

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 15-0792.01 Yelana Love x2295

HOUSE BILL 15-1232

HOUSE SPONSORSHIP

Ginal and Landgraf,

SENATE SPONSORSHIP

Todd,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE EMERGENCY USE OF EPINEPHRINE AUTO-INJECTORS**
102 **BY AUTHORIZED ENTITIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill permits entities and organizations other than schools to acquire and stock epinephrine auto-injectors. A health care practitioner may prescribe, and a health care practitioner or pharmacist may dispense, epinephrine auto-injectors in the name of an authorized entity where allergens capable of causing anaphylaxis may be present. Each employee, agent, or other individual of the authorized entity must complete a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

training program before using an epinephrine auto-injector. A trained employee, agent, or other individual of the authorized entity may either provide or administer an epinephrine auto-injector to a person who the employee, agent, or other individual believes in good faith is experiencing anaphylaxis.

An authorized entity may keep an emergency public access station (EPAS) containing epinephrine auto-injectors under the general oversight of a medical professional who is capable of communicating with a user in real time before the EPAS may be unlocked to dispense an epinephrine auto-injector.

The bill exempts from civil and criminal liability:

- ! An authorized entity that possesses and makes available an epinephrine auto-injector or an EPAS and the entity's employees, agents, and other individuals;
- ! An individual or entity that conducts the anaphylaxis training program;
- ! An individual who prescribes or dispenses an epinephrine auto-injector;
- ! An individual who provides or administers an epinephrine auto-injector;
- ! A medical professional who consults a user of an EPAS and makes an epinephrine auto-injector stored in the EPAS available to the user; and
- ! An individual who uses an EPAS.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 47 to title
3 25 as follows:

4 **ARTICLE 47**

5 **Use of Epinephrine Injectors by Authorized Entities**

6 **25-47-101. Definitions.** AS USED IN THIS ARTICLE:

7 (1) "ADMINISTER" MEANS TO DIRECTLY APPLY AN EPINEPHRINE
8 AUTO-INJECTOR TO THE BODY OF AN INDIVIDUAL.

9 (2) "AUTHORIZED ENTITY" MEANS AN ENTITY OR ORGANIZATION,
10 OTHER THAN A SCHOOL DESCRIBED IN SECTION 22-1-119.5, C.R.S., AT
11 WHICH ALLERGENS CAPABLE OF CAUSING ANAPHYLAXIS MAY BE PRESENT.

1 THE TERM INCLUDES RECREATION CAMPS, COLLEGES AND UNIVERSITIES,
2 DAY CARE FACILITIES, YOUTH SPORTS LEAGUES, AMUSEMENT PARKS,
3 RESTAURANTS, PLACES OF EMPLOYMENT, AND SPORTS ARENAS.

4 (3) "EMERGENCY PUBLIC ACCESS STATION" OR "EPAS" MEANS A
5 LOCKED, SECURE CONTAINER USED TO STORE EPINEPHRINE
6 AUTO-INJECTORS FOR USE UNDER THE GENERAL OVERSIGHT OF A MEDICAL
7 PROFESSIONAL. A LAY RESCUER MAY CONSULT WITH A MEDICAL
8 PROFESSIONAL IN REAL TIME BY AUDIO, TELEVIDEO, OR OTHER SIMILAR
9 MEANS OF ELECTRONIC COMMUNICATION. UPON AUTHORIZATION OF THE
10 CONSULTING MEDICAL PROFESSIONAL, AN EPAS MAY BE UNLOCKED TO
11 MAKE AN EPINEPHRINE AUTO-INJECTOR AVAILABLE.

12 (4) "EPINEPHRINE AUTO-INJECTOR" MEANS A SINGLE-USE DEVICE
13 USED FOR THE AUTOMATIC INJECTION OF A PREMEASURED DOSE OF
14 EPINEPHRINE INTO THE HUMAN BODY.

15 (5) "HEALTHCARE PRACTITIONER" MEANS A PERSON AUTHORIZED
16 BY LAW TO PRESCRIBE ANY DRUG OR DEVICE, ACTING WITHIN THE SCOPE
17 OF HIS OR HER AUTHORITY.

18 (6) "MEDICAL PROFESSIONAL" MEANS A PHYSICIAN OR OTHER
19 PERSON AUTHORIZED BY APPLICABLE LAW TO PRESCRIBE DRUGS IN THIS
20 STATE OR ANOTHER STATE.

21 (7) "PHARMACIST" HAS THE MEANING SET FORTH IN SECTION
22 12-42.5-102 (28), C.R.S.

23 (8) "PROVIDE" MEANS TO SUPPLY ONE OR MORE EPINEPHRINE
24 AUTO-INJECTORS TO AN INDIVIDUAL.

25 **25-47-102. Stock supply of epinephrine auto-injectors -**
26 **emergency administration.** (1) NOTWITHSTANDING ANY PROVISION OF
27 LAW TO THE CONTRARY:

1 (a) **Prescribing to an authorized entity permitted.** A HEALTH
2 CARE PRACTITIONER MAY PRESCRIBE EPINEPHRINE AUTO-INJECTORS IN THE
3 NAME OF AN AUTHORIZED ENTITY FOR USE IN ACCORDANCE WITH THIS
4 ARTICLE, AND PHARMACISTS AND HEALTH CARE PRACTITIONERS MAY
5 DISPENSE EPINEPHRINE AUTO-INJECTORS PURSUANT TO A PRESCRIPTION
6 ISSUED IN THE NAME OF AN AUTHORIZED ENTITY; AND

7 (b) **Authorized entities permitted to maintain supply.** AN
8 AUTHORIZED ENTITY MAY ACQUIRE AND STOCK A SUPPLY OF EPINEPHRINE
9 AUTO-INJECTORS PURSUANT TO A PRESCRIPTION ISSUED IN ACCORDANCE
10 WITH THIS SECTION.

11 (2) EPINEPHRINE AUTO-INJECTORS MUST BE STORED:

12 (a) IN A LOCATION THAT WILL BE READILY ACCESSIBLE IN AN
13 EMERGENCY;

14 (b) ACCORDING TO THE APPLICABLE INSTRUCTIONS FOR USE; AND

15 (c) IN COMPLIANCE WITH ANY ADDITIONAL REQUIREMENTS THAT
16 MAY BE ESTABLISHED BY THE DEPARTMENT OF HEALTH.

17 (3) AN AUTHORIZED ENTITY SHALL DESIGNATE EMPLOYEES OR
18 AGENTS WHO HAVE COMPLETED THE TRAINING REQUIRED BY SECTION
19 25-47-104 TO BE RESPONSIBLE FOR THE STORAGE, MAINTENANCE,
20 CONTROL, AND GENERAL OVERSIGHT OF EPINEPHRINE AUTO-INJECTORS
21 ACQUIRED BY THE AUTHORIZED ENTITY.

22 **25-47-103. Use of epinephrine auto-injectors.** (1) AN
23 EMPLOYEE OR AGENT OF AN AUTHORIZED ENTITY OR OTHER INDIVIDUAL
24 WHO HAS COMPLETED THE TRAINING REQUIRED BY SECTION 25-47-104
25 MAY USE EPINEPHRINE AUTO-INJECTORS PRESCRIBED PURSUANT TO
26 SECTION 25-47-102 TO PROVIDE OR ADMINISTER AN EPINEPHRINE
27 AUTO-INJECTOR TO ANY INDIVIDUAL WHO THE EMPLOYEE, AGENT, OR

1 OTHER INDIVIDUAL BELIEVES IN GOOD FAITH IS EXPERIENCING
2 ANAPHYLAXIS, REGARDLESS OF WHETHER THE INDIVIDUAL HAS A
3 PRESCRIPTION FOR AN EPINEPHRINE AUTO-INJECTOR OR HAS PREVIOUSLY
4 BEEN DIAGNOSED WITH AN ALLERGY, OR TO PROVIDE AN EPINEPHRINE
5 AUTO-INJECTOR TO THE PARENT, GUARDIAN, OR CAREGIVER OF THE
6 INDIVIDUAL; AND

7 (2) THE ADMINISTRATION OF AN EPINEPHRINE AUTO-INJECTOR IN
8 ACCORDANCE WITH THIS SECTION IS NEITHER THE PRACTICE OF MEDICINE
9 NOR OF ANY OTHER PROFESSION THAT REQUIRES LICENSURE.

10 **25-47-104. Training.** (1) AN EMPLOYEE, AGENT, OR OTHER
11 INDIVIDUAL MUST COMPLETE AN ANAPHYLAXIS TRAINING PROGRAM
12 BEFORE USING AN EPINEPHRINE AUTO-INJECTOR. THE TRAINING MUST BE
13 CONDUCTED BY A NATIONALLY RECOGNIZED ORGANIZATION EXPERIENCED
14 IN TRAINING LAYPERSONS IN EMERGENCY HEALTH TREATMENT OR BY AN
15 INDIVIDUAL OR ENTITY APPROVED BY THE DEPARTMENT OF HEALTH. THE
16 DEPARTMENT OF HEALTH MAY APPROVE SPECIFIC ENTITIES OR
17 INDIVIDUALS TO CONDUCT TRAINING OR MAY APPROVE SPECIFIC CLASSES
18 BY INDIVIDUALS OR ENTITIES. THE TRAINING MAY BE CONDUCTED ON-LINE
19 OR IN-PERSON AND, AT A MINIMUM, MUST COVER:

20 (a) HOW TO RECOGNIZE THE SIGNS AND SYMPTOMS OF SEVERE
21 ALLERGIC REACTIONS, INCLUDING ANAPHYLAXIS;

22 (b) THE STANDARDS AND PROCEDURES FOR THE STORAGE AND
23 ADMINISTRATION OF AN EPINEPHRINE AUTO-INJECTOR; AND

24 (c) EMERGENCY FOLLOW-UP PROCEDURES.

25 (2) THE INDIVIDUAL OR ENTITY THAT CONDUCTS THE
26 ANAPHYLAXIS TRAINING PROGRAM SHALL ISSUE A CERTIFICATE, ON A
27 FORM DEVELOPED OR APPROVED BY THE DEPARTMENT OF HEALTH, TO

1 EACH PERSON WHO SUCCESSFULLY COMPLETES THE ANAPHYLAXIS
2 TRAINING PROGRAM.

3 **25-47-105. Reporting.** AN AUTHORIZED ENTITY THAT POSSESSES
4 AND MAKES AVAILABLE EPINEPHRINE AUTO-INJECTORS SHALL SUBMIT TO
5 THE DEPARTMENT OF HEALTH, ON A FORM DEVELOPED BY THE
6 DEPARTMENT OF HEALTH, A REPORT OF EACH INCIDENT ON THE
7 AUTHORIZED ENTITY'S PREMISES THAT INVOLVES THE ADMINISTRATION OF
8 AN EPINEPHRINE AUTO-INJECTOR PURSUANT TO SECTION 25-47-103. THE
9 DEPARTMENT OF HEALTH SHALL ANNUALLY PUBLISH A REPORT THAT
10 SUMMARIZES AND ANALYZES ALL REPORTS SUBMITTED TO IT UNDER THIS
11 SECTION.

12 **25-47-106. Emergency public access stations - life-saving**
13 **allergy medication.** (1) NOTWITHSTANDING ANY LAW TO THE
14 CONTRARY:

15 (a) A MEDICAL PROFESSIONAL MAY PRESCRIBE A STOCK SUPPLY OF
16 EPINEPHRINE AUTO-INJECTORS TO ANY AUTHORIZED ENTITY FOR STORAGE
17 IN AN EPAS, AND MAY PLACE A STOCK SUPPLY OF EPINEPHRINE
18 AUTO-INJECTORS IN AN EPAS MAINTAINED BY AN AUTHORIZED ENTITY;

19 (b) A MEDICAL PROFESSIONAL MAY CONSULT THE USER OF AN
20 EPAS AND MAKE THE EPINEPHRINE AUTO-INJECTORS STORED IN THE
21 EPAS AVAILABLE TO THE USER; AND

22 (c) ANY PERSON MAY USE AN EPAS TO ADMINISTER OR PROVIDE
23 AN EPINEPHRINE AUTO-INJECTOR TO AN INDIVIDUAL BELIEVED IN GOOD
24 FAITH TO BE EXPERIENCING ANAPHYLAXIS OR TO PROVIDE AN EPINEPHRINE
25 AUTO-INJECTOR TO THE PARENT, GUARDIAN, OR CAREGIVER OF THE
26 INDIVIDUAL.

27 (2) THE USE OF AN EPAS IN ACCORDANCE WITH THIS ARTICLE IS

1 NEITHER THE PRACTICE OF MEDICINE NOR OF ANY OTHER PROFESSION
2 THAT REQUIRES LICENSURE.

3 **25-47-107. Good samaritan protections - liability.** (1) THE
4 FOLLOWING INDIVIDUALS AND ENTITIES ARE IMMUNE FROM CRIMINAL
5 LIABILITY AND FROM SUIT IN ANY CIVIL ACTION BROUGHT BY ANY PERSON
6 FOR INJURIES OR RELATED DAMAGES THAT RESULT FROM AN ACT OR
7 OMISSION TAKEN PURSUANT TO THIS ARTICLE:

8 (a) AN AUTHORIZED ENTITY THAT POSSESSES AND MAKES
9 AVAILABLE EPINEPHRINE AUTO-INJECTORS OR AN EPAS AND THE ENTITY'S
10 EMPLOYEES, AGENTS, AND OTHER INDIVIDUALS;

11 (b) AN INDIVIDUAL OR ENTITY THAT CONDUCTS AN ANAPHYLAXIS
12 TRAINING PROGRAM;

13 (c) AN INDIVIDUAL WHO PRESCRIBES OR DISPENSES AN
14 EPINEPHRINE AUTO-INJECTOR;

15 (d) AN INDIVIDUAL WHO ADMINISTERS OR PROVIDES AN
16 EPINEPHRINE AUTO-INJECTOR;

17 (e) A MEDICAL PROFESSIONAL WHO CONSULTS THE USER OF AN
18 EPAS AND MAKES THE EPINEPHRINE AUTO-INJECTORS STORED IN THE
19 EPAS AVAILABLE TO THE USER; OR

20 (f) AN INDIVIDUAL WHO USES AN EPAS.

21 (2) IMMUNITY UNDER SUBSECTION (1) OF THIS SECTION DOES NOT
22 APPLY TO ACTS OR OMISSIONS THAT ARE GROSSLY NEGLIGENT OR WILLFUL
23 AND WANTON.

24 (3) THIS SECTION DOES NOT ELIMINATE, LIMIT, OR REDUCE ANY
25 OTHER IMMUNITY OR DEFENSE THAT MAY BE AVAILABLE UNDER STATE
26 LAW, INCLUDING THE PROTECTIONS SET FORTH IN SECTION 13-21-108,
27 C.R.S.

1 (4) AN AUTHORIZED ENTITY LOCATED IN THIS STATE THAT
2 PROVIDES OR ADMINISTERS AN EPINEPHRINE AUTO-INJECTOR OUTSIDE OF
3 THIS STATE IS NOT LIABLE FOR ANY RESULTING INJURIES OR RELATED
4 DAMAGES IF THE AUTHORIZED ENTITY:

5 (a) WOULD NOT BE LIABLE FOR THE INJURIES OR RELATED
6 DAMAGES IF THE EPINEPHRINE AUTO-INJECTOR HAD BEEN PROVIDED OR
7 ADMINISTERED IN THIS STATE; OR

8 (b) IS NOT LIABLE FOR INJURIES OR RELATED DAMAGES UNDER THE
9 LAW OF THE STATE WHERE THE AUTHORIZED ENTITY PROVIDED OR
10 ADMINISTERED THE EPINEPHRINE AUTO-INJECTOR.

11 **SECTION 2.** In Colorado Revised Statutes, 12-36-117, **amend**
12 (1.8) as follows:

13 **12-36-117. Unprofessional conduct.** (1.8) A licensee ~~shall~~ IS not
14 ~~be~~ subject to disciplinary action by the board for issuing standing orders
15 and protocols regarding the use of epinephrine auto-injectors in a public
16 or nonpublic school in accordance with the requirements of section
17 22-1-119.5, C.R.S., ~~or~~ for the actions taken by a school nurse or by any
18 designated school personnel who administer epinephrine auto-injectors
19 in accordance with the requirements of section 22-1-119.5, C.R.S., OR
20 FOR PRESCRIBING EPINEPHRINE AUTO-INJECTORS IN ACCORDANCE WITH
21 THE REQUIREMENTS OF ARTICLE 47 OF TITLE 25, C.R.S.

22 **SECTION 3.** In Colorado Revised Statutes, 12-38-125, **add** (1)
23 (o) as follows:

24 **12-38-125. Exclusions.** (1) No provision of this article shall be
25 construed to prohibit:

26 (o) A PRESCRIPTION BY AN ADVANCED PRACTICE NURSE WITH
27 PRESCRIPTIVE AUTHORITY FOR THE USE OF EPINEPHRINE AUTO-INJECTORS

1 BY AN AUTHORIZED ENTITY IN ACCORDANCE WITH ARTICLE 47 OF TITLE
2 25, C.R.S.

3 **SECTION 4.** In Colorado Revised Statutes, 12-42.5-102, **amend**
4 (42) (b) (XV) as follows:

5 **12-42.5-102. Definitions.** As used in this article, unless the
6 context otherwise requires or the term is otherwise defined in another part
7 of this article:

8 (42) (b) "Wholesale distribution" does not include:

9 (XV) The distribution, donation, or sale by a manufacturer or
10 wholesaler of a stock supply of epinephrine auto-injectors to public
11 schools or nonpublic schools for emergency use by designated school
12 personnel in accordance with the requirements of section 22-1-119.5,
13 C.R.S., OR TO OTHER ENTITIES FOR EMERGENCY USE IN ACCORDANCE WITH
14 THE REQUIREMENTS OF ARTICLE 47 OF TITLE 25, C.R.S.

15 **SECTION 5. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety.