Rep. Maurice A. West, II

Filed: 3/13/2025

AMENDMENT TO HOUSE BILL 2462

AMENDMENT NO. _____. Amend House Bill 2462 by replacing everything after the enacting clause with the following:

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

(410 ILCS 27/5)

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

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

"Authorized entity" means any entity or organization, other than a school covered under Section 22-30 of the School Code, in connection with or at which allergens capable of causing anaphylaxis may be present, including, but not limited to, independent contractors who provide student transportation to schools, recreation camps, colleges and universities, day

care facilities, youth sports leagues, amusement parks, restaurants, sports arenas, and places of employment. The Department shall, by rule, determine what constitutes a day care facility under this definition.

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

"Department" means the Department of Public Health.

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

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

"Health care practitioner" means a physician licensed to practice medicine in all its branches under the Medical Practice Act of 1987, a physician assistant under the Physician Assistant Practice Act of 1987 with prescriptive authority, or an advanced practice registered nurse with

prescribing authority under Article 65 of the Nurse Practice Act.

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

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

(Source: P.A. 99-711, eff. 1-1-17; 100-513, eff. 1-1-18; 100-799, eff. 1-1-19.)

(410 ILCS 27/10)

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

(a) A health care practitioner may prescribe epinephrine injectors in the name of an authorized entity <u>or authorized individual</u> for use in accordance with this Act, and pharmacists and health care practitioners may dispense epinephrine <u>delivery systems</u> ~~injectors~~ pursuant to a prescription issued in the name of an authorized entity <u>or authorized individual</u>. Such prescriptions shall be valid for a period of 2 years.

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

(b) An authorized entity or authorized individual may acquire and stock a supply of undesignated epinephrine delivery systems ~~injectors~~ pursuant to a prescription issued under subsection (a) of this Section. Such undesignated epinephrine delivery systems ~~injectors~~ shall be stored in a location readily accessible in an emergency and in accordance with the instructions for use of the epinephrine delivery systems ~~injectors~~. The Department may establish any additional requirements an authorized entity or authorized individual must follow under this Act.

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

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

(2) anywhere allergens capable of causing anaphylaxis may be present administer an epinephrine delivery system

~~injector~~ to any individual ~~on the property of the authorized entity~~ whom the employee, agent, or other individual believes in good faith is experiencing anaphylaxis, regardless of whether the individual has a prescription for an epinephrine delivery system ~~injector~~ or has previously been diagnosed with an allergy.

(d) An employee, agent, or other individual authorized must complete an anaphylaxis training program before he or she is able to provide or administer an epinephrine delivery system ~~injector~~ under this Section. Such training shall be valid for a period of 2 years and shall be conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment. The Department shall include links to training providers' websites on its website.

Training shall include, but is not limited to:

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

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

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

Training may also include, but is not limited to:

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

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

(C) emergency follow-up procedures; and

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

Training may be conducted either online or in person. The entity or individual conducting the training shall issue a certificate to each person who successfully completes the anaphylaxis training program. The Department shall approve training programs and list permitted training programs on the Department's Internet website.

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

(410 ILCS 27/15)

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

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

(410 ILCS 27/20)

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

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

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

(410 ILCS 27/25 new)

Sec. 25. Liability limitation. An authorized individual who acts in good faith to provide or administer an epinephrine delivery system in an emergency situation pursuant to this Act, shall not, as a result of the authorized individual's acts, except for willful and wanton misconduct on the part of that individual, be liable for civil damages to a person to whom such epinephrine delivery system was given to or administered.".