

CHAPTER 211

AN ACT concerning emergency administration of epinephrine at institutions of higher education and supplementing chapter 61D of Title 18A of the New Jersey Statutes.

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

C.18A:61D-11 Short title.

1. This act shall be known and may be cited as the “Higher Education Epinephrine Emergency Treatment Act.”

C.18A:61D-12 Findings, declarations relative to insect and food allergies.

2. The Legislature finds and declares that:

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

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

c. New Jersey’s institutions of higher education enroll students and attract faculty from around the country and around the world. They offer a broad array of educational opportunities for the students and faculty, both on and off campus, including trips and field studies to new environments that may expose them to different kinds of insects and foods for the first time. These are often remote settings where medical professionals or first responders are not available to provide emergency care for anaphylaxis;

d. The State of New Jersey in P.L.1997, c.368 (C.18A:40-12.5 et seq.) has already recognized the value of training non-medical professionals to administer this life-saving drug in K-12 educational settings when a medical professional is not physically present at the scene; and

e. It would be prudent to provide individuals in higher education settings who are responsible for the safety of one or more individuals with the tools to respond to emergency situations, particularly when placed in settings where exposure to unfamiliar insects or types of food is likely and where assistance from medical professionals and first responders is not readily available.

C.18A:61D-13 Definitions relative to administering epinephrine.

3. As used in this act:

“Institution of higher education” means a public or independent institution of higher education.

“Licensed campus medical professional” means a physician, physician assistant, advanced practice nurse, or registered nurse who is appropriately licensed by the State of New Jersey and is designated by an institution of higher education to oversee the institution’s epinephrine administration and training program.

“Member of the campus community” means an individual who is a student, faculty, or staff member of an institution of higher education.

“Secretary” means the Secretary of Higher Education.

“Trained designee” means a member of the campus community trained by a licensed campus medical professional in the emergency administration of epinephrine via a pre-filled auto-injector mechanism.

C.18A:61D-14 Development of policy.

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

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

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

(3) provide that the licensed campus medical professional shall have responsibility for : training designees on how to identify an anaphylactic reaction, how to identify the indications for when to use epinephrine, and how to administer epinephrine via a pre-filled auto-injector mechanism; and distributing prescribed pre-filled epinephrine auto-injectors to trained designees.

b. Each institution of higher education that develops a policy pursuant to subsection a. of this section shall designate a physician, physician assistant, advanced practice nurse, or registered nurse who is appropriately licensed by the State of New Jersey to serve as the licensed campus medical professional.

c. A licensed campus medical professional is authorized to:

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

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

(3) obtain a supply of pre-filled epinephrine auto-injectors under a standing protocol from a licensed physician; and

(4) control distribution to trained designees of pre-filled epinephrine auto-injectors.

C.18A:61D-15 Requirements for trained designee.

5. To become a trained designee, an individual must meet the following requirements:

a. be 18 years of age or older;

b. have, or reasonably expect to have, responsibility for at least one other member of the campus community as a result of the individual's occupational or volunteer status; and

c. have satisfactorily completed a standardized training protocol established and administered by a licensed campus medical professional in accordance with guidelines developed by the secretary.

C.18A:61D-16 Guidelines for development of policy.

6. The secretary, in consultation with the Department of Health, shall establish guidelines for the development of a policy by an institution of higher education for the emergency administration of epinephrine to a member of the campus community for anaphylaxis when a medical professional is not available. The guidelines shall address issues including, but not limited to, the responsibilities of the institution of higher education, the licensed campus medical professional, and the trained designee for the emergency

administration of epinephrine. The secretary shall disseminate the guidelines to the president of each institution of higher education.

C.18A:61D-17 Immunity from liability.

7. No licensed campus medical professional, trained designee, or physician providing a prescription under a standing protocol for epinephrine pursuant to this act, shall be held liable for any good faith act or omission committed in accordance with the provisions of this act. Good faith shall not include willful misconduct, gross negligence, or recklessness.

C.18A:61D-18 Construction of act.

8. 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 by a person acting pursuant to a lawful prescription;

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

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 campus community as a trained designee pursuant to this act.

9. This act shall take effect immediately.

Approved January 17, 2014.