

# HOUSE . . . . . No. 4607

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, October 16, 2025.

The committee on Public Health, to whom was referred the petition (accompanied by bill, House, No. 2367) of Bruce J. Ayers relative to emergency epinephrine pens in schools, the joint petition (accompanied by bill, House, No. 2500) of Thomas W. Moakley relative to increasing access to epinephrine and the petition (accompanied by bill, House, No. 2503) of John Francis Moran relative to risks associated with allergic reactions, reports recommending that the accompanying bill (House, No. 4607) ought to pass.

For the committee,

MARJORIE C. DECKER.

**HOUSE . . . . . No. 4607**

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**

An Act relative to increasing access to epinephrine.

*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 94C of the General Laws is hereby amended by inserting after  
2 section 19D1/2 the following section:-

3           Section 19E. (a) For the purposes of this section, unless the context clearly requires  
4 otherwise, “epinephrine delivery system” shall mean an epinephrine autoinjector or any other  
5 device that is approved by the federal food and drug administration, that contains a premeasured  
6 dose of epinephrine, and that is used to administer epinephrine into the human body to prevent or  
7 treat a life-threatening allergic reaction.

8           (b) The department shall ensure that a statewide standing order is issued to authorize the  
9 dispensing of an epinephrine delivery system in the commonwealth by any licensed pharmacist.  
10 The statewide standing order shall include, but not be limited to, written, standardized  
11 procedures or protocols for the dispensing of an epinephrine delivery system by a licensed  
12 pharmacist. Notwithstanding any general or special law to the contrary, the commissioner, or  
13 physician designated by the commissioner who is registered to distribute or dispense a controlled

14 substance in the course of professional practice pursuant to section 7, shall issue a statewide  
15 standing order that may be used by a licensed pharmacist to dispense an epinephrine delivery  
16 system under this section.

17 (c) Notwithstanding any general or special law to the contrary, a licensed pharmacist may  
18 dispense an epinephrine delivery system in accordance with the statewide standing order issued  
19 under subsection (b). Except for an act of gross negligence or willful misconduct, a pharmacist  
20 who, acting in good faith, dispenses an epinephrine delivery system shall not be subject to any  
21 criminal or civil liability or any professional disciplinary action by the board of registration in  
22 pharmacy related to the use or administration of an epinephrine delivery system.

23 (d) Before dispensing an epinephrine delivery system authorized under this section, a  
24 pharmacist may complete an anaphylaxis training program approved by the commissioner;  
25 provided however, that the training shall include, but not be limited to, techniques on how to  
26 recognize symptoms of severe allergic reactions, including anaphylaxis, and emergency follow-  
27 up procedures.

28 (e) A pharmacist who dispenses an epinephrine delivery system under this section shall  
29 annually provide to the department the number of times such epinephrine delivery systems are  
30 dispensed. Reports made pursuant to this section shall not identify any individual patient, shall  
31 be confidential and shall not be public records as defined by clause Twenty-sixth of section 7 of  
32 chapter 4 or section 10 of chapter 66. The department shall publish an annual report that includes  
33 aggregate information about the dispensing of epinephrine delivery systems in the  
34 commonwealth.

35 (f) Except for an act of gross negligence or willful misconduct, the commissioner or a  
36 physician who issues the statewide standing order under subsection (b) and any medical  
37 practitioner who, acting in good faith, directly or through the standing order, prescribes or  
38 dispenses an epinephrine delivery system shall not be subject to any criminal or civil liability or  
39 any professional disciplinary action.

40 (g) The department, board of registration in medicine, board of registration in nursing and  
41 board of registration in pharmacy shall adopt regulations to implement this section.

42 SECTION 2. Chapter 94C of the General Laws is hereby amended by inserting, after  
43 section 34A1/2, the following section:-

44 Section 34B. (a) As used in this section, the following word shall have the following  
45 meaning unless the context clearly requires otherwise:

46 "Epinephrine delivery system", a device that is approved by the federal food and drug  
47 administration, that contains a premeasured dose of epinephrine, and that is used to administer  
48 epinephrine into the human body to prevent or treat a life-threatening allergic reaction.

49 "First responder", a law enforcement officer, a paid, call, reserve or volunteer firefighter,  
50 a paid, call, reserve or volunteer emergency medical technician or any other person whose usual  
51 and regular duties include rendering assistance at the scene of a crime, accident or other  
52 emergency.

53 (b) A first responder, who, in good faith, seeks medical assistance for someone  
54 experiencing an anaphylactic reaction shall not be charged or prosecuted for possession of a

55 controlled substance under sections 34 or 35 if the evidence for the charge of possession of a  
56 controlled substance was gained as a result of the seeking of medical assistance.

57 (b) A person who experiences an anaphylactic reaction and is in need of medical  
58 assistance and, in good faith, seeks such medical assistance, or is the subject of such a good faith  
59 request for medical assistance, shall not be charged or prosecuted for possession of a controlled  
60 substance under said sections 34 or 35 if the evidence for the charge of possession of a controlled  
61 substance was gained as a result of the anaphylactic reaction and the need for medical assistance.

62 (c) The act of seeking medical assistance for someone who is experiencing an  
63 anaphylactic reaction may be used as a mitigating factor in a criminal prosecution under the  
64 Controlled Substance Act, 1970 P.L. 91-513, 21 U.S.C. section 801, et seq.

65 (d) Nothing contained in this section shall prevent anyone from being charged with  
66 trafficking, distribution or possession of a controlled substance with intent to distribute.

67 (e) A first responder acting in good faith may receive an epinephrine delivery system,  
68 possess an epinephrine delivery system and administer an epinephrine delivery system to an  
69 individual appearing to experience an anaphylactic reaction, and provided further that no first  
70 responder shall be liable in a civil suit for damages as a result of any acts or omissions in  
71 providing or obtaining, or attempting to provide or obtain, such assistance unless such acts or  
72 omissions constitute willful, wanton or reckless conduct.

73 SECTION 3. Chapter 111 of the General Laws is hereby amended by inserting after  
74 section 40 the following section:-

75 Section 4P. (a) As used in this section, the following words shall have the following  
76 meanings unless the context clearly requires otherwise:

77 "Authorized entity", any entity or organization at which allergens capable of causing  
78 anaphylaxis may be present, including, but not limited to, restaurants, recreation camps, youth  
79 sports leagues, amusement parks, colleges, universities, and sports arenas.

80 "Epinephrine delivery system", a device that is approved by the federal food and drug  
81 administration, that contains a premeasured dose of epinephrine, and that is used to administer  
82 epinephrine into the human body to prevent or treat a life-threatening allergic reaction.

83 (b) An authorized entity may acquire and maintain a supply of epinephrine delivery  
84 systems from a wholesaler approved by the department pursuant to this section. All acquired  
85 epinephrine delivery systems shall be stored in a location readily accessible in an emergency and  
86 in accordance with the epinephrine delivery system's instructions for use. An authorized entity  
87 shall designate employees or agents who have successfully completed the training required by  
88 subsection (e) of this section to be responsible for the storage, maintenance and general oversight  
89 of epinephrine delivery systems acquired under this section.

90 (c) An authorized entity that chooses to acquire and maintain a supply of epinephrine  
91 delivery systems shall maintain an operations plan on the premises. Such plan shall include, but  
92 not be limited to:

93 how the training required by subsection (e) will be provided to employees or agents of an  
94 authorized entity;

95 where and how epinephrine delivery systems will be stored;

96 names of the employees or agents who have successfully completed the training required  
97 by subsection (e); and,

98 how and when epinephrine delivery systems will be inspected to ensure that they have  
99 not expired.

100 (d) An employee or agent of an authorized entity who has completed the training required  
101 by subsection (e) of this section may, on the premises of or in connection with the authorized  
102 entity, use epinephrine delivery systems obtained under this section to provide or administer an  
103 epinephrine delivery system to any individual who the employee or agent believes in good faith  
104 is experiencing anaphylaxis for immediate self-administration, regardless of whether the  
105 individual has a prescription for an epinephrine delivery system or has previously been  
106 diagnosed with an allergy.

107 (e) An employee, agent, or other individual described in subsection (c) of this section  
108 must successfully complete an anaphylaxis training program prior to providing or administering  
109 an epinephrine delivery system made available by an authorized entity. The training must be  
110 conducted by a nationally recognized organization experienced in training laypersons in  
111 emergency health treatment or by an entity or individual approved by the department of public  
112 health. Training may be conducted online, and at a minimum, shall cover:

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

115 (ii) recommended dosages for adults and children;

116 (iii) standards and procedures for the storage and administration of epinephrine delivery  
117 systems; and

118 (iv) emergency follow-up procedures.

119 (f) Training certification shall be valid for no more than two years, after which  
120 recertification with nationally recognized organization experienced in training laypersons in  
121 emergency health treatment or by an entity or individual approved by the department of public  
122 health is required.

123 (g) The entity shall submit proof of training to the department and receive approval for  
124 the acquisition of epinephrine delivery systems.

125 (h) An authorized entity that possesses and makes available epinephrine delivery systems  
126 and its trained employees and agents shall not be liable for any injuries or related damages that  
127 result from the administration or self-administration of an epinephrine delivery system, the  
128 failure to administer an epinephrine delivery system, or any other act or omission taken pursuant  
129 to this section, provided that said immunity does not apply to acts or omissions constituting gross  
130 negligence or willful or wanton misconduct.

131 (i) An authorized entity that possesses and makes available epinephrine delivery systems  
132 shall submit to the department of public health, on a form developed by the department, a report  
133 of each incident on the authorized entity's premises that involves the distribution or  
134 administration of the authorized entity's epinephrine delivery systems. The department of public  
135 health shall annually publish a report that summarizes and analyzes all reports submitted to it  
136 under this subsection.

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(j) The department shall promulgate guidance or regulations to carry out this section.