

SENATE No. 1100

The Commonwealth of Massachusetts

PRESENTED BY:

Karen E. Spilka

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to reduce the risks associated with allergic reactions.

PETITION OF:

NAME:

Karen E. Spilka

DISTRICT/ADDRESS:

Second Middlesex and Norfolk

SENATE No. 1100

By Ms. Spilka, a petition (accompanied by bill, Senate, No. 1100) of Karen E. Spilka for legislation to reduce the risks associated with allergic reactions. Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act to reduce the risks associated with allergic reactions.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 111 of the General Laws, as appearing in the 2010 Official
2 Edition, is hereby amended by inserting after section 224 the following section:-

3 Section 225. (a) Notwithstanding any general or special law to the contrary, the
4 Department of Public Health shall promulgate regulations to allow businesses and other entities
5 to be prescribed epinephrine auto-injectors for the purposes of:

6 (1) providing an epinephrine auto-injector to any individual that an employee or agent of
7 the business or entity believes in good faith is experiencing anaphylaxis for immediate self-
8 administration, regardless of whether the individual has a prescription for an epinephrine auto-
9 injector or has previously been diagnosed with an allergy; or

10 (2) administering an epinephrine auto-injector to any individual that the employee or
11 agent believes in good faith is experiencing anaphylaxis, regardless of whether the individual has
12 a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.

13 (b) A business or entity that possesses and makes available epinephrine auto-
14 injectors and its employees and agents, and any individual obtaining and using an epinephrine
15 auto-injector made available by an authorized business or entity in accordance with this section
16 shall not be liable for any injuries or related damages that result from the administration or self-
17 administration of an epinephrine auto-injector in accordance with this section that may constitute
18 ordinary negligence. This immunity does not apply to acts or omissions constituting gross,
19 willful, or wanton negligence. The administration of an epinephrine auto-injector in accordance
20 with this section is not the practice of medicine.

21 SECTION 2. (a) No later than September 1, 2013, the department of health shall adopt
22 regulations necessary to carry out the provisions of this act. The regulations adopted shall:

23 (1) Require each business or entity that acquires epinephrine auto-injectors in accordance
24 with this section to submit, on a form developed by the Department of Public Health, a report of
25 each incident on the premises of the business or entity involving a severe allergic reaction or the
26 administration of an epinephrine auto-injector.

27 (2) Provide for the development and publication of an annual report by the Department of
28 Public Health compiling, summarizing, and analyzing all incident reports submitted pursuant to
29 paragraph

30 (3) Establish detailed standards for training programs that must be completed by
31 employees or agents of a business or entity prior to providing or administering an epinephrine
32 auto-injector made available by the business or entity. Such training may be conducted online
33 and, at a minimum, shall cover:

34 (i) techniques on how to recognize symptoms of severe allergic reactions,
35 including anaphylaxis;

36 (ii) standards and procedures for the storage and administration of an epinephrine
37 auto-injector; and

38 (iii) emergency follow-up procedures.

39 SECTION 3. The Department of Public Health may establish a certification program to
40 recognize a business or entity has complied with the provisions of this act and maintains an
41 allergy-friendly environment within which to work or visit.