

SENATE FILE NO. SF0019

Epinephrine delivery methods.

Sponsored by: Senator(s) Rothfuss, Brennan and Schuler and  
Representative(s) Clouston, Guggenmos and  
Yin

A BILL

for

1 AN ACT relating to public health and safety; authorizing  
2 the administration of epinephrine through the use of auto-  
3 injectors, nasal sprays and any other federally approved  
4 device or method; amending definitions; requiring  
5 rulemaking; and providing for effective dates.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9       **Section 1.** W.S. 21-4-310(c)(iii), 21-4-316(a),  
10 (b)(intro), (c)(i) through (iii), (vii), (viii),  
11 (d)(intro), (ii), (e)(i), (ii), (iv) and (v), 33-24-158(b),  
12 35-4-902(a)(viii), 35-4-903(a)(intro), (b)(intro) and (ii),  
13 35-4-904(a), (b)(intro) and (c), 35-4-905 and 35-4-906(a)  
14 through (e) are amended to read:

15

1           **21-4-310. Self-administration of medication for**  
2 **potentially life threatening conditions.**

3  
4           (c) As used in this section:

5  
6           (iii) "Medication required for potentially life  
7 threatening conditions" includes, but is not limited to  
8 asthma medication and prescription ~~single-dose~~epinephrine.  
9 ~~pens.~~

10  
11           **21-4-316. Administration of stock epinephrine.**

12  
13           (a) A district board may adopt and implement a policy  
14 whereby the district may acquire, maintain and dispense to  
15 schools within the district a supply of epinephrine.  
16 ~~auto-injectors.~~—Upon authorization by the board, school  
17 nurses and assigned school personnel may administer ~~a~~stock  
18 epinephrine ~~auto-injector~~—to a student that the school  
19 nurse or assigned school personnel in good faith believes  
20 is experiencing a severe allergic reaction. A district  
21 board shall not be required to obtain a prescription to  
22 acquire, maintain or dispense to schools within the  
23 district a supply of epinephrine ~~auto-injectors~~—under this

1 section. A district board may enter into arrangements with  
2 manufacturers or third-party suppliers of epinephrine  
3 ~~auto-injectors~~ to obtain the epinephrine ~~auto-injectors~~ at  
4 fair market, free or reduced prices.

5

6 (b) A district board that decides to acquire,  
7 maintain and dispense a supply of epinephrine  
8 ~~auto-injectors~~ shall:

9

10 (c) ~~Not later than December 31, 2014,~~ The department  
11 of education, in consultation with the department of  
12 health, shall develop and make available to all schools  
13 guidelines for the management of students with life  
14 threatening allergies. The guidelines shall include, but  
15 not be limited to:

16

17 (i) Identification of life threatening allergies  
18 or severe allergic reactions qualifying for the  
19 administration of epinephrine ~~auto-injectors~~ under this  
20 act;

21

1           (ii) Identification of appropriate and  
2 acceptable epinephrine ~~auto-injectors~~ administration  
3 devices or methods;

4  
5           (iii) Education and training for school  
6 personnel on the management of students with life  
7 threatening allergies, including training related to the  
8 administration of epinephrine; ~~auto-injectors~~;

9  
10          (vii) Requirements for each school to keep a  
11 record of each incident that involves a life threatening  
12 allergy or the administration of stock epinephrine; ~~auto-injectors~~;

13  
14  
15          (viii) Requirements for schools that have  
16 adopted a policy allowing for the administration of stock  
17 epinephrine ~~auto-injectors~~ pursuant to this section to  
18 maintain a list of employees in the school or school  
19 district who have been trained and assigned to administer  
20 stock epinephrine; ~~auto-injectors~~;

21  
22          (d) A school that possesses and makes available stock  
23 epinephrine ~~auto-injectors~~ and those persons specified in

1 this subsection shall not be liable for damages for any  
2 injuries that result from the administration of,  
3 self-administration of, or failure to administer  
4 epinephrine ~~auto-injectors~~ that may constitute ordinary  
5 negligence. This immunity applies regardless of whether  
6 authorization was provided by the student's parent or  
7 guardian or by the student's health care provider. This  
8 immunity does not apply to acts or omissions constituting  
9 gross, willful or wanton negligence. The administration of  
10 stock epinephrine ~~auto-injectors~~ in accordance with this  
11 section is not the practice of medicine. The immunity from  
12 liability provided under this section is in addition to and  
13 not in lieu of that provided under W.S. 1-1-120. The  
14 immunity provided in this subsection extends to:

15

16 (ii) An authorized health care provider who  
17 prescribes stock epinephrine; ~~auto-injectors;~~ and

18

19 (e) As used in this section:

20

21 (i) "Administer" or "administration" means the  
22 direct application of a stock epinephrine; ~~auto-injector;~~

23

1           (ii) "Assigned school personnel" means an  
2 employee, agent or volunteer of a school designated by the  
3 administrator of the school who has completed the training  
4 required under this section to provide or administer stock  
5 epinephrine; ~~auto-injectors;~~

6

7           (iv) "Provide" means the supply of one (1) or  
8 more stock epinephrine ~~auto-injectors~~ doses;

9

10           (v) "Stock epinephrine" means ~~injectable~~  
11 medications used for the treatment of severe,  
12 life-threatening allergies that schools or districts buy  
13 and keep on-site for emergency use.

14

15           **33-24-158. Prescription of epinephrine or opiate**  
16 **antagonist by pharmacist.**

17

18           (b) The board, in cooperation with the Wyoming state  
19 board of medicine, shall adopt rules specifying the  
20 requirements a pharmacist shall meet in order to prescribe  
21 ~~an~~ epinephrine ~~auto-injector~~ or an opiate antagonist.

22

23           **35-4-902. Definitions.**

1

2 (a) As used in this article:

3

4 (viii) "Epinephrine" ~~auto-injector~~ means ~~an~~  
5 ~~automatic injectable~~ a device or method that administers  
6 the drug epinephrine to a person experiencing anaphylaxis  
7 and includes epipens, nasal sprays or any other device or  
8 method under a different ~~brand~~-name used for emergency  
9 epinephrine delivery for the treatment of anaphylaxis and  
10 which device or method is approved by the United States  
11 food and drug administration.

12

13 **35-4-903. Prescription of epinephrine or opiate**  
14 **antagonist.**

15

16 (a) A practitioner or a pharmacist acting in good  
17 faith and exercising reasonable care may, without a  
18 prescriber-patient relationship, prescribe ~~an~~-epinephrine  
19 ~~auto-injector~~ or an opiate antagonist to:

20

21 (b) A practitioner or pharmacist who prescribes ~~an~~  
22 epinephrine ~~auto-injector~~ or an opiate antagonist under  
23 this article shall provide education to the person to whom

1 the epinephrine ~~auto-injector~~ or opiate antagonist is  
2 prescribed, which shall include written instruction on how  
3 to:

4

5 (ii) Respond appropriately to an anaphylaxis or  
6 opiate related drug overdose event, including how to  
7 administer epinephrine ~~through use of an epinephrine~~  
8 ~~auto-injector~~ or administer an opiate antagonist;

9

10 **35-4-904. Standing order for epinephrine or opiate**  
11 **antagonist; anaphylaxis and drug overdose treatment policy;**  
12 **rules.**

13

14 (a) A practitioner acting in good faith and  
15 exercising reasonable care may prescribe by a standing  
16 order ~~an epinephrine auto-injector~~ or an opiate antagonist  
17 to an entity that, in the course of the entity's official  
18 duties or business, may be in a position to assist a person  
19 experiencing anaphylaxis or an opiate related drug  
20 overdose.

21

22 (b) An entity prescribed ~~an epinephrine auto-injector~~  
23 or an opiate antagonist by standing order shall establish

1 an anaphylaxis or a drug overdose treatment policy in  
2 accordance with rules adopted by the department of health.

3 The anaphylaxis or drug overdose treatment policy shall:

4

5 (c) The Wyoming state board of medicine and the  
6 Wyoming state board of nursing may adopt rules as necessary  
7 to implement and administer a prescription of an  
8 epinephrine ~~auto-injector~~ or an opiate antagonist by a  
9 standing order.

10

11 **35-4-905. Voluntary participation.**

12

13 This article does not establish a duty or standard of care  
14 for a person to prescribe or administer epinephrine,  
15 ~~through use of an epinephrine auto-injector,~~ or an opiate  
16 antagonist.

17

18 **35-4-906. Administration of epinephrine or opiate**  
19 **antagonist; immunity from liability; exemption from**  
20 **unprofessional conduct; relation to other law.**

21

22 (a) A person acting in good faith may administer  
23 epinephrine ~~through use of an epinephrine auto-injector~~ or

1 an opiate antagonist to another person who appears to be  
2 experiencing anaphylaxis or an opiate related drug  
3 overdose.

4

5 (b) A person who administers epinephrine ~~through use~~  
6 ~~of an epinephrine auto-injector~~ or an opiate antagonist  
7 pursuant to this article is personally immune from civil or  
8 criminal liability for any act or omission resulting in  
9 damage or injury.

10

11 (c) A practitioner or pharmacist who prescribes ~~an~~  
12 epinephrine ~~auto-injector~~ or ~~an~~ opiate antagonist pursuant  
13 to this article is personally immune from civil or criminal  
14 liability for any act or omission resulting in damage or  
15 injury.

16

17 (d) An entity that establishes an anaphylaxis or drug  
18 overdose treatment policy pursuant to this article is  
19 immune from civil or criminal liability for any act or  
20 omission related to the administration of epinephrine  
21 ~~through use of an epinephrine auto-injector~~ or an opiate  
22 antagonist resulting in damage or injury.

23

1           (e) Prescribing ~~an~~ epinephrine ~~auto-injector~~ or an  
2 opiate antagonist by a practitioner or pharmacist pursuant  
3 to this article shall not constitute unprofessional  
4 conduct.

5

6           **Section 2.** The department of education, the  
7 department of health and the board of pharmacy shall  
8 promulgate all rules necessary to implement this act.

9

10           **Section 3.**

11

12           (a) Except as provided in subsection (b) of this  
13 section, this act is effective July 1, 2026.

14

15           (b) Sections 2 and 3 of this section are effective  
16 immediately upon completion of all acts necessary for a  
17 bill to become law as provided by Article 4, Section 8 of  
18 the Wyoming Constitution.

19

20

(END)