

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Epinephrine Injector Act is amended by
5 changing Sections 5, 10, 15, and 20 and by adding Section 25 as
6 follows:

7 (410 ILCS 27/5)

8 Sec. 5. Definitions. As used in this Act:

9 "Administer" means to directly apply an epinephrine
10 delivery system ~~injector~~ to the body of an individual.

11 "Authorized entity" means any entity or organization,
12 other than a school covered under Section 22-30 of the School
13 Code, in connection with or at which allergens capable of
14 causing anaphylaxis may be present, including, but not limited
15 to, independent contractors who provide student transportation
16 to schools, recreation camps, colleges and universities, day
17 care facilities, youth sports leagues, amusement parks,
18 restaurants, sports arenas, and places of employment. The
19 Department shall, by rule, determine what constitutes a day
20 care facility under this definition.

21 "Authorized individual" means an individual who has
22 successfully completed the training program under Section 10
23 of this Act.

1 "Department" means the Department of Public Health.

2 "Epinephrine delivery system" means any form of
3 epinephrine that is approved by the United States Food and
4 Drug Administration, including any device that contains a dose
5 of epinephrine, and that is used to administer epinephrine
6 into the human body to prevent or treat a life-threatening
7 allergic reaction.

8 ~~"Epinephrine injector" includes an auto injector approved~~
9 ~~by the United States Food and Drug Administration for the~~
10 ~~administration of epinephrine and a pre filled syringe~~
11 ~~approved by the United States Food and Drug Administration and~~
12 ~~used for the administration of epinephrine that contains a~~
13 ~~pre-measured dose of epinephrine that is equivalent to the~~
14 ~~dosages used in an auto injector.~~

15 "Health care practitioner" means a physician licensed to
16 practice medicine in all its branches under the Medical
17 Practice Act of 1987, a physician assistant under the
18 Physician Assistant Practice Act of 1987 with prescriptive
19 authority, or an advanced practice registered nurse with
20 prescribing authority under Article 65 of the Nurse Practice
21 Act.

22 "Pharmacist" has the meaning given to that term under
23 subsection (k-5) of Section 3 of the Pharmacy Practice Act.

24 "Undesignated epinephrine injector" means an epinephrine
25 injector prescribed in the name of an authorized entity.

26 (Source: P.A. 99-711, eff. 1-1-17; 100-513, eff. 1-1-18;

1 100-799, eff. 1-1-19.)

2 (410 ILCS 27/10)

3 Sec. 10. Prescription to authorized entity; use; training.

4 (a) A health care practitioner may prescribe epinephrine
5 injectors in the name of an authorized entity or authorized
6 individual for use in accordance with this Act, and
7 pharmacists and health care practitioners may dispense
8 epinephrine delivery systems ~~injectors~~ pursuant to a
9 prescription issued in the name of an authorized entity or
10 authorized individual. Such prescriptions shall be valid for a
11 period of 2 years.

12 (a-1) A health care provider with prescribing authority
13 who is employed by or under contract with the Department may
14 issue a statewide standing order for the dispensing of
15 epinephrine delivery systems for use under subsection (c) by
16 authorized individuals or by employees or agents of authorized
17 entities who have completed the training required by
18 subsection (d).

19 (b) An authorized entity or authorized individual may
20 acquire and stock a supply of undesignated epinephrine
21 delivery systems ~~injectors~~ pursuant to a prescription issued
22 under subsection (a) of this Section. Such undesignated
23 epinephrine delivery systems ~~injectors~~ shall be stored in a
24 location readily accessible in an emergency and in accordance
25 with the instructions for use of the epinephrine delivery

1 ~~systems injectors~~. The Department may establish any additional
2 requirements an authorized entity or authorized individual
3 must follow under this Act.

4 (c) An employee or agent of an authorized entity who is an
5 authorized individual or any other individual who is an
6 authorized individual ~~has completed training under subsection~~
7 ~~(d) of this Section~~ may:

8 (1) anywhere allergens capable of causing anaphylaxis
9 may be present provide an epinephrine delivery system
10 ~~injector~~ to any individual ~~on the property of the~~
11 ~~authorized entity~~ whom the employee, agent, or other
12 individual believes in good faith is experiencing
13 anaphylaxis, or to the parent, guardian, or caregiver of
14 such individual, for immediate administration, regardless
15 of whether the individual has a prescription for an
16 epinephrine delivery system ~~injector~~ or has previously
17 been diagnosed with an allergy; or

18 (2) anywhere allergens capable of causing anaphylaxis
19 may be present administer an epinephrine delivery system
20 ~~injector~~ to any individual ~~on the property of the~~
21 ~~authorized entity~~ whom the employee, agent, or other
22 individual believes in good faith is experiencing
23 anaphylaxis, regardless of whether the individual has a
24 prescription for an epinephrine delivery system ~~injector~~
25 or has previously been diagnosed with an allergy.

26 (d) An employee, agent, or other individual authorized

1 must complete an anaphylaxis training program before he or she
2 is able to provide or administer an epinephrine delivery
3 system injector under this Section. Such training shall be
4 valid for a period of 2 years and shall be conducted by a
5 nationally recognized organization experienced in training
6 laypersons in emergency health treatment. The Department shall
7 include links to training providers' websites on its website.

8 Training shall include, but is not limited to:

9 (1) how to recognize signs and symptoms of an allergic
10 reaction, including anaphylaxis;

11 (2) how to administer an epinephrine delivery system
12 injector; and

13 (3) a test demonstrating competency of the knowledge
14 required to recognize anaphylaxis and administer an
15 epinephrine delivery system injector.

16 Training may also include, but is not limited to:

17 (A) a review of high-risk areas on the authorized
18 entity's property and its related facilities;

19 (B) steps to take to prevent exposure to allergens;

20 (C) emergency follow-up procedures; and

21 (D) other criteria as determined in rules adopted
22 pursuant to this Act.

23 Training may be conducted either online or in person. The
24 entity or individual conducting the training shall issue a
25 certificate to each person who successfully completes the
26 anaphylaxis training program. The Department shall approve

1 training programs and list permitted training programs on the
2 Department's Internet website.

3 (Source: P.A. 99-711, eff. 1-1-17; 100-799, eff. 1-1-19.)

4 (410 ILCS 27/15)

5 Sec. 15. Costs. Whichever entity initiates the process of
6 obtaining undesignated epinephrine delivery systems ~~injectors~~
7 and providing training to personnel for carrying and
8 administering undesignated epinephrine delivery systems
9 ~~injectors~~ shall pay for the costs of the undesignated
10 epinephrine delivery systems ~~injectors~~.

11 (Source: P.A. 99-711, eff. 1-1-17; 100-799, eff. 1-1-19.)

12 (410 ILCS 27/20)

13 Sec. 20. Limitations. The use of an undesignated
14 epinephrine delivery system ~~injector~~ in accordance with the
15 requirements of this Act does not constitute the practice of
16 medicine or any other profession that requires medical
17 licensure.

18 Nothing in this Act shall limit the amount of epinephrine
19 delivery systems ~~injectors~~ that an authorized entity or
20 individual may carry or maintain a supply of.

21 (Source: P.A. 99-711, eff. 1-1-17; 100-799, eff. 1-1-19.)

22 (410 ILCS 27/25 new)

23 Sec. 25. Liability limitation. An authorized individual

1 who acts in good faith to provide or administer an epinephrine
2 delivery system in an emergency situation pursuant to this
3 Act, shall not, as a result of the authorized individual's
4 acts, except for willful and wanton misconduct on the part of
5 that individual, be liable for civil damages to a person to
6 whom such epinephrine delivery system was given to or
7 administered. This limitation of liability applies only to the
8 act of providing or administering the epinephrine delivery
9 system and shall not extend to any other care or treatment
10 provided at or around the time of the epinephrine delivery
11 system administration.