

HOUSE No. 5443

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 19, 2026.

The committee on House Ways and Means, to whom was referred the Bill relative to increasing access to epinephrine (House, No. 4607), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 5443).

For the committee,

AARON MICHLEWITZ.

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**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 Chapter 111 of the General Laws is hereby amended by inserting after section 40 the
2 following section:-

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

5 “Authorized entity”, any entity or organization at which allergens capable of causing
6 anaphylaxis may be present, including, but not limited to, restaurants, recreation camps, youth
7 sports leagues, amusement parks, colleges, universities and sports arenas.

8 “Epinephrine autoinjector”, a single-use device used for the automatic injection of a
9 premeasured dose of epinephrine into the human body.

10 (b) An authorized entity may, subject to the requirements of subsections (c) through (h),
11 inclusive, acquire and maintain a supply of epinephrine autoinjectors from a wholesaler
12 approved by the department.

13 (c) The authorized entity shall submit proof of training of an employee or agent to the
14 department and receive approval from the department for the acquisition of epinephrine
15 autoinjectors.

16 (d) An employee or agent of an authorized entity shall complete an anaphylaxis training
17 program approved by the department prior to providing or administering an epinephrine
18 autoinjector made available by an authorized entity. The training shall be conducted by a
19 nationally recognized organization experienced in training laypersons in emergency health
20 treatment or by an entity or individual approved by the department.

21 (e) An authorized entity shall store epinephrine autoinjectors in a location readily
22 accessible in an emergency and in accordance with the epinephrine autoinjector's instructions for
23 use. An authorized entity shall designate employees or agents who have completed the training
24 required by subsection (d) to be responsible for the storage, maintenance and general oversight
25 of epinephrine autoinjectors.

26 (f) An employee or agent of an authorized entity who has completed the training required
27 by subsection (d) may, on the premises of or in connection with the authorized entity, use
28 epinephrine autoinjectors to provide or administer epinephrine to any individual who the
29 employee or agent believes in good faith is experiencing anaphylaxis, regardless of whether the
30 individual has a prescription for an epinephrine autoinjector or has previously been diagnosed
31 with an allergy.

32 (g) An authorized entity and its trained employees and agents shall not be liable for any
33 injuries or related damages that result from the administration or self-administration of an
34 epinephrine autoinjector, the failure to administer or provide an epinephrine autoinjector or any

35 other act or omission taken pursuant to this section; provided, that immunity shall not apply to
36 acts or omissions constituting gross negligence or willful or wanton misconduct.

37 (h)(1) An authorized entity that possesses and makes available epinephrine autoinjectors
38 shall submit to the department, on a form developed by the department, a report of each incident
39 on the authorized entity's premises that involves the administration of the authorized entity's
40 epinephrine autoinjector.

41 (2) Annually, not later than January 1, the department shall publish a report to its website
42 that summarizes and analyzes all reports submitted pursuant to paragraph (1); provided, that the
43 department's report shall not include personally identifiable information.

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