

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 6**

4 (By Senators Stollings, Jenkins, Kessler (Mr. President), Miller,  
5 D. Facemire, Plymale, Foster and Kirkendoll)

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7 [Originating in the Committee on Health and Human Resources;  
8 reported January 18, 2012.]  
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12 A BILL to amend the Code of West Virginia, 1931, as amended, by  
13 adding thereto a new article, designated §16-44-1, §16-44-2,  
14 §16-44-3, §16-44-4 and §16-44-5, all relating generally to the  
15 administration of epinephrine in emergency situations;  
16 authorizing certain individuals to obtain a prescription for  
17 epinephrine, purchase epinephrine and administer epinephrine  
18 in emergency situations; development and approval of certain  
19 training programs relating to the administration of  
20 epinephrine in emergency situations; granting rule-making  
21 authority; addressing applicability of article; and providing  
22 for limitations on civil and criminal liability.

23 *Be it enacted by the Legislature of West Virginia:*

24 That the Code of West Virginia, 1931, as amended, be amended  
25 by adding thereto a new article, designated §16-44-1, §16-44-2, §16-  
26 44-3, §16-44-4 and §16-44-5, all to read as follows:



1 nine-a of this code, establishing the standards for training  
2 programs for the use of epinephrine auto-injectors and the process  
3 for approval of such training programs.

4 (2) The department shall approve an epinephrine auto-injector  
5 training program that meets standards established by the department.  
6 The standards shall require an epinephrine auto-injector training  
7 program to provide training in:

8 (A) Techniques on how to recognize symptoms of severe asthmatic  
9 or allergic reactions, including anaphylaxis;

10 (B) Standards and procedures for the storage of epinephrine  
11 auto-injectors and administration of epinephrine using auto-  
12 injectors; and

13 (C) Emergency follow-up procedures.

14 **§16-44-4. Applicability.**

15 This article does not apply to a person who is authorized  
16 under another law to administer epinephrine or to a person who is  
17 prescribed epinephrine for personal use.

18 **§16-44-5. Limitations on liability of trained individual.**

19 An individual, acting in good faith, who has successfully  
20 completed a training program approved by the department, shall not  
21 be subject to civil liability or criminal prosecution for an act or  
22 omission relating to the administration of epinephrine in an  
23 emergency situation unless the act or omission was the result of the  
24 individual's gross negligence or wilful misconduct.