

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 6**

4 (By Senators Stollings, Jenkins, Kessler (Mr. President), Miller,
5 D. Facemire, Plymale, Foster and Kirkendoll)

6 _____
7 [Originating in the Committee on Health and Human Resources;
8 reported January 18, 2012.]
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12 A BILL to amend the Code of West Virginia, 1931, as amended, by
13 adding thereto a new article, designated §16-44-1, §16-44-2,
14 §16-44-3, §16-44-4 and §16-44-5, all relating generally to the
15 administration of epinephrine in emergency situations;
16 authorizing certain individuals to obtain a prescription for
17 epinephrine, purchase epinephrine and administer epinephrine
18 in emergency situations; development and approval of certain
19 training programs relating to the administration of
20 epinephrine in emergency situations; granting rule-making
21 authority; addressing applicability of article; and providing
22 for limitations on civil and criminal liability.

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

24 That the Code of West Virginia, 1931, as amended, be amended
25 by adding thereto a new article, designated §16-44-1, §16-44-2, §16-
26 44-3, §16-44-4 and §16-44-5, all to read as follows:

1 CHAPTER 16. PUBLIC HEALTH

2 **ARTICLE 44. USE OF EPINEPHRINE IN EMERGENCY SITUATIONS.**

3 **§16-44-1. Definitions.**

4 As used in this section:

5 (a) "Department" means the Department of Health and Human
6 Resources.

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

13 **§16-44-2. Prescription, purchase and administration of epinephrine**
14 **by a trained individual in an emergency situation.**

15 An individual who is eighteen years of age or older may obtain
16 a prescription for, purchase, and, in an emergency situation,
17 administer epinephrine using an epinephrine auto-injector, if the
18 individual has successfully completed a training program approved
19 by the department under section three, article forty-four, chapter
20 sixteen.

21 **§16-44-3. Approval of training programs.**

22 (1) The department shall promulgate emergency rules pursuant
23 to the provisions of section fifteen, article three, chapter twenty-
24 nine-a of this code or propose rules for legislative approval in
25 accordance with the provisions of article three, chapter twenty-

1 nine-a of this code, establishing the standards for training
2 programs for the use of epinephrine auto-injectors and the process
3 for approval of such training programs.

4 (2) The department shall approve an epinephrine auto-injector
5 training program that meets standards established by the department.
6 The standards shall require an epinephrine auto-injector training
7 program to provide training in:

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

10 (B) Standards and procedures for the storage of epinephrine
11 auto-injectors and administration of epinephrine using auto-
12 injectors; and

13 (C) Emergency follow-up procedures.

14 **§16-44-4. Applicability.**

15 This article does not apply to a person who is authorized
16 under another law to administer epinephrine or to a person who is
17 prescribed epinephrine for personal use.

18 **§16-44-5. Limitations on liability of trained individual.**

19 An individual, acting in good faith, who has successfully
20 completed a training program approved by the department, shall not
21 be subject to civil liability or criminal prosecution for an act or
22 omission relating to the administration of epinephrine in an
23 emergency situation unless the act or omission was the result of the
24 individual's gross negligence or wilful misconduct.