SENATE DOCKET, NO. 1259 FILED ON: 1/18/2013

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:	DISTRICT/ADDRESS:
Karen E. Spilka	*Second Middlesex and Norfolk*

SENATE DOCKET, NO. 1259 FILED ON: 1/18/2013

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:

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

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

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

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

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

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

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

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

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

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

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

(iii) emergency follow-up procedures.

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