**South Carolina General Assembly**

121st Session, 2015-2016

**A156, R161, H3706**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Putnam, Gagnon, Yow, Thayer, Gambrell, Ridgeway, Norrell, Henderson, Fry and Bedingfield

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Introduced in the House on February 24, 2015

Introduced in the Senate on March 16, 2016

Last Amended on March 15, 2016

Passed by the General Assembly on April 12, 2016

Governor's Action: April 21, 2016, Signed

Summary: Emergency Anaphylaxis Treatment Act

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/24/2015 House Introduced and read first time ([House Journal‑page 16](file:///h%3A%5CHJ%20Archive%5C2015%5C02-24-15.docx))

 2/24/2015 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 16](file:///h%3A%5CHJ%20Archive%5C2015%5C02-24-15.docx))

 5/28/2015 House Member(s) request name added as sponsor: Gagnon, Yow, Thayer, Gambrell, Ridgeway, Norrell, Henderson

 2/24/2016 House Member(s) request name added as sponsor: Fry

 3/9/2016 House Committee report: Favorable with amendment **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 27](file:///h%3A%5CHJ%20Archive%5C2016%5C03-09-16.docx))

 3/15/2016 House Member(s) request name added as sponsor: Bedingfield

 3/15/2016 House Amended ([House Journal‑page 14](file:///h%3A%5CHJ%20Archive%5C2016%5C03-15-16.docx))

 3/15/2016 House Read second time ([House Journal‑page 14](file:///h%3A%5CHJ%20Archive%5C2016%5C03-15-16.docx))

 3/15/2016 House Roll call Yeas‑99 Nays‑0 ([House Journal‑page 19](file:///h%3A%5CHJ%20Archive%5C2016%5C03-15-16.docx))

 3/16/2016 House Read third time and sent to Senate ([House Journal‑page 7](file:///h%3A%5CHJ%20Archive%5C2016%5C03-16-16.docx))

 3/16/2016 Scrivener's error corrected

 3/16/2016 Senate Introduced and read first time ([Senate Journal‑page 5](file:///h%3A%5CSJ%20Archive%5C2016%5C03-16-16.docx))

 3/16/2016 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 5](file:///h%3A%5CSJ%20Archive%5C2016%5C03-16-16.docx))

 3/23/2016 Senate Recalled from Committee on **Medical Affairs** ([Senate Journal‑page 2](file:///h%3A%5CSJ%20Archive%5C2016%5C03-23-16.docx))

 4/7/2016 Senate Read second time ([Senate Journal‑page 27](file:///h%3A%5CSJ%20Archive%5C2016%5C04-07-16.docx))

 4/7/2016 Senate Roll call Ayes‑38 Nays‑0 ([Senate Journal‑page 27](file:///h%3A%5CSJ%20Archive%5C2016%5C04-07-16.docx))

 4/12/2016 Senate Read third time and enrolled ([Senate Journal‑page 9](file:///h%3A%5CSJ%20Archive%5C2016%5C04-12-16.docx))

 4/19/2016 Ratified R 161

 4/21/2016 Signed By Governor

 4/27/2016 Effective date 04/21/16

 5/2/2016 Act No. 156

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**VERSIONS OF THIS BILL**

[2/24/2015](file:///p%3A%5Cpprever%5C2015-16%5C3706_20150224.docx)

[3/9/2016](file:///p%3A%5Cpprever%5C2015-16%5C3706_20160309.docx)

[3/15/2016](file:///p%3A%5Cpprever%5C2015-16%5C3706_20160315.docx)

[3/16/2016](file:///p%3A%5Cpprever%5C2015-16%5C3706_20160316.docx)

[3/23/2016](file:///p%3A%5Cpprever%5C2015-16%5C3706_20160323.docx)

(A156, R161, H3706)

**AN ACT TO AMEND CHAPTER 99, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EMERGENCY TREATMENT FOR MEDICAL HAZARDS CAUSED BY INSECT STINGS, SO AS TO RENAME THE CHAPTER THE “EMERGENCY ANAPHYLAXIS TREATMENT ACT”; TO DEFINE CERTAIN TERMS, INCLUDING “AUTHORIZED ENTITY”, “EPINEPHRINE AUTO‑INJECTOR”, AND “HEALTH CARE PRACTITIONER”; TO ALLOW THE PRESCRIPTION OF EPINEPHRINE AUTO‑INJECTORS TO AUTHORIZED ENTITIES; TO ALLOW AUTHORIZED ENTITIES TO ACQUIRE AND STOCK EPINEPHRINE AUTO‑INJECTORS; TO ALLOW CERTAIN INDIVIDUALS TO PROVIDE AND ADMINISTER EPINEPHRINE AUTO‑INJECTORS AND TO ESTABLISH TRAINING REQUIREMENTS; AND TO PROVIDE FOR IMMUNITY FROM LIABILITY FOR CERTAIN INDIVIDUALS AND ENTITIES, WITH EXCEPTIONS.**

Be it enacted by the General Assembly of the State of South Carolina:

**Emergency Anaphylaxis Treatment Act**

SECTION 1. This act may be cited as the “Emergency Anaphylaxis Treatment Act”.

**Emergency anaphylaxis treatment**

SECTION 2. Chapter 99, Title 44 of the 1976 Code is amended to read:

“CHAPTER 99

Emergency Anaphylaxis Treatment Act

 Section 44‑99‑10. As used in this chapter:

 (1) ‘Administer’ means the direct application of an epinephrine auto‑injector to the body of an individual.

 (2) ‘Authorized entity’ means any entity or organization, other than a school described in Section 59‑63‑95, in connection with or at which allergens capable of causing anaphylaxis may be present including, but not limited to, recreation camps, colleges and universities, daycare facilities, places of worship, youth sports leagues, amusement parks, restaurants, places of employment, and sports arenas.

 (3) ‘Department’ means the South Carolina Department of Health and Environmental Control.

 (4) ‘Epinephrine auto‑injector’ means a single‑use device used for the automatic injection of a premeasured dose of epinephrine into the human body.

 (5) ‘Health care practitioner’ means a physician, an advanced practice registered nurse authorized to prescribe medication pursuant to Section 40‑33‑34, or a physician assistant authorized to prescribe medication pursuant to Sections 40‑47‑955 through 40‑47‑965.

 (6) ‘Physician’ means a person authorized to practice medicine pursuant to Article 1, Chapter 47, Title 40.

 (7) ‘Provide’ means the supply of one or more epinephrine auto‑injectors to an individual.

 Section 44‑99‑20. Notwithstanding any other provision of law, a health care practitioner may prescribe epinephrine auto‑injectors in the name of an authorized entity for use in accordance with this chapter. Notwithstanding any other provision of law, pharmacists and health care practitioners may dispense epinephrine auto‑injectors pursuant to a prescription issued in the name of an authorized entity. A prescription issued pursuant to this chapter is valid for two years. For the purposes of administering and storing epinephrine auto‑injectors, authorized entities are not subject to Chapter 43, Title 40 or Chapter 99 of the South Carolina Code of State Regulations.

 Section 44‑99‑30. Notwithstanding any other provision of law, an authorized entity may acquire and stock a supply of epinephrine auto‑injectors pursuant to a prescription issued in accordance with this chapter. Epinephrine auto‑injectors acquired pursuant to this chapter must be stored in a location readily accessible in an emergency and in accordance with the epinephrine auto‑injector’s instructions for use, requirements that may be established by the South Carolina Department of Health and Environmental Control, and recommendations included as part of an approved training. An authorized entity shall designate employees or agents who have completed the training required by Section 44‑99‑50, to be responsible for the storage, maintenance, control, and general oversight of epinephrine auto‑injectors acquired by the authorized entity.

 Section 44‑99‑40. Notwithstanding any other provision of law, an employee, agent, or other individual associated with an authorized entity, who has completed the training required by Section 44‑99‑50, may use epinephrine auto‑injectors prescribed pursuant to Section 44‑99‑20 to:

 (1) provide an epinephrine auto‑injector to any individual who the employee, agent, or other individual believes in good faith is experiencing anaphylaxis, or the parent, guardian, or caregiver of that individual, for immediate administration, regardless of whether the individual has a prescription for an epinephrine auto‑injector or has previously been diagnosed with an allergy; and

 (2) administer an epinephrine auto‑injector to any individual who the employee, agent, or other individual 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.

 Section 44‑99‑50. (A) An employee, agent, or other individual described in Section 44‑99‑30 or 44‑99‑40, before undertaking an act authorized by this chapter, shall complete an anaphylaxis training program and must complete an anaphylaxis training program at least every two years following completion of the initial anaphylaxis training program. The training must be conducted by the South Carolina Department of Health and Environmental Control, a licensed medical provider, a nationally recognized organization experienced in training laypersons in emergency health treatment, the manufacturer of an epinephrine auto‑injector, an organization with a training program that has been approved in at least three states, or an entity or individual approved by the department. The department also may approve specific entities or individuals or may approve classes of entities or individuals to conduct training.

 (B) Training may be conducted online or in person and, at a minimum, must address:

 (1) how to recognize signs and symptoms of severe allergic reactions, including anaphylaxis;

 (2) standards and procedures for the storage and administration of an epinephrine auto‑injector; and

 (3) emergency follow‑up procedures.

 (C) The entity that conducts the training shall issue a certificate to each person who successfully completes the anaphylaxis training program. The certificate, at a minimum, must include:

 (1) the name of the organization or individual conducting the training;

 (2) the name of the individual being trained; and

 (3) the date the training occurred.

 Section 44‑99‑60. (A) An authorized entity that possesses and makes available epinephrine auto‑injectors, and its employees, agents, and other individuals, a health care practitioner that prescribes or dispenses epinephrine auto‑injectors to an authorized entity, a pharmacist or health care practitioner that dispenses epinephrine auto‑injectors to an authorized entity, a third party that facilitates the availability of epinephrine auto‑injectors to an authorized entity, the department or other state agency engaged in approving training or in providing guidance to implement this chapter, and an individual or entity that conducts the training described in Section 44‑99‑50, are not liable for any injuries or related damages that result from any act or omission taken pursuant to this chapter; however, this immunity does not apply to acts or omissions constituting negligence, gross negligence, or wilful, wanton, or reckless disregard for the safety of others or for an act or omission that is performed while the individual is impaired by alcohol or drugs.

 (B) The administration of an epinephrine auto‑injector in accordance with this chapter is not the practice of medicine or any other profession that otherwise requires licensure.

 (C) This chapter does not eliminate, limit, or reduce any other immunities or defenses that may be available pursuant to state law, including those available pursuant to Section 15‑1‑310 and Chapter 78, Title 15.

 (D) An entity located in this State is not liable for any injuries or related damages that result from the provision or administration of an epinephrine auto‑injector outside of this State if the entity:

 (1) would not have been liable for the injuries or related damages had the provision or administration occurred within this State; or

 (2) is not liable for the injuries or related damages under the law of the state in which such provision or administration occurred.”

**Time effective**

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 19th day of April, 2016.

Approved the 21st day of April, 2016.

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