



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2015 Wisconsin Act 35
[2015 Senate Bill 139]

**Supply and Use of
Epinephrine Auto-Injectors**

2015 Wisconsin Act 35 allows an entity or organization to acquire and maintain a supply of epinephrine auto-injectors, when the entity or organization is operating a business, activity, or event at which allergens capable of causing anaphylaxis may be present.

MAINTENANCE OF SUPPLY OF EPINEPHRINE AUTO-INJECTORS

Under current law, a school may be prescribed an epinephrine auto-injector. Authorized school personnel may provide or administer an epinephrine auto-injector to a pupil who appears to be experiencing a severe allergic reaction, in accordance with procedures specified in the statutes.

The Act authorizes the maintenance and use of epinephrine auto-injectors by certain other entities and organizations. Specifically, it authorizes an epinephrine auto-injector to be proscribed in the name of an entity or organization, other than a school, that is operating a business, activity, or event at which allergens capable of causing anaphylaxis may be present. Authorized entities or organizations may include recreational and educational camps, colleges, universities, day care facilities, youth sports leagues, amusement parks, restaurants, places of employment, and sports arenas, among others.

TRAINING REQUIREMENT

An entity or organization that is permitted to maintain a supply of epinephrine auto-injectors under the Act must designate an employee or agent to be responsible for the storage, maintenance, control, oversight, and use of the epinephrine auto-injectors. The Act establishes a training requirement that must be completed by the designated employee or agent, along with any other employee or agent of the entity or organization, or other individual, who will provide

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

or administer an epinephrine auto-injector prescribed in the name of the entity or organization under the Act.

At a minimum, the training completed by an employee or agent must cover all of the following:

- How to recognize signs and symptoms of severe allergic reactions, including anaphylaxis.
- Standards and procedures for the storage and administration of an epinephrine auto-injector.
- Emergency follow-up procedures after an epinephrine auto-injector is administered, including the necessity of calling 911 or another telephone number for an emergency medical service provider after an epinephrine auto-injector is administered.

The training may be provided by a nationally recognized organization experienced in training laypersons in emergency health treatment or an organization approved by the Department of Health Services. An individual who completes the training must do so again at least once every four years in order to remain eligible.

LIABILITY PROTECTIONS

The Act provides that it does not create or impose a duty or obligation on any authorized entity or organization to acquire an epinephrine auto-injector or make one available. Also, it does not prohibit a health care provider from acting within the scope of practice of his or her license, certificate, permit, or registration.

In addition, the Act includes so-called “good Samaritan” liability protection, which creates an exemption from liability for injuries that may result from the administration of, or failure to administer, an epinephrine auto-injector. The liability protection applies to all of the following:

- An organization or entity that possesses and makes available an epinephrine auto-injector, along with applicable employees, agents, and other individuals, as specified under the Act.
- A health care practitioner who prescribes or dispenses an epinephrine auto-injector to an organization or entity under the Act.
- A pharmacist or other person who dispenses an epinephrine auto-injector to an organization or entity under the Act.
- An organization that conducts the training required under the Act.

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