

Appendix B: Memorandum of Comparative Analysis of Epinephrine Auto-Injector Use Expansion Legislation in Other States

During the consideration of SB1167 in Virginia, proponents identified two states with similar existing laws – Rhode Island and Florida, both of which were enacted in 2014. These laws outline various authorizations, training requirements, liability protections and, in Rhode Island’s case, incident reporting requirements. Oregon, North Dakota and Maryland utilize a different statutory framework for ensuring the availability of epinephrine in emergency situations in non-school settings, one that is focused on a trained individual rather than an authorized entity.

In 2015, 13 states joined Rhode Island and Florida in enacting legislation that authorizes trained laypersons, in connection with certain authorized entities, to administer epinephrine auto-injectors to persons believed to be experiencing an anaphylactic emergency. Those states were Arkansas, Colorado, Georgia, Iowa, Indiana, Kentucky, Maine, Minnesota, Nevada, Oklahoma, Utah, West Virginia and Wisconsin. An additional 6 states – Massachusetts, Michigan, New Jersey, North Carolina, Ohio and Pennsylvania – have similar legislation currently pending, and 13 states – Alabama, Arizona, California, Hawaii, Illinois, Missouri, New Hampshire, New York, Oregon, South Carolina, Vermont, Virginia and Washington – proposed this type of legislation in their 2015 legislative sessions, but did not enact it.

The basic provisions of each of these bills is the same – authorizing certain entities to obtain a prescription of and stock on their premises epinephrine auto-injectors, authorizing health practitioners to provide the prescription, and pharmacists to dispense the prescription. The entity must have a trained employee responsible for oversight of the auto-injectors, and who is authorized to administer it to an individual believed to be experiencing an anaphylactic emergency. The bills all note liability protections and set up the various provisions necessary to carry out the provisions of the bill. However, where these bills differ is in the specific definition of an authorized entity, the training requirements, reporting requirements, and expanded availability provision. Please see the table below for a comparative analysis of all of the passed bills of this nature.

The second column of the below table evaluates whether the term “authorized entity” is defined in the legislation as one in which allergens capable of causing anaphylaxis may be present. In the various states’ bills, this definition will often include a few types of entities that would potentially fall under this definition, such as youth camps or sports arenas, but do not limit the definition to those. This list of authorized entities is also often subject to change and regular updating by the state’s department of health or commissioner of health.

The last column evaluates whether the bill contains an expanded availability provision. This means that the legislation allows an authorized entity stocking a prescription of epinephrine auto-injectors to make them available for administration by non-trained laypersons if they are stored in a locked, secure container and made available to such individuals for use in a believed anaphylactic emergency upon remote authorization by a health care provider by electronic communication (audio, televideo, etc.).

	Authorized entity is defined as one in which allergens capable of causing anaphylaxis may be present	Training by nationally recognized organization or other entity approved by department, board or commissioner	Training - minimum requirements include recognition of anaphylaxis and administration of epinephrine auto-injector	Training - minimum requirements include storage requirements and follow-up emergency procedures	Authorized entities required to report to the department or board incidents of epinephrine auto-injector administration on their premises	Contains expanded availability provision
RI	✓	✓	✓	✓	✓	✓
FL	✓	✓	✓	X	X	✓
AR	✓	✓	✓	X	✓	X
CO	✓	✓	✓	✓	✓	✓
GA	✓	✓	✓	✓	✓	X
IA	X – “facility” means “a food establishment as defined in section 137F.1, a carnival as defined in section 88A.1, a recreational camp, a youth sports facility, or a sports area”	X – no training requirements; left to be decided in the regulations that are to be adopted to implement this bill	X – no training requirements; left to be decided in the regulations that are to be adopted to implement this bill	X – no training requirements; left to be decided in the regulations that are to be adopted to implement this bill	X	X
IN	X – “entity” is any business, association, or governmental entity, including any branch location of the entity	X – training by a health care provider who is licensed or certified in Indiana, for whom the administration of auto-injectable epinephrine is within the health care provider's scope of practice, who has received training in the administration of auto-injectable epinephrine, and who is knowledgeable in recognizing the symptoms of anaphylaxis and the administration of auto-injectable epinephrine.	✓	X	X	X
KY	✓	✓	✓	X	X	X

	Authorized entity is defined as one in which allergens capable of causing anaphylaxis may be present	Training by nationally recognized organization or other entity approved by department, board or commissioner	Training - minimum requirements include recognition of anaphylaxis and administration of epinephrine auto-injector	Training - minimum requirements include storage requirements and follow-up emergency procedures	Authorized entities required to report to the department or board incidents of epinephrine auto-injector administration on their premises	Contains expanded availability provision
ME	✓	✓	✓	✓	X	X
MN	X	✓	✓	✓	X	X
NV	✓	✓	✓	✓	✓	X
OK	✓	✓	✓	✓	X	✓
UT	X – “qualified entity” means a facility or organization that employs, contracts with, or has a similar relationship with a qualified adult who is likely to have contact with another person who may experience anaphylaxis	X – local health department or local EMS director designates what entities approved to provide this training	✓	✓	X	X
WV	✓	✓	✓	X	X	X
WI	✓	✓	✓	✓	X	X