.).
15 (cf: P.L.2003, c.1, s.9)

16
17 17. Section 3 of P.L.2015, c.231 (C.26:12-19) is amended to
18 read as follows:

19 3. As used in this act:

20 "Commissioner" means the Commissioner of Health.

21 "Member of the youth camp community" means a person who is
22 a camper at, or a staff member of, a youth camp.

23 "Professionally qualified health care provider" means a licensed
24 health care professional whose authorized scope of practice
25 includes the administration of medication, whether independently,
26 or through a joint protocol or standing order from a physician.

27 "Trained designee" means a youth camp staff member who has
28 been trained by the youth camp health director or, if the youth camp
29 health director is not professionally qualified to administer
30 epinephrine, by a professionally qualified health care provider, in
31 the detection of anaphylaxis and the emergency administration of
32 epinephrine using a pre-filled auto-injector mechanism, nasal spray,
33 or both.

34 "Youth camp" means the same as that term is defined by section
35 3 of P.L.1973, c.375 (C.26:12-3).

36 "Youth camp health director" means and includes a person, 18
37 years of age or older, who meets the qualifications required by
38 N.J.A.C.8:25-5.2 and who is responsible for the proper medical
39 recordkeeping, care, and treatment of campers at a youth camp.
40 Youth camps that do not have a health director who is a medical
41 professional may use one of the following options: a youth camp
42 health director trained in the emergency administration of
43 epinephrine via **[a]** pre-filled auto-injector **[mechanism]**
44 mechanisms, nasal sprays, or both, by the professionally qualified
45 health care provider responsible for writing the prescription with
46 documentation; an emergency medical technician certified in the
47 emergency administration of epinephrine using auto-injector
48 **[administration]** devices and nasal sprays; or an individual trained

1 in the detection of anaphylaxis and the emergency administration of
2 epinephrine using **【a】** pre-filled auto-injector **【device】** devices,
3 nasal sprays, or both.

4 "Youth camp operator" means the same as that term is defined by
5 section 3 of P.L.1973, c.375 (C.26:12-3).

6 (cf: P.L.2015, c.231, s.3)

7

8 18. Section 4 of P.L.2015, c.231 (C.26:12-20) is amended to
9 read as follows:

10 4. a. A youth camp operator, as part of a youth camp medical
11 program, and in accordance with the provisions of the "New Jersey
12 Youth Camp Safety Act," P.L.1973, c.375 (C.26:12-1 et seq.) and
13 rules and regulations adopted by the Department of Health pursuant
14 thereto, may develop a policy for the emergency administration of
15 epinephrine via **【a】** pre-filled auto-injector **【mechanism】**
16 mechanisms, nasal sprays, or both, to a member of the youth camp
17 community for anaphylaxis when a professionally qualified health
18 care provider is not immediately available. The policy shall:

19 (1) permit the youth camp health director and trained designees
20 to administer epinephrine via a pre-filled auto-injector mechanism
21 or nasal spray to a member of the youth camp community for whom
22 the youth camp health director or trained designee is responsible,
23 when the youth camp health director or trained designee believes, in
24 good faith, that the member of the youth camp community is having
25 an anaphylactic reaction; **【and】**

26 (2) permit the youth camp health director and trained designees,
27 when responsible for the safety of one or more members of the
28 youth camp community, to carry, in a secure but easily accessible
29 location, a supply of pre-filled epinephrine auto-injectors,
30 epinephrine nasal sprays, or both, that is prescribed under a
31 standing protocol from a licensed physician or other authorized
32 prescriber; and

33 (3) if the youth camp health director is not a medical
34 professional, only permit the administration of epinephrine using
35 pre-filled epinephrine auto-injector mechanisms if the youth camp
36 health director has completed the training required for pre-filled
37 epinephrine auto-injector mechanisms, and only permit the
38 administration of epinephrine using nasal sprays if the youth camp
39 health director has completed the training required for epinephrine
40 nasal sprays. Nothing in this section shall be construed to prohibit a
41 youth camp health director who is not a medical professional from
42 completing training on the use of both pre-filled epinephrine auto-
43 injector mechanisms and epinephrine nasal sprays.

44 b. If a youth camp develops a policy for the emergency
45 administration of epinephrine via a pre-filled auto-injector
46 mechanism or nasal spray, the youth camp operator, in cooperation
47 with the youth camp health director, shall:

(1) maintain and adhere to a standardized training protocol for the emergency administration of epinephrine by trained designees under the youth camp medical program, which training protocol shall be established and administered by a professionally qualified health care provider;

(2) ensure that trained designees have satisfactorily completed the training protocol;

(3) obtain and maintain a supply of pre-filled epinephrine auto-injectors, nasal sprays, or both, as applicable, pursuant to a standing protocol from a licensed physician or other authorized prescriber, for use by the youth camp health director and trained designees in emergency anaphylaxis situations; and

(4) establish protocols and one or more secure locations for the safe and accessible storage of the youth camp's supply of pre-filled epinephrine auto-injectors and epinephrine nasal sprays.

(cf: P.L.2015, c.231, s.4)

19. Section 6 of P.L.2015, c.231 (C.26:12-22) is amended to read as follows:

6. Nothing in this act shall be construed to:

a. permit a trained designee to perform the duties or fill the position of a licensed medical professional;

b. prohibit the administration of a pre-filled epinephrine auto-injector mechanism or epinephrine nasal spray by a person acting pursuant to a lawful prescription or pursuant to the provisions of P.L.2015, c.215 (C.24:6L-1 et seq.);

c. prevent a licensed and qualified member of a health care profession from administering a pre-filled epinephrine auto-injector mechanism or epinephrine nasal spray if the duties are consistent with the accepted standards of practice applicable to the member's profession;

d. violate the "Athletic Training Licensure Act," P.L.1984, c.203 (C.45:9-37.35 et seq.) in the event that a licensed athletic trainer administers epinephrine to a member of the youth camp community as a trained designee pursuant to this act; or

e. require written authorization from a camper's parent or guardian, or from any youth camp staff member, prior to the emergency administration of epinephrine when:

(1) there is no identified medical diagnosis involving risk of anaphylaxis on record with the youth camp health director; or

(2) there is a medical diagnosis involving risk of anaphylaxis recorded with the youth camp health director, but the pre-filled epinephrine auto-injector or epinephrine nasal spray was not provided to the youth camp by the camper or by the camper's parent or authorized guardian.

(cf: P.L.2015, c.231, s.6)

20. This act shall take effect immediately.

STATEMENT

This bill revises current laws concerning access to, and administration of, epinephrine auto-injector devices, to make those laws applicable to epinephrine nasal sprays as well. Epinephrine is a drug that is frequently used to treat anaphylaxis, which is a severe allergic reaction typically caused by exposure to certain foods or insect bites.

Specifically, current law provides that:

- Boards of education and nonpublic school administrators are required to develop policies concerning the emergency administration of epinephrine to a student for anaphylaxis via a pre-filled auto-injector mechanism;
- Public and independent institutions of higher education in New Jersey are permitted to develop a policy for the emergency administration of epinephrine for anaphylaxis via a pre-filled auto-injector mechanism;
- Any person who completes an educational program approved by the Commissioner of Health may obtain, administer, and dispose of an epinephrine auto-injector device;
- Emergency medical technicians who complete a training course and register with the Department of Health may carry epinephrine auto-injector devices on emergency medical services vehicles and administer the devices to treat patients; and
- Youth camps that meet certain requirements may obtain, maintain a supply of, and administer epinephrine auto-injector devices.

These laws generally provide civil immunity for anyone who obtains or administers an epinephrine auto-injector device consistent with all statutory requirements.

This bill will apply these same provisions of law to epinephrine nasal sprays, which are an alternate means of administering epinephrine. Although no epinephrine nasal spray products have received final approval by the U.S. Food and Drug Administration, at least two products have been granted fast track status by the agency. It is the sponsor's intent to align State laws concerning epinephrine with the anticipated approval of epinephrine nasal spray products.