CHAPTER 99

Emergency Anaphylaxis Treatment Act

**SECTION 44‑99‑10.** Definitions.

As used in this chapter:

(1) "Administer" means the direct application of an epinephrine auto‑injector to the body of an individual.

(2) "Authorized entity" means any entity or organization, other than a school described in Section 59‑63‑95, in connection with or at which allergens capable of causing anaphylaxis may be present including, but not limited to, recreation camps, colleges and universities, daycare facilities, places of worship, youth sports leagues, amusement parks, restaurants, places of employment, and sports arenas.

(3) "Department" means the South Carolina Department of Health and Environmental Control.

(4) "Epinephrine auto‑injector" means a single‑use device used for the automatic injection of a premeasured dose of epinephrine into the human body.

(5) "Health care practitioner" means a physician, an advanced practice registered nurse authorized to prescribe medication pursuant to Section 40‑33‑34, or a physician assistant authorized to prescribe medication pursuant to Sections 40‑47‑955 through 40‑47‑965.

(6) "Physician" means a person authorized to practice medicine pursuant to Article 1, Chapter 47, Title 40.

(7) "Provide" means the supply of one or more epinephrine auto‑injectors to an individual.

HISTORY: 1990 Act No. 529, Section 2; 2016 Act No. 156 (H.3706), Section 2, eff April 21, 2016.

Effect of Amendment

2016 Act No. 156, Section 2, rewrote chapter 99 which formerly was titled Insect Sting Emergency Treatment Act. This section was formerly titled Short title.

**SECTION 44‑99‑20.** Prescription of epinephrine auto‑injectors to authorized entity.

Notwithstanding any other provision of law, a health care practitioner may prescribe epinephrine auto‑injectors in the name of an authorized entity for use in accordance with this chapter. Notwithstanding any other provision of law, pharmacists and health care practitioners may dispense epinephrine auto‑injectors pursuant to a prescription issued in the name of an authorized entity. A prescription issued pursuant to this chapter is valid for two years. For the purposes of administering and storing epinephrine auto‑injectors, authorized entities are not subject to Chapter 43, Title 40 or Chapter 99 of the South Carolina Code of State Regulations.

HISTORY: 1990 Act No. 529, Section 2; 2016 Act No. 156 (H.3706), Section 2, eff April 21, 2016.

Effect of Amendment

2016 Act No. 156, Section 2, rewrote chapter 99 which formerly was titled Insect Sting Emergency Treatment Act. This section was formerly titled Definitions.

**SECTION 44‑99‑30.** Acquisition and stock of epinephrine auto‑injectors by authorized entity.

Notwithstanding any other provision of law, an authorized entity may acquire and stock a supply of epinephrine auto‑injectors pursuant to a prescription issued in accordance with this chapter. Epinephrine auto‑injectors acquired pursuant to this chapter must be stored in a location readily accessible in an emergency and in accordance with the epinephrine auto‑injector's instructions for use, requirements that may be established by the South Carolina Department of Health and Environmental Control, and recommendations included as part of an approved training. An authorized entity shall designate employees or agents who have completed the training required by Section 44‑99‑50, to be responsible for the storage, maintenance, control, and general oversight of epinephrine auto‑injectors acquired by the authorized entity.

HISTORY: 1990 Act No. 529, Section 2; 2016 Act No. 156 (H.3706), Section 2, eff April 21, 2016.

Effect of Amendment

2016 Act No. 156, Section 2, rewrote chapter 99 which formerly was titled Insect Sting Emergency Treatment Act. This section was formerly titled Training and certification program.

**SECTION 44‑99‑40.** Use of epinephrine auto‑injectors.

Notwithstanding any other provision of law, an employee, agent, or other individual associated with an authorized entity, who has completed the training required by Section 44‑99‑50, may use epinephrine auto‑injectors prescribed pursuant to Section 44‑99‑20 to:

(1) provide an epinephrine auto‑injector to any individual who the employee, agent, or other individual believes in good faith is experiencing anaphylaxis, or the parent, guardian, or caregiver of that individual, for immediate administration, regardless of whether the individual has a prescription for an epinephrine auto‑injector or has previously been diagnosed with an allergy; and

(2) administer an epinephrine auto‑injector to any individual who the employee, agent, or other individual believes in good faith is experiencing anaphylaxis, regardless of whether the individual has a prescription for an epinephrine auto‑injector or has previously been diagnosed with an allergy.

HISTORY: 1990 Act No. 529, Section 2; 2016 Act No. 156 (H.3706), Section 2, eff April 21, 2016.

Effect of Amendment

2016 Act No. 156, Section 2, rewrote chapter 99 which formerly was titled Insect Sting Emergency Treatment Act. This section was formerly titled Certification; renewal; suspension; revocation.

**SECTION 44‑99‑50.** Anaphylaxis training program.

(A) An employee, agent, or other individual described in Section 44‑99‑30 or 44‑99‑40, before undertaking an act authorized by this chapter, shall complete an anaphylaxis training program and must complete an anaphylaxis training program at least every two years following completion of the initial anaphylaxis training program. The training must be conducted by the South Carolina Department of Health and Environmental Control, a licensed medical provider, a nationally recognized organization experienced in training laypersons in emergency health treatment, the manufacturer of an epinephrine auto‑injector, an organization with a training program that has been approved in at least three states, or an entity or individual approved by the department. The department also may approve specific entities or individuals or may approve classes of entities or individuals to conduct training.

(B) Training may be conducted online or in person and, at a minimum, must address:

(1) how to recognize signs and symptoms of severe allergic reactions, including anaphylaxis;

(2) standards and procedures for the storage and administration of an epinephrine auto‑injector; and

(3) emergency follow‑up procedures.

(C) The entity that conducts the training shall issue a certificate to each person who successfully completes the anaphylaxis training program. The certificate, at a minimum, must include:

(1) the name of the organization or individual conducting the training;

(2) the name of the individual being trained; and

(3) the date the training occurred.

HISTORY: 1990 Act No. 529, Section 2; 2016 Act No. 156 (H.3706), Section 2, eff April 21, 2016.

Effect of Amendment

2016 Act No. 156, Section 2, rewrote chapter 99 which formerly was titled Insect Sting Emergency Treatment Act. This section was formerly titled Requirements for certification; authorized activities.

**SECTION 44‑99‑60.** Immunity.

(A) An authorized entity that possesses and makes available epinephrine auto‑injectors, and its employees, agents, and other individuals, a health care practitioner that prescribes or dispenses epinephrine auto‑injectors to an authorized entity, a pharmacist or health care practitioner that dispenses epinephrine auto‑injectors to an authorized entity, a third party that facilitates the availability of epinephrine auto‑injectors to an authorized entity, the department or other state agency engaged in approving training or in providing guidance to implement this chapter, and an individual or entity that conducts the training described in Section 44‑99‑50, are not liable for any injuries or related damages that result from any act or omission taken pursuant to this chapter; however, this immunity does not apply to acts or omissions constituting negligence, gross negligence, or wilful, wanton, or reckless disregard for the safety of others or for an act or omission that is performed while the individual is impaired by alcohol or drugs.

(B) The administration of an epinephrine auto‑injector in accordance with this chapter is not the practice of medicine or any other profession that otherwise requires licensure.

(C) This chapter does not eliminate, limit, or reduce any other immunities or defenses that may be available pursuant to state law, including those available pursuant to Section 15‑1‑310 and Chapter 78, Title 15.

(D) An entity located in this State is not liable for any injuries or related damages that result from the provision or administration of an epinephrine auto‑injector outside of this State if the entity:

(1) would not have been liable for the injuries or related damages had the provision or administration occurred within this State; or

(2) is not liable for the injuries or related damages under the law of the state in which such provision or administration occurred.

HISTORY: 1990 Act No. 529, Section 2; 2016 Act No. 156 (H.3706), Section 2, eff April 21, 2016.

Effect of Amendment

2016 Act No. 156, Section 2, rewrote chapter 99 which formerly was titled Insect Sting Emergency Treatment Act. This section was formerly titled Licensed medical personnel need not be certified.

**SECTIONS 44‑99‑70, 44‑99‑80.** Omitted.

HISTORY: Former 44‑99‑70, titled Fees, had the following history: 1990 Act No. 529, Section 2. Omitted by 2016 Act No. 156, Section 2, eff April 21, 2016.

HISTORY: Former 44‑99‑80, titled Liability of certificate holder, had the following history: 1990 Act No. 529, Section 2. Omitted by 2016 Act No. 156, Section 2, eff April 21, 2016.