

**CHAPTER 45**  
**SB 194-FN – FINAL VERSION**

03/05/2015 0448s  
04/09/2015 1425EBA

2015 SESSION

15-0507  
04/09

SENATE BILL        ***194-FN***

AN ACT            relative to epinephrine administration policies in postsecondary educational institutions.

SPONSORS:        Sen. Stiles, Dist 24; Sen. Kelly, Dist 10; Sen. Carson, Dist 14; Sen. Fuller Clark, Dist 21; Sen. Reagan, Dist 17; Sen. Watters, Dist 4; Sen. Avard, Dist 12; Rep. Sherman, Rock 24; Rep. Martel, Hills 44; Rep. Shaw, Hills 16; Rep. Gargas, Hills 27

COMMITTEE:      Education

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ANALYSIS

This bill permits postsecondary educational institutions to establish guidelines for the emergency administration of epinephrine by designated trainees, establishes requirements for the storage of epinephrine on campus, and limits civil liability for certain individuals who administer an emergency injection of epinephrine.

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Explanation:      Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears [~~in brackets and struck through~~].  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fifteen*

AN ACT                   relative to epinephrine administration policies in postsecondary educational institutions.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           45:1 New Chapter; Epinephrine Administration in Postsecondary Educational Institutions.  
2 Amend RSA by inserting after chapter 200-M the following new chapter:

CHAPTER 200-N

EPINEPHRINE ADMINISTRATION IN POSTSECONDARY

EDUCATIONAL INSTITUTIONS

6           200-N:1 Definitions. In this chapter:

7           I. “Anaphylaxis” means a rapidly progressing, life-threatening allergic reaction that can  
8 occur following exposure to certain allergens, most commonly, but not limited to, foods, insect stings,  
9 medications, and latex. Signs and symptoms of anaphylaxis include, but are not limited to, difficulty  
10 breathing, coughing, throat clearing, altered heart rhythms, hives, redness or blotches on the skin,  
11 nausea and vomiting, low blood pressure, shock, and loss of consciousness. Failure to treat these  
12 symptoms promptly, with epinephrine, may result in serious consequences up to and including  
13 death.

14           II. “Licensed campus medical professional” means any of the following individuals who are  
15 employed by or have contracted with a postsecondary educational institution and are designated by  
16 the postsecondary educational institution to serve in such a capacity:

17                   (a) A physician licensed under RSA 329.

18                   (b) A physician assistant licensed under RSA 328-D.

19                   (c) An advanced practice registered nurse or registered nurse who is licensed under  
20 RSA 326-B:18.

21           III. “Member of the campus community” means an individual who is a student, faculty  
22 member, or staff member of a postsecondary educational institution.

23           IV. “Trained designee” means a member of the campus community trained by a licensed  
24 campus medical professional in the emergency administration of auto-injectable epinephrine.

25           200-N:2 Emergency Administration of Epinephrine; Policies and Guidelines.

26           I. A postsecondary educational institution accredited to operate in this state may develop a  
27 policy in accordance with this chapter and guidelines issued under RSA 200-N:4 for the emergency

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1 administration of auto-injectable epinephrine to a member of the campus community for anaphylaxis  
2 when a licensed campus medical professional is not available.

3 II. Such policy shall include:

4 (a) Permission for a trained designee to do the following:

5 (1) Administer auto-injectable epinephrine to a member of the campus community  
6 for anaphylaxis when a licensed campus medical professional is unavailable.

7 (2) When responsible for the safety of at least one member of the campus  
8 community, carry in a secure but accessible location a supply of auto-injectable epinephrine that is  
9 prescribed under a standing protocol from a health care provider who is licensed in New Hampshire  
10 and whose scope of practice includes the prescribing of medication.

11 (b) Provisions that a licensed campus medical professional has responsibility for training  
12 designees in the following:

13 (1) The administration of auto-injectable epinephrine.

14 (2) Identification of an anaphylactic reaction and indications for when to use  
15 epinephrine.

16 III. Each postsecondary educational institution that develops a policy under this chapter  
17 shall designate a licensed campus medical professional.

18 IV. A licensed campus medical professional may:

19 (a) Establish and administer a standardized training protocol for the emergency  
20 administration of epinephrine by trained designees.

21 (b) Ensure that trained designees have satisfactorily completed the training protocol.

22 (c) Obtain a supply of auto-injectable epinephrine under a standing protocol from a  
23 physician licensed under RSA 329.

24 (d) Control distribution to trained designees of auto-injectable epinephrine.

25 200-N:3 Requirements for Trained Designees. An individual shall comply with the following  
26 requirements in order to act as a trained designee:

27 I. Be at least 18 years of age.

28 II. Have or reasonably expect to have, responsibility for at least one other member of the  
29 campus community as a result of the individual's employment.

30 III. Have satisfactorily completed the standardized training protocol established and  
31 administered by a licensed campus medical professional in accordance with guidelines developed  
32 under RSA 200-N:4.

33 200-N:4 Department of Health and Human Services Guidelines. The commissioner of the  
34 department of health and human services shall establish guidelines for the development of a policy  
35 by an institution of higher education for the emergency administration of epinephrine to a member of  
36 the campus community for anaphylaxis when a licensed campus medical professional is not

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1 available. The guidelines shall address issues including, but not limited to, the responsibilities of  
2 the institution of higher education, the licensed campus medical professional, and the trained  
3 designee for the emergency administration of epinephrine. The commissioner shall disseminate the  
4 guidelines to the president of each institution of higher education.

5 200-N:5 Storage of Epinephrine.

6 I. A postsecondary educational institution may fill a prescription for auto-injectable  
7 epinephrine and store the auto-injectable epinephrine on the campus if a licensed health care  
8 provider whose scope of practice includes the prescribing of medication writes the prescription for  
9 auto-injectable epinephrine for the postsecondary educational institution.

10 II. The postsecondary educational institution shall store the auto-injectable epinephrine in  
11 an unlocked safe location in which only postsecondary educational institution personnel have access.

12 III. A health care provider who is licensed in this state and whose scope of practice includes  
13 the prescribing of medication may write a prescription, drug order, or protocol for auto-injectable  
14 epinephrine for the postsecondary educational institution.

15 IV. A pharmacist licensed under RSA 318 may dispense a valid prescription, drug order,  
16 or protocol for auto-injectable epinephrine issued in the name of a postsecondary educational  
17 institution.

18 200-N:6 Immunity From Civil Liability.

19 I. A licensed campus medical professional who acts in accordance with this chapter shall not  
20 be liable for civil damages for any act or omission committed in accordance with this chapter unless  
21 the act or omission constitutes gross negligence or willful misconduct.

22 II. A trained designee who administers auto-injectable epinephrine in accordance with this  
23 chapter shall not be liable for civil damages resulting from the administration of auto-injectable  
24 epinephrine under this chapter unless the act or omission constitutes gross negligence or willful  
25 misconduct.

26 III. A licensed health care provider who writes a prescription, drug order, or protocol under  
27 this chapter is not liable for civil damages resulting from the administration of auto-injectable  
28 epinephrine under this chapter unless the act or omission constitutes gross negligence or willful  
29 misconduct.

30 IV. A licensed pharmacy, whether with a physical presence or doing business through mail  
31 order, that fulfills a prescription, drug order, or protocol under this chapter is not liable for civil  
32 damages resulting from the administration of auto-injectable epinephrine under this chapter unless  
33 the act or omission constitutes gross negligence or willful misconduct.

34 200-N:7 Applicability. Nothing in this chapter shall be construed to:

35 I. Permit a trained designee to perform the duties or fill the position of a licensed campus  
36 medical professional.

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1           II. Prohibit the administration of a pre-filled auto-injector of epinephrine by a person acting  
2 under a lawful prescription.

3           III. Prevent a licensed health care provider from acting within the individual's scope of  
4 practice in administering auto-injectable epinephrine.

5           IV. Establish a standard of care under which a postsecondary educational institution would  
6 have a duty to employ or contract with a licensed campus medical professional or to establish  
7 guidelines for the emergency administration of epinephrine. Except as set forth in RSA 200-N:6, a  
8 postsecondary educational institution shall not be held liable for any act or omission related to the  
9 availability or nonavailability of epinephrine for emergency administration on campus.

10         45:2 Dealing in or Possessing Prescription Drugs. Amend RSA 318:42, VII-a to read as follows:

11           VII-a. The possession and administration, with written parental authorization, of flu  
12 vaccine, immunizations, and mantoux tests for the purpose of disease prevention and tuberculosis  
13 screening by registered nurses employed or contracted by public school systems. The possession and  
14 administration of epinephrine for the emergency treatment of anaphylaxis by licensed practical  
15 nurses or registered nurses employed or contracted by public school systems ***or by licensed campus***  
16 ***medical professionals in postsecondary educational institutions.***

17         45:3 Effective Date. This act shall take effect 60 days after its passage.

18  
19 Approved: May 18, 2015

20 Effective Date: July 17, 2015