

24:6L-1 TO 24:6L-7
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2015 **CHAPTER:** 215

NJSA: 24:6L-1 TO 24:6L-7 (Permits administration of epinephrine auto-injector device by persons who complete approved educational program.)

BILL NO: A4094 (Substituted for S2884)

SPONSOR(S) Conaway, Herb, and others

DATE INTRODUCED: January 13, 2015

COMMITTEE: **ASSEMBLY:** Health and Senior Services

SENATE: ---

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 12/3/2015

SENATE: 12/7/2015

DATE OF APPROVAL: January 11, 2016

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First Reprint enacted) Yes

A4094

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S2884

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

end

Title 24.
Subtitle 1.
Chapter 6L.(New)
"Epinephrine"
§§1-7 -
C.24:6L-1 to
24:6L-7
§8 - Note

P.L.2015, CHAPTER 215, *approved January 11, 2016*
Assembly, No. 4094 (*First Reprint*)

1 AN ACT concerning access to epinephrine auto-injectors and
2 supplementing Title 24 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 ¹1. This act shall be known and may be cited as the
8 “Epinephrine Access and Emergency Treatment Act.”¹

9

10 ¹2. The Legislature finds and declares that:

11 a. Insect and food allergies are the leading cause of
12 anaphylaxis, a life-threatening condition that is easily treatable with
13 epinephrine, a medication only available via prescription;

14 b. Individuals who are known to be at risk of anaphylaxis may
15 carry emergency doses of epinephrine with them at all times.
16 However, many individuals may not be aware of their allergy and
17 therefore do not carry epinephrine medication;

18 c. New Jersey offers a broad array of outdoor, cultural, and
19 culinary experiences which may expose its citizens to different
20 kinds of insects and foods for the first time;

21 d. Exposure to insects or food resulting in an allergic reaction
22 may occur in settings, such as youth camps, where medical
23 professionals or first responders are not available to provide
24 emergency care for anaphylaxis;

25 e. The State of New Jersey, at P.L.1997, c.368 (C.18A:40-12.5
26 et seq.) and P.L.2013, c.211 (C.18A:61D-11 et seq.), has already
27 recognized the value of training non-medical professionals to
28 administer this life-saving drug in K-12 educational settings and
29 institutions of higher education when a medical professional is not
30 physically present at the scene; and

31 f. It is prudent to similarly provide members of the public who
32 have completed an approved training course with the tools
33 necessary to respond to emergency anaphylaxis situations when

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AHE committee amendments adopted March 2, 2015.

1 assistance from medical professionals and first responders is not
2 readily available.¹

3
4 ¹**[1.] 3.**¹ As used in this act ¹**[**, “health”
5 “Commissioner” means the Commissioner of Health.
6 “Health care professional” means a ¹licensed¹ physician,
7 physician assistant, advanced practice nurse, pharmacist, or other
8 health care professional whose professional practice is regulated
9 pursuant to Title 45 of the Revised Statutes and whose ¹authorized¹
10 scope of practice includes prescribing, dispensing, or administering
11 ¹[epinephrine auto-injector devices] medication, whether
12 independently or through a joint protocol or standing order from a
13 physician¹.

14
15 ¹**[2.] 4. a.**¹ Any person who has successfully completed an
16 educational program approved by the ¹**[Commissioner of Health]**
17 commissioner¹ pursuant to section ¹**[3 of P.L. , c. (C.)**
18 **(pending before the Legislature as this bill)] 5 of this act**¹ to
19 administer an epinephrine auto-injector device shall be
20 ¹**[authorized]** issued a certificate of completion, which shall
21 authorize the person¹ to administer, maintain, and dispose of an
22 epinephrine auto-injector device.

23 ¹**[This section shall not apply to a health care professional who**
24 **is authorized to administer an epinephrine auto-injector device in**
25 **the course of the professional’s practice or to an emergency medical**
26 **technician who is certified to administer an epinephrine auto-**
27 **injector device pursuant to P.L.2003, c.1 (C.26:2K-47.1 et seq.)]**

28 b. A licensed health care professional may prescribe or
29 dispense an epinephrine auto-injector device, either directly or
30 through a standing order, to a person authorized to administer,
31 maintain, and dispose of the device pursuant to subsection a. of this
32 section.

33 c. An entity employing a person authorized to administer,
34 maintain, and dispose of an epinephrine auto-injector device
35 pursuant to subsection a. of this section may obtain, maintain, and
36 make available to the authorized person epinephrine auto-injector
37 devices consistent with such standards and protocols as the
38 commissioner may establish by regulation¹.

39
40 ¹**[3.] 5.**¹ The commissioner shall establish written standards
41 and application procedures for approval of educational programs for
42 the safe administration of epinephrine using an auto-injector device.
43 An educational program shall include training in the administration
44 of epinephrine auto-injector devices, recognition of the symptoms
45 of anaphylaxis, safe maintenance and storage of epinephrine auto-

1 injector devices, and such other information as the commissioner
2 deems necessary.

3
4 ¹4. A health care professional shall be authorized, consistent
5 with the scope of that professional's practice, to prescribe or
6 dispense an epinephrine auto-injector device, either directly or
7 through a standing order, to a person authorized to administer,
8 maintain, and dispose of the device pursuant to section 2 of
9 P.L. , c. (C.) (pending before the Legislature as this
10 bill), or to an entity employing such person if administration of an
11 epinephrine auto-injector device is within the scope of the person's
12 employment.]¹

13
14 ¹5.] 6.¹ a. A health care professional shall not, as a result of
15 the professional's acts or omissions, be subject to any civil liability
16 or any professional disciplinary action under Title 45 of the Revised
17 Statutes ¹for prescribing or dispensing an epinephrine auto-
18 injector device consistent with section 4 of P.L. , c. (C.)
19 (pending before the Legislature as this bill)] for any act or omission
20 which is undertaken in good faith in accordance with this act¹.

21 b. A person authorized to administer, maintain, or dispose of an
22 epinephrine auto-injector device under ¹subsection a. of¹ section
23 ¹2 of P.L. , c. (C.) (pending before the Legislature as
24 this bill)] 4 of this act¹ who, in good faith and without fee,
25 administers an epinephrine auto-injector device to a person who
26 appears to be suffering from anaphylaxis or any other serious
27 condition treatable with epinephrine shall not, as a result of the
28 person's acts or omissions, be subject to any civil liability for
29 administering the device consistent with this act.

30 ¹c. An entity authorized to obtain, maintain, and make available
31 epinephrine auto injector devices to a person employed by the entity
32 pursuant to subsection c. of section 4 of this act shall not, as a result
33 of the entity's acts or omissions, be subject to any civil liability for
34 any act or omission which is undertaken in good faith in accordance
35 with this act.

36 d. A person or entity conducting an educational program
37 approved by the commissioner as provided in section 5 of this act
38 shall not be subject to any civil liability for any act or omission
39 which is undertaken in accordance with this act.

40 e. For the purposes of this section, good faith does not include
41 willful misconduct, gross negligence, or recklessness.¹

42
43 ¹7. Nothing in this act shall be construed to:

44 a. permit a person who has completed a training program
45 pursuant to this act to perform the duties or fill the position of a
46 licensed medical professional;

- 1 b. prohibit the administration of an epinephrine auto-injector
2 device by a person acting pursuant to a lawful prescription;
3 c. prevent a licensed and qualified member of a health care
4 profession from administering an epinephrine auto-injector device if
5 the duties are consistent with the accepted standards of practice
6 applicable to the member's profession; or
7 d. violate the "Athletic Training Licensure Act," P.L.1984,
8 c.203 (C.45:9-37.35 et seq.) in the event that a licensed athletic
9 trainer administers epinephrine as authorized pursuant to this act.¹

10

11 ¹**[6.] 8.**¹ This act shall take effect on the 120th day after
12 enactment, but the Commissioner of Health may take such
13 anticipatory administrative action in advance as shall be necessary
14 for the implementation of this act.

15

16

17

18

19 Permits administration of epinephrine auto-injector device by
20 persons who complete approved educational program.

ASSEMBLY, No. 4094

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED JANUARY 13, 2015

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Assemblyman TROY SINGLETON

District 7 (Burlington)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

SYNOPSIS

Permits administration of epinephrine auto-injector device by persons who complete approved educational program.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/3/2015)

1 AN ACT concerning access to epinephrine auto-injectors and
2 supplementing Title 24 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. As used in this act, “health care professional” means a
8 physician, physician assistant, advanced practice nurse, pharmacist,
9 or other health care professional whose professional practice is
10 regulated pursuant to Title 45 of the Revised Statutes and whose
11 scope of practice includes prescribing, dispensing, or administering
12 epinephrine auto-injector devices.

13

14 2. Any person who has successfully completed an educational
15 program approved by the Commissioner of Health pursuant to
16 section 3 of P.L. , c. (C.) (pending before the Legislature
17 as this bill) to administer an epinephrine auto-injector device shall
18 be authorized to administer, maintain, and dispose of an epinephrine
19 auto-injector device.

20 This section shall not apply to a health care professional who is
21 authorized to administer an epinephrine auto-injector device in the
22 course of the professional’s practice or to an emergency medical
23 technician who is certified to administer an epinephrine auto-
24 injector device pursuant to P.L.2003, c.1 (C.26:2K-47.1 et seq.).

25

26 3. The commissioner shall establish written standards and
27 application procedures for approval of educational programs for the
28 safe administration of epinephrine using an auto-injector device.
29 An educational program shall include training in the administration
30 of epinephrine auto-injector devices, recognition of the symptoms
31 of anaphylaxis, safe maintenance and storage of epinephrine auto-
32 injector devices, and such other information as the commissioner
33 deems necessary.

34

35 4. A health care professional shall be authorized, consistent
36 with the scope of that professional’s practice, to prescribe or
37 dispense an epinephrine auto-injector device, either directly or
38 through a standing order, to a person authorized to administer,
39 maintain, and dispose of the device pursuant to section 2 of
40 P.L. , c. (C.) (pending before the Legislature as this
41 bill), or to an entity employing such person if administration of an
42 epinephrine auto-injector device is within the scope of the person’s
43 employment.

44

45 5. a. A health care professional shall not, as a result of the
46 professional's acts or omissions, be subject to any civil liability or
47 any professional disciplinary action under Title 45 of the Revised
48 Statutes for prescribing or dispensing an epinephrine auto-injector

1 device consistent with section 4 of P.L. , c. (C.)
2 (pending before the Legislature as this bill).

3 b. A person authorized to administer, maintain, or dispose of an
4 epinephrine auto-injector device under section 2 of P.L. ,
5 c. (C.) (pending before the Legislature as this bill) who, in
6 good faith and without fee, administers an epinephrine auto-injector
7 device to a person who appears to be suffering from anaphylaxis or
8 any other serious condition treatable with epinephrine shall not, as a
9 result of the person's acts or omissions, be subject to any civil
10 liability for administering the device consistent with this act.

11

12 6. This act shall take effect on the 120th day after enactment,
13 but the Commissioner of Health may take such anticipatory
14 administrative action in advance as shall be necessary for the
15 implementation of this act.

16

17

18

STATEMENT

19

20 This bill would facilitate access to epinephrine auto-injector
21 devices, which may be used to treat symptoms of life-threatening
22 allergic reactions, known as anaphylaxis, by persons who have
23 completed an educational program approved by the Commissioner
24 of Health. This authorization would not apply to health care
25 professionals and emergency medical technicians who are otherwise
26 authorized to administer the devices in the scope of their practice.

27 Educational programs would include training in the
28 administration of epinephrine auto-injector devices, recognition of
29 the symptoms of anaphylaxis, safe maintenance and storage of the
30 devices, and such other information as the commissioner deems
31 necessary.

32 Health care professionals would be authorized to prescribe and
33 dispense an epinephrine auto-injector device, either directly or
34 through a standing order, to a person authorized to administer,
35 maintain, and dispose of the device under the bill or to an entity
36 employing the person if administration of an epinephrine auto-
37 injector device is within the scope of that person's employment.

38 The bill would provide that health care professionals are immune
39 from civil and professional liability for prescribing or dispensing an
40 epinephrine auto-injector device in accordance with the bill.
41 Additionally, a person authorized to administer an epinephrine auto-
42 injector device under the bill would be immune from civil liability
43 for administering the device in good faith and without fee to a
44 person who appears to be suffering from anaphylaxis or any other
45 serious condition treatable with epinephrine.

ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4094

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 2, 2015

The Assembly Health and Senior Services Committee reports favorably and with committee amendments Assembly Bill No. 4094.

As amended, this bill, which would be known as the “Epinephrine Access and Emergency Treatment Act,” facilitates access to epinephrine auto-injector devices, which may be used to treat symptoms of life-threatening allergic reactions, known as anaphylaxis, by persons who have completed and received a certificate of completion from an educational program approved by the Commissioner of Health. The educational programs would include training in the administration of epinephrine auto-injector devices, recognition of the symptoms of anaphylaxis, safe maintenance and storage of the devices, and such other information as the commissioner deems necessary.

Health care professionals would be authorized to prescribe and dispense an epinephrine auto-injector device, either directly or through a standing order, to a person authorized to administer, maintain, and dispose of the device under the bill. An entity employing the person would be authorized to obtain, maintain, and make available to the person epinephrine auto-injector devices consistent with such standards and protocols as the commissioner may establish by regulation.

As amended, the bill provides that health care professionals are immune from civil and professional liability for prescribing or dispensing an epinephrine auto-injector device in accordance with the bill. Additionally, immunity from civil liability would apply to: a person authorized to administer an epinephrine auto-injector device, for administering the device in good faith and without fee to a person who appears to be suffering from anaphylaxis or any other serious condition treatable with epinephrine; an entity authorized to obtain, maintain, and make available the devices to an authorized person employed by the entity for any act or omission which is undertaken in good faith in accordance with the bill; and a person or entity conducting an educational program approved by the commissioner for any act or omission undertaken in accordance with the bill. The bill

provides that good faith does not include willful misconduct, gross negligence, or recklessness.

As amended, nothing in the bill would be construed to: (1) permit a person who has completed a training program under the bill to perform the duties or fill the position of a licensed medical professional; (2) prohibit the administration of an epinephrine auto-injector device by a person acting pursuant to a lawful prescription; (3) prevent a licensed and qualified member of a health care profession from administering an epinephrine auto-injector device if consistent with the duties and accepted standards of practice applicable to the member's profession; or (4) violate the "Athletic Training Licensure Act," P.L.1984, c.203 (C.45:9-37.35 et seq.) in the event that a licensed athletic trainer administers epinephrine as authorized pursuant to the bill.

COMMITTEE AMENDMENTS:

The committee amendments name the bill the "Epinephrine Access and Emergency Treatment Act" and add a legislative findings and declarations section.

The committee amendments revise the definition section to provide that the "scope of practice" requirement for health care professionals refers to prescribing, dispensing, or administering "medication," rather than "epinephrine auto-injector devices."

The committee amendments clarify that an entity employing a person authorized to administer epinephrine auto-injector devices may, consistent with such standards and protocols as the Commissioner of Health may establish by regulation, obtain, maintain, and make available epinephrine auto-injector devices to the person. The amendments also provide that the entity is immune from civil liability for any acts or omissions undertaken in good faith in connection with the bill.

The committee amendments further revise the civil immunity provisions of the bill to apply a person or entity conducting an authorized educational program, and to provide that "good faith" does not include willful misconduct, gross negligence, or recklessness.

The committee amendments provide that nothing in the bill would be construed to: (1) permit a person who has completed a training program to perform the duties or fill the position of a licensed medical professional; (2) prohibit the administration of an epinephrine auto-injector device by a person acting pursuant to a lawful prescription; (3) prevent a licensed and qualified member of a health care profession from administering an epinephrine auto-injector device if consistent with accepted standards of practice; or (4) violate the "Athletic Training Licensure Act." The amendments also remove certain language concerning health care professionals and emergency medical technicians, as this language is obviated by the amendments.

The committee amendments make certain other technical revisions to the language and structure of the bill.

The committee amendments revise the synopsis to reflect the title of the bill.

SENATE, No. 2884

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED MAY 14, 2015

Sponsored by:

Senator JIM WHELAN

District 2 (Atlantic)

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

Co-Sponsored by:

Senator Addiego

SYNOPSIS

Permits administration of epinephrine auto-injector device by persons who complete approved educational program.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/20/2015)

1 AN ACT concerning access to epinephrine auto-injectors and
2 supplementing Title 24 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. This act shall be known and may be cited as the
8 “Epinephrine Access and Emergency Treatment Act.”

9

10 2. The Legislature finds and declares that:

11 a. Insect and food allergies are the leading cause of
12 anaphylaxis, a life-threatening condition that is easily treatable with
13 epinephrine, a medication only available via prescription;

14 b. Individuals who are known to be at risk of anaphylaxis may
15 carry emergency doses of epinephrine with them at all times.
16 However, many individuals may not be aware of their allergy and
17 therefore do not carry epinephrine medication;

18 c. New Jersey offers a broad array of outdoor, cultural, and
19 culinary experiences which may expose its citizens to different
20 kinds of insects and foods for the first time;

21 d. Exposure to insects or food resulting in an allergic reaction
22 may occur in settings, such as youth camps, where medical
23 professionals or first responders are not available to provide
24 emergency care for anaphylaxis;

25 e. The State of New Jersey, at P.L.1997, c.368 (C.18A:40-12.5
26 et seq.) and P.L.2013, c.211 (C.18A:61D-11 et seq.), has already
27 recognized the value of training non-medical professionals to
28 administer this life-saving drug in K-12 educational settings and
29 institutions of higher education when a medical professional is not
30 physically present at the scene; and

31 f. It is prudent to similarly provide members of the public who
32 have completed an approved training course with the tools
33 necessary to respond to emergency anaphylaxis situations when
34 assistance from medical professionals and first responders is not
35 readily available.

36

37 3. As used in this act:

38 “Commissioner” means the Commissioner of Health.

39 “Health care professional” means a licensed physician, physician
40 assistant, advanced practice nurse, pharmacist, or other health care
41 professional whose professional practice is regulated pursuant to
42 Title 45 of the Revised Statutes and whose authorized scope of
43 practice includes prescribing, dispensing, or administering
44 medication, whether independently or through a joint protocol or
45 standing order from a physician.

46

47 4. a. Any person who has successfully completed an
48 educational program approved by the commissioner pursuant to

1 section 5 of this act to administer an epinephrine auto-injector
2 device shall be issued a certificate of completion, which shall
3 authorize the person to administer, maintain, and dispose of an
4 epinephrine auto-injector device.

5 b. A licensed health care professional may prescribe or
6 dispense an epinephrine auto-injector device, either directly or
7 through a standing order, to a person authorized to administer,
8 maintain, and dispose of the device pursuant to subsection a. of this
9 section.

10 c. An entity employing a person authorized to administer,
11 maintain, and dispose of an epinephrine auto-injector device
12 pursuant to subsection a. of this section may obtain, maintain, and
13 make available to the authorized person epinephrine auto-injector
14 devices consistent with such standards and protocols as the
15 commissioner may establish by regulation.

16

17 5. The commissioner shall establish written standards and
18 application procedures for approval of educational programs for the
19 safe administration of epinephrine using an auto-injector device.
20 An educational program shall include training in the administration
21 of epinephrine auto-injector devices, recognition of the symptoms
22 of anaphylaxis, safe maintenance and storage of epinephrine auto-
23 injector devices, and such other information as the commissioner
24 deems necessary.

25

26 6. a. A health care professional shall not, as a result of the
27 professional's acts or omissions, be subject to any civil liability or
28 any professional disciplinary action under Title 45 of the Revised
29 Statutes for any act or omission which is undertaken in good faith in
30 accordance with this act.

31 b. A person authorized to administer, maintain, or dispose of an
32 epinephrine auto-injector device under subsection a. of section 4 of
33 this act who, in good faith and without fee, administers an
34 epinephrine auto-injector device to a person who appears to be
35 suffering from anaphylaxis or any other serious condition treatable
36 with epinephrine shall not, as a result of the person's acts or
37 omissions, be subject to any civil liability for administering the
38 device consistent with this act.

39 c. An entity authorized to obtain, maintain, and make available
40 epinephrine auto injector devices to a person employed by the entity
41 pursuant to subsection c. of section 4 of this act shall not, as a result
42 of the entity's acts or omissions, be subject to any civil liability for
43 any act or omission which is undertaken in good faith in accordance
44 with this act.

45 d. A person or entity conducting an educational program
46 approved by the commissioner as provided in section 5 of this act
47 shall not be subject to any civil liability for any act or omission
48 which is undertaken in accordance with this act.

1 e. For the purposes of this section, good faith does not include
2 willful misconduct, gross negligence, or recklessness.

3
4 7. Nothing in this act shall be construed to:

5 a. permit a person who has completed a training program
6 pursuant to this act to perform the duties or fill the position of a
7 licensed medical professional;

8 b. prohibit the administration of an epinephrine auto-injector
9 device by a person acting pursuant to a lawful prescription;

10 c. prevent a licensed and qualified member of a health care
11 profession from administering an epinephrine auto-injector device if
12 the duties are consistent with the accepted standards of practice
13 applicable to the member's profession; or

14 d. violate the "Athletic Training Licensure Act," P.L.1984,
15 c.203 (C.45:9-37.35 et seq.) in the event that a licensed athletic
16 trainer administers epinephrine as authorized pursuant to this act.

17
18 8. This act shall take effect on the 120th day after enactment,
19 but the Commissioner of Health may take such anticipatory
20 administrative action in advance as shall be necessary for the
21 implementation of this act.

22
23
24 STATEMENT

25
26 This bill, which would be known as the "Epinephrine Access and
27 Emergency Treatment Act," facilitates access to epinephrine auto-
28 injector devices, which may be used to treat symptoms of life-
29 threatening allergic reactions, known as anaphylaxis, by persons
30 who have completed and received a certificate of completion from
31 an educational program approved by the Commissioner of Health.
32 The educational programs would include training in the
33 administration of epinephrine auto-injector devices, recognition of
34 the symptoms of anaphylaxis, safe maintenance and storage of the
35 devices, and such other information as the commissioner deems
36 necessary.

37 Health care professionals would be authorized to prescribe and
38 dispense an epinephrine auto-injector device, either directly or
39 through a standing order, to a person authorized to administer,
40 maintain, and dispose of the device under the bill. An entity
41 employing the person would be authorized to obtain, maintain, and
42 make available to the person epinephrine auto-injector devices
43 consistent with such standards and protocols as the commissioner
44 may establish by regulation.

45 The bill provides that health care professionals are immune from
46 civil and professional liability for prescribing or dispensing an
47 epinephrine auto-injector device in accordance with the bill.
48 Additionally, immunity from civil liability would apply to: a person

1 authorized to administer an epinephrine auto-injector device, for
2 administering the device in good faith and without fee to a person
3 who appears to be suffering from anaphylaxis or any other serious
4 condition treatable with epinephrine; an entity authorized to obtain,
5 maintain, and make available the devices to an authorized person
6 employed by the entity for any act or omission which is undertaken
7 in good faith in accordance with the bill; and a person or entity
8 conducting an educational program approved by the commissioner
9 for any act or omission undertaken in accordance with the bill. The
10 bill provides that good faith does not include willful misconduct,
11 gross negligence, or recklessness.

12 The bill provides that nothing in its provisions may be construed
13 to: (1) permit a person who has completed a training program under
14 the bill to perform the duties or fill the position of a licensed
15 medical professional; (2) prohibit the administration of an
16 epinephrine auto-injector device by a person acting pursuant to a
17 lawful prescription; (3) prevent a licensed and qualified member of
18 a health care profession from administering an epinephrine auto-
19 injector device if consistent with the duties and accepted standards
20 of practice applicable to the member's profession; or (4) violate the
21 "Athletic Training Licensure Act," P.L.1984, c.203 (C.45:9-37.35 et
22 seq.) in the event that a licensed athletic trainer administers
23 epinephrine as authorized pursuant to the bill.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 2884

STATE OF NEW JERSEY

DATED: OCTOBER 19, 2015

The Senate Health, Human Services and Senior Citizens Committee favorably reports Senate Bill No. 2884.

This bill, which would be known as the “Epinephrine Access and Emergency Treatment Act,” facilitates access to epinephrine auto-injector devices, which may be used to treat symptoms of life-threatening allergic reactions, known as anaphylaxis, by persons who have completed and received a certificate of completion from an educational program approved by the Commissioner of Health. The educational programs would include training in the administration of epinephrine auto-injector devices, recognition of the symptoms of anaphylaxis, safe maintenance and storage of the devices, and such other information as the commissioner deems necessary.

Health care professionals would be authorized to prescribe and dispense an epinephrine auto-injector device, either directly or through a standing order, to a person authorized to administer, maintain, and dispose of the device under the bill. An entity employing the person would be authorized to obtain, maintain, and make available to the person epinephrine auto-injector devices consistent with such standards and protocols as the commissioner may establish by regulation.

The bill provides that health care professionals are immune from civil and professional liability for prescribing or dispensing an epinephrine auto-injector device in accordance with the bill. Additionally, immunity from civil liability would apply to: a person authorized to administer an epinephrine auto-injector device, for administering the device in good faith and without fee to a person who appears to be suffering from anaphylaxis or any other serious condition treatable with epinephrine; an entity authorized to obtain, maintain, and make available the devices to an authorized person employed by the entity for any act or omission which is undertaken in good faith in accordance with the bill; and a person or entity conducting an educational program approved by the commissioner for any act or omission undertaken in accordance with the bill. The bill provides that good faith does not include willful misconduct, gross negligence, or recklessness.

The bill provides that nothing in its provisions may be construed to: (1) permit a person who has completed a training program under the bill to perform the duties or fill the position of a licensed medical professional; (2) prohibit the administration of an epinephrine auto-injector device by a person acting pursuant to a lawful prescription; (3) prevent a licensed and qualified member of a health care profession from administering an epinephrine auto-injector device if consistent with the duties and accepted standards of practice applicable to the member's profession; or (4) violate the "Athletic Training Licensure Act," P.L.1984, c.203 (C.45:9-37.35 et seq.) in the event that a licensed athletic trainer administers epinephrine as authorized pursuant to the bill.

Governor Christie Takes Action On Pending Legislation

Monday, January 11, 2016 Tags: [Bill Action](#)



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Trenton, NJ – Governor Chris Christie today took action on legislation, including a bill aimed at helping inmates who were victims of domestic violence and a second bill designed to help non-violent drug offenders reclaim their lives by streamlining the process for expungement of their criminal records.

The Governor suggested minor changes to strengthen Senate Bill No. 995, which seeks to help domestic violence victims who have been convicted of crimes against their abusers by establishing a community reentry program to assist victim-offenders assimilate into society upon release from custody and prevent further victimization.

Governor Christie conditionally vetoed the bill, proposing that the program be established solely in the Department of Corrections.

"The goal of this bill is commendable and I sincerely support its objective," Governor Christie said. "Domestic violence is tragic, and victims deserve support and counseling. However, the bill conflates the statutory and regulatory responsibilities of the Department of Corrections and the State Parole Board, combining the agencies' separate residential program functions. Accordingly, I suggest minor amendments, in accordance with the intent of the legislation to establish this program within the Department of Corrections, consistent with its existing reintegration programming and tailored to the specific needs of this limited inmate population."

The bill as written also called for an automatic early release program for this specific subset of inmates upon successful completion of the reentry program, an element of the bill that Governor Christie does not support.

"I cannot support the creation of early release programs because they would begin to chisel away at the long-standing function of the State Parole Board," Governor Christie said. "For decades, the State Parole Board has faithfully fulfilled its charge to carefully review and consider the underlying facts and circumstances of each applicant for parole. While I continue to encourage the Legislature to explore reforms that will create efficiencies in State government, I remain grounded in my belief that the review of parole applications is best accomplished through the reasoned, compassionate, experienced and individualized judgment of the State Parole Board and not through an automatic process based upon one factor."

Governor Christie similarly took action to strengthen the Assembly Committee Substitute for Assembly Bills Nos. 206, 471, 1663, 2879, 3060 and 3108, and urged quick approval from the Legislature.

The bill proposes to allow those who have successfully completed the Drug Court program to expunge the related criminal charges, and it further aims to make the expungement process more efficient.

Seeking to balance the needs of non-violent ex-offenders with public safety, Governor Christie conditionally vetoed the bill, retaining the current waiting period for expungements for indictable offenses, currently 10 years, or five years if a court determines that expungement is in the public's interest.

"While I support breaking down barriers to employment and education for non-violent ex-offenders, I cannot endorse a bill that compromises public safety," Governor Christie said. "As written, this bill would cut in half the presumptive waiting period to expunge indictable offenses, often felonies, from ten years to five years, and eliminate an important safeguard which allows a judge to consider whether granting an expungement is in the public's interest. The current public interest exception to the presumptive waiting period is an effective and efficient way to help ex-offenders combat the collateral consequences of their offense, while also ensuring that public safety is not compromised."

Governor Christie further suggested retaining the five-year waiting period for disorderly persons offenses, while adopting the bill's provision to lower this waiting period to three years, if a court determines that expungement is in the public interest.

The Governor also took the following action on other pending legislation:

BILL SIGNINGS:

S-475/A-3223 (Madden, Sweeney/Mosquera, Webber, Moriarty, Mukherji, Garcia, Munoz, Lampitt) - Requires certain information regarding Down syndrome be provided to certain parents and families

S-650 (Doherty, Beach/DiMaio, Andrzejczak, Peterson, DeAngelo) - Designates State Route 173 between Clinton and Phillipsburg as "173rd Airborne Brigade Highway"

S-835/A-1972 (Bateman/Garcia, Danielson) - Enhances penalties for false incrimination and making fictitious reports

S-939/A-2913 (Bateman, A.R. Bucco/Caride, Dancer, A.M. Bucco) - Designates Black Swallowtail butterfly as State Butterfly

S-1940/A-2893 (Oroho, Van Drew/Burzichelli, Space) - Exempts board of education and local government payments to entities under BPU jurisdiction from certain certification requirements

S-2145/A-631 (Van Drew, Madden/Moriarty, Burzichelli, Tucker, DeAngelo, Danielson, Mukherji) - Authorizes hiring preference for veterans in non-civil service jurisdictions

S-2301/A-3522 (Greenstein, Stack/Stender, Mukherji, Lagana, Diegman) - Regulates pharmacy benefits managers and requires certain disclosures concerning multiple source generic drug pricing

S-2432/A-4720 (Madden/Moriarty, Mosquera) - Requires notification of member or retiree of State-administered retirement system under certain circumstances when member or retiree requests change in beneficiary for group life insurance

S-2453/A-3805 (Weinberg, Allen/Burzichelli, Singleton) - Requires earlier mandatory polling hours for school elections; requires discretionary additional polling hours be consistent with current primary and general elections

S-2523/A-3917 (Gill, Greenstein, Benson/DeAngelo, Johnson) - Permits municipalities and municipal parking authorities to create Senior Citizen Priority Parking Program

SCS for S-2586, 2587, A-3217, and 3218 (Stack, Cunningham, Mukherji, Pintor Marin, Garcia) - Requires certain sanitary and protective procedures for used mattresses

SCS for S-2668/A-4270 (Beach, Madden/Lampitt, Vainieri Huttle, Benson, Spencer, Wimberly, Mosquera) - Establishes "MVP Emergency Alert System" for missing persons with mental, intellectual, or developmental disabilities

SS for S-2770/AS for A-3956 (Sweeney, Addiego/Lampitt, Greenwald, Vainieri Huttle, Benson, Mazzeo) - Authorizes establishment of Achieving a Better Life Experience accounts for persons with certain disabilities

S-2940/A-4531 (Singer, Sweeney/Spencer, Benson, Casagrande, Muoio) - Creates new criminal offenses concerning endangering another person; repeals N.J.S.2C:12-2 and N.J.S.2C:24-7

S-2961/A-4188 (Codey, Vitale/Garcia, Lagana, Taliaferro, Vainieri Huttle, Danielsens, Holley, Benson, Jimenez) - Clarifies that Alzheimer's disease and related disorders may be listed as secondary cause of death on death certificate when appropriate

S-2978/A-4194 (Van Drew, Oroho/Burzichelli, Spencer, Rumana, Webber, Benson) - Authorizes mobile electronic waste destruction units to operate without DEP permit

S-3004/A-4685 (Cunningham, Van Drew/Andrzejczak, Johnson, Muoio, Wimberly) - Permits municipality with UEZ to participate in Downtown Business Improvements Zone Loan Fund

S-3076/A-4621 (Weinberg, Bateman/Johnson, Caride) - Increases maximum legal fee to represent victims from \$1,000 to \$3,000

S-3110/A-4617 (Scutari/Johnson, Webber) - Permits certain health clubs to offer swimming lessons and otherwise remain exempt from first aid personnel and lifeguarding requirements

S-3117/A-4781 (Gordon, Bateman, Sweeney, T. Kean/Vainieri Huttle, Eustace, Gusciora, Lampitt, Angelini, Moriarty) - Prohibits Division of Developmental Disabilities from compelling transfers of individuals with developmental disabilities from out-of-State to in-State facilities unless certain exceptions apply

S-3220/A-4790 (Sweeney, O'Toole, Vitale/Greenwald, Conaway, Vainieri Huttle, Handlin, Garcia) - Establishes a process to integrate certain health data and other data from publicly supported programs for population health research

S-3232/A-4834 (Sarlo, Oroho/Lagana, Burzichelli, Schaer, DeAngelo, Phoebus) - Allows businesses due to receive grant under Business Employment Incentive Program to receive tax credit instead of grant

S-3270/A-4705 (Gill, Bateman/Schaer, Coughlin, Lagana, S. Kean, Ciattarelli) - "Certificates of Insurance Act;" governs use of certificates of insurance; provides DOBI with enforcement authority

SJR-81/AJR-122 (Barnes/Vainieri Huttle, Schaer, Lampitt) - Condemns Boycott, Divestment, and Sanctions movement against Israel

A-308/S-2203 (Russo, Rumana/O'Toole, Smith) - Prohibits escrow agent evaluation services from charging escrow agents fees

A-1098/S-671 (Vainieri Huttle, Eustace, Diegnan, Giblin/Pou, Sarlo, Weinberg) - Requires DHS and DMVA to conduct or contract for follow-up studies of former residents transitioning to community from their facilities

A-1355/S-2963 (Stender, Lampitt, Holley, Moriarty/T. Kean, Vitale) - Requires DOH to provide information about crib safety on its Internet website

A-1783/S-2020 (McKeon, Rible, Sumter, Moriarty/Vitale, Cunningham) - "Art Therapist Licensing Act"

A-2023/S-2675 (Greenwald, Benson/Cruz-Perez) - Revises definition of "responsible charge" as it pertains to licensed professional engineers and licensed architects

A-2229 (Wisniewski, Diegnan) - Concerns contracts for asphalt work under the "Local Public Contracts Law"

A-2301/S-1481 (Andrzejczak/Van Drew) - Designates certain interchanges of Garden State Parkway in honor of Melvin M. Loftus and Christopher Meyer

A-3052/S-1090 (Mazzeo, Pinkin, Mukherji, Wimberly/A.R. Bucco, Whelan) - Concerns property taxes due and owing on real property damaged or destroyed during, or as the result of, a natural disaster when a state of emergency is declared by the Governor

A-3246/S-3069 (Dancer, Burzichelli, Vainieri Huttle/Oroho, Sarlo) - Requires timeframe of standardbred mare residing in New Jersey breeding farm be inclusive of foaling instead of between foal's conception and birth

A-3293/S-2146 (Mazzeo, Andrzejczak, Pinkin, Webber, Simon, Mukherji/Van Drew, Doherty) - Allows military personnel and veterans to present certain identifying documents in lieu of municipal beach tags to gain admission to certain beaches

A-3331/S-3111 (Benson, Rodriguez-Gregg, Coughlin/Gill, Beach) - Requires health benefits coverage for synchronization of prescribed medications under certain circumstances

A-3390/S-2309 (Coughlin, Pinkin, Webber, Diegnan/Vitale) - Permits transmittal of certain land use documents via email

A-3395/S-2294 (Wisniewski/Sacco) - Allows insurer to obtain certificates of ownership or salvage certificates of title for motor vehicles under certain circumstances

A-3499/S-2256 (Andrzejczak, Mazzeo, Johnson, Pinkin, DeAngelo/Van Drew) - Requires DMVA to encourage and facilitate returning service members' registration with VA

A-3507/S-2677 (Eustace, Webber, Munoz, Schepisi, Rumana/Gordon, Sarlo) - Amends law concerning county and municipal stream cleaning activities

A-3749/S-2568 (Lampitt, Mazzeo, Andrzejczak, Mukherji, Pinkin/Beach, Allen) - Establishes program to provide assistance to qualified veterans in in-patient and out-patient treatment programs to travel to medical counseling in State

A-3849/SCS for S-2466 (DeAngelo, Eustace, Mazzeo, Pintor Marin, Benson/Turner, Singer) - Requires BPU to provide links to pricing information to customers from electric and gas public utilities, and third-party electric power and gas suppliers

A-3950/S-2832 (Prieto, Jimenez, Quijano/Greenstein, Turner) - Permits correctional facilities to utilize body imaging scanning equipment

A-4079/S-2819 (Eustace, Andrzejczak, Taliaferro, Benson, Dancer/Van Drew, Beach) - Directs Department of Agriculture to publish on its website "New Jersey Gleaning Week" and "Farmers Against Hunger Day" page

A-4094/S-2884 (Conaway, Singleton, Wimberly, Lampitt, Benson/Whelan, Madden) - Permits administration of epinephrine auto-injector device by persons who complete approved educational program

A-4438/S-3202 (Mukherji, Burzichelli/Scutari, Madden) - Raises maximum workers' compensation fees for evaluating physicians

A-4518/S-3010 (Schaer, Eustace, Benson, Pintor Marin/Sarlo) - Modifies and clarifies provisions of certain economic incentive programs

AJR-57/SJR-42 (Space/Oroho) - Designates April of each year as "Sarcoidosis Awareness Month"

AJR-93/SJR-73 (Eustace, Andrzejczak, Taliaferro, Benson/Van Drew, Beach) - Designates third week of September as "New Jersey Gleaning Week"

AJR-94/SJR-74 (Eustace, Andrzejczak, Taliaferro, Benson/Van Drew, Beach) - Designates Wednesday of third week of September as "Farmers Against Hunger Day"

AJR-100/SJR-70 (Andrzejczak, Tucker, DeAngelo, Mazzeo/Van Drew, Whelan) - Designates first week in August of each year as "Coast Guard Week" and honors Cape May as U.S. Coast Guard's enlisted accession point and recruit training center

BILLS VETOED:

S-264/A-1347 (Greenstein, Cunningham/Stender, Egan, O'Donnell, Wimberly) – **ABSOLUTE** - "Thomas P. Canzanella Twenty First Century First Responders Protection Act"; concerns workers compensation for public safety workers

S-374/A-3403 (Scutari, Beck/Rible, DeAngelo, Mukherji) - **ABSOLUTE** - Concerns attorney fees for workers' compensation awards

SCS for S-779, 1952/ACS for A-2474 (Weinberg, Sarlo, Lesniak/Johnson, Garcia, Vainieri Huttie, Lagana, Mukherji, Moriarty) - **ABSOLUTE** - "Garden State Film and Digital Media Jobs Act" expands existing film and digital media production tax credit programs

S-995/A-1677 (Weinberg, Allen/Johnson, Vainieri Huttie, Lampitt, Mosquera) – **CONDITIONAL** - Establishes in DOC, supervised community reintegration program for certain victims of domestic abuse

S-1346/A-3837 (Rice/Coughlin, Garcia, Rodriguez-Gregg, Pintor Marin, Jasey) - **CONDITIONAL** - Concerns the recording of mortgages

S-2260/A-688 (Scutari, Cardinale/Schaer) - **CONDITIONAL** - Modifies certain fees charged by, and requirements imposed on, check casher licensees

S-2524/A-4067 (Gill, Allen/Lagana, Singleton, Moriarty) - **CONDITIONAL** - The "Municipal Volunteer Property Tax Reduction Act"; permits certain municipal property owners to perform volunteer services in return for property tax vouchers

S-2577/ACS for A-4139 (Stack, Schaer/Mazzeo, Andrzejczak, Mukherji, Quijano) - **CONDITIONAL** - Establishes temporary mortgage relief programs for certain owners of real property impacted by "Superstorm Sandy"

S-2867/A-4248 (Ruiz, Pou/Jasey, Sumter, Vainieri Huttie, Green, Holley, Wimberly) - **ABSOLUTE** - Permits municipal land banking in conjunction with online property database development

S-3024/A-4463 (Scutari/Giblin, Diegnan, Jimenez, Caputo, Vainieri Huttie) – **CONDITIONAL** - Revises laws concerning real estate licensees

S-3282/A-4850 (Rice, Cunningham/Wimberly, Mainor, Johnson) - **CONDITIONAL** - Expands Police Training Commission membership to include representative from Northern New Jersey and South Jersey Chapters of National Organization of Black Law Enforcement Executives

ACS for A-206, 471, 1663, 2879, 3060, and 3108/S-2663 (Green, Spencer, Gusciora, Johnson, McKeon, Giblin, Wimberly, Mainor, Quijano/Turner, Lesniak, Pou) - **CONDITIONAL** - Shortens waiting periods for expungement of criminal and other records and information; makes various changes to other expungement procedures and requirements

A-3257/S-2125 (Andrzejczak, Mazzeo, Burzichelli/Van Drew) - **CONDITIONAL** - Provides that determination by county agriculture development board or State Agriculture Development Committee as to what qualifies as farm-based recreational activity in pinelands protection area is binding on Pinelands Commission

A-4103/S-2840 (Mazzeo, Andrzejczak, Giblin/Allen, Whelan) - **ABSOLUTE** - Creates workforce training program for former casino workers

A-4233/S-2435 (Jasey, McKeon, Vainieri Huttie, Mukherji, Lampitt/Codey, Vitale) - **ABSOLUTE** - Provides Medicaid coverage for advance care planning

A-4275/S2831 (Prieto, Eustace, Lagana, Greewald, Quijano, Daniels, Mukherji/Sweeney, Turner, Sarlo) – **CONDITIONAL** - "New Jersey Secure Choice Savings Program Act"; establishes retirement savings program for certain workers

A-4326/S-2942 (Schaer, Lagana, Eustace, Prieto/Gordon, Barnes) - **ABSOLUTE** - Reforms annual State revenue estimating and reporting, and executive State budget presentation and revenue certification processes

A-4386/S-3042 (Coughlin, Pinkin/Vitale, Singer) - **CONDITIONAL** - Permits candidates for school board to circulate petitions jointly and be bracketed together on ballot; permits short nonpolitical designation of principles on petitions and ballots; provides for study of impact of changes

A-4638/S-3118 (Vainieri Huttie, Singleton, Holley, Mosquera, Tucker, Benson/Sweeney, Madden) - **ABSOLUTE** - Requires DCPP to implement policies and procedures to ensure caseworker safety; "Leah's Law"

A-4703/S-3172 (Spencer, Tucker, Pintor Marin, Egan, Muoio, Gusciora/Rice, Smith) - **ABSOLUTE** - Increases tax credit cap by \$165 million for certain qualified residential projects under Economic Redevelopment and Growth Grant program and restricts increase to certain projects

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