

**H. B. 3159**

(By Delegate Poore)

[Introduced February 16, 2011; referred to the  
Committee on Health and Human Resources then the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by  
adding thereto a new section, designated §16-1-5a, relating to  
the development and approval of certain training programs  
relating to the possession of epinephrine and the  
administration of epinephrine in emergency situations; and  
authorizing certain individuals to obtain a prescription for  
epinephrine, purchase epinephrine and administer epinephrine  
in emergency situations.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended  
by adding thereto a new section, designated §16-1-5a, to read as  
follows:

**ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.**

**§16-1-5a. Use of epinephrine in emergency situations.**

(a) Prescription, purchase and administration of epinephrine

1 by a trained individual. -- An individual who is eighteen years of  
2 age or older may obtain a prescription for, purchase, and, in an  
3 emergency situation, administer epinephrine using an epinephrine  
4 auto-injector, if the individual has successfully completed a  
5 training program approved by the department under section (b).

6 (b) Approval of training programs.--

7 (1) The department shall promulgate rules, as defined in  
8 section two, article one, chapter twenty-nine-a of this code,  
9 establishing the standards for training programs for the use of  
10 epinephrine auto-injectors and the process for approval of such  
11 training programs.

12 (2) The department shall approve an epinephrine auto-injector  
13 training program that meets standards established by the  
14 department. The standards shall require an epinephrine auto-  
15 injector training program to provide training in:

16 (A) Techniques on how to recognize symptoms of severe  
17 asthmatic or allergic reactions, including anaphylaxis;

18 (B) Standards and procedures for the storage of epinephrine  
19 auto-injectors and administration of epinephrine using auto-  
20 injectors; and

21 (C) Emergency follow-up procedures.

22 (c) Applicability. -- This section does not apply to a person  
23 who is authorized under another law to administer epinephrine or to  
24 a person who is prescribed epinephrine for personal use.

1       (d) Liability of certified individual. -- A claim for relief  
2 may not be brought against an individual who has successfully  
3 completed a training program approved by the department under this  
4 section for an act or omission relating to the administration of  
5 epinephrine to another individual in an emergency situation if the  
6 individual who completed the training program acted in good faith  
7 under the authority granted by this section.

8       (e) Definitions. -- As used in this section:

9       (1) "Department" means the Department of Health and Human  
10 Services;

11       (2) "Emergency situation" means a circumstance where an  
12 individual experiences, or appears to experience, a severe  
13 asthmatic or allergic reaction, including anaphylaxis, that  
14 requires the administration of epinephrine to avoid severe injury  
15 or death and where a certified or licensed health care provider  
16 authorized to administer epinephrine is not reasonably available.

NOTE: The purpose of this bill is to authorize certain individuals to obtain a prescription for epinephrine, purchase epinephrine, and administer epinephrine in emergency situations and to authorize the Department of Health and Human Services to promulgate rules for the development of training programs to insure the proper use of epinephrine in these emergency situations.

This section is new; therefore, it has been completely underscored.