

CHAPTER 215

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

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

C.24:6L-1 Short title.

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

C.24:6L-2 Findings, declarations relative to epinephrine auto-injectors.

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 offers a broad array of outdoor, cultural, and culinary experiences which may expose its citizens to different kinds of insects and foods for the first time;

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

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

f. It is prudent to similarly provide members of the public who have completed an approved training course with the tools necessary to respond to emergency anaphylaxis situations when assistance from medical professionals and first responders is not readily available.

C.24:6L-3 Definitions relative to epinephrine auto-injectors.

3. As used in this act:

“Commissioner” means the Commissioner of Health.

“Health care professional” means a licensed physician, physician assistant, advanced practice nurse, pharmacist, or other health care professional whose professional practice is regulated pursuant to Title 45 of the Revised Statutes and whose authorized scope of practice includes prescribing, dispensing, or administering medication, whether independently or through a joint protocol or standing order from a physician.

C.24:6L-4 Authorization to administer.

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

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

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

C.24:6L-5 Written standards, application procedures.

5. The commissioner shall establish written standards and application procedures for approval of educational programs for the safe administration of epinephrine using an auto-injector device. An educational program shall include training in the administration of epinephrine auto-injector devices, recognition of the symptoms of anaphylaxis, safe maintenance and storage of epinephrine auto-injector devices, and such other information as the commissioner deems necessary.

C.24:6L-6 Immunity from civil liability, disciplinary action.

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

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

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

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

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

C.24:6L-7 Construction of act.

7. Nothing in this act shall be construed to:

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

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

c. prevent a licensed and qualified member of a health care profession from administering an epinephrine auto-injector device if the duties are consistent with the accepted standards of practice applicable to 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 as authorized pursuant to this act.

8. This act shall take effect on the 120th day after enactment, but the Commissioner of Health may take such anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved January 11, 2016.