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Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1323

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AN ACT to amend the Indiana Code concerning higher education.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 21-44.5 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

### ARTICLE 44.5. EPINEPHRINE ADMINISTRATION PROGRAM

#### Chapter 1. Definitions

**Sec. 1. The definitions in this chapter apply throughout this article.**

**Sec. 2. "Licensed campus medical professional" means any of the following individuals who are employed by or have contracted with a postsecondary educational institution and are designated by the postsecondary educational institution to serve in such a capacity under IC 21-44.5-2-2(b):**

- (1) A physician licensed under IC 25-22.5.**
- (2) A physician assistant licensed under IC 25-27.5.**
- (3) An advanced practice nurse or registered nurse who is licensed under IC 25-23.**

**Sec. 3. "Member of the campus community" refers to an individual who is a student, faculty member, or staff member of a postsecondary educational institution.**

**Sec. 4. "Trained designee" means a member of the campus**



community trained by a licensed campus medical professional in the emergency administration of auto-injectable epinephrine.

**Chapter 2. Emergency Administration of Epinephrine Policies and Guidelines**

**Sec. 1.** A postsecondary educational institution may develop a policy in accordance with this chapter and guidelines issued under section 4 of this chapter for the emergency administration of auto-injectable epinephrine to a member of the campus community for anaphylaxis when a medical professional is not available.

**Sec. 2. (a)** A policy described in section 1 of this chapter must include the following:

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

**(A)** Under the guidance of a licensed campus medical professional, administer auto-injectable epinephrine to a member of the campus community for anaphylaxis when a licensed campus medical professional is unavailable.

**(B)** When responsible for the safety of at least one (1) member of the campus community, carry in a secure but accessible location a supply of auto-injectable epinephrine that is prescribed under a standing protocol from a health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication.

**(2)** Provisions that a licensed campus medical professional has responsibility for training designees in the following:

**(A)** The administration of auto-injectable epinephrine.

**(B)** Identification of an anaphylactic reaction and indications for when to use epinephrine.

**(b)** Each postsecondary educational institution that develops a policy under this chapter shall designate a licensed campus medical professional.

**(c)** A licensed campus medical professional may do the following:

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

**(2)** Ensure that trained designees have satisfactorily completed the training protocol.

**(3)** Obtain a supply of auto-injectable epinephrine under a standing protocol from a physician licensed under IC 25-22.5.

**(4)** Control distribution to trained designees of auto-injectable epinephrine.

**Sec. 3.** An individual must meet the following requirements in



order to be a trained designee:

- (1) Be at least eighteen (18) years of age.
- (2) Have, or reasonably expect to have, responsibility for at least one (1) other member of the campus community as a result of the individual's employment.
- (3) Have satisfactorily completed the standardized training protocol established and administered by a licensed campus medical professional in accordance with guidelines developed under section 4 of this chapter.

**Sec. 4.** The state department of health, in consultation with the commission for higher education, shall establish guidelines for the development of a policy by a postsecondary educational institution for the emergency administration of epinephrine to a member of the campus community for anaphylaxis when a medical professional is unavailable. In the emergency administration of epinephrine, the guidelines must address the responsibilities of the following:

- (1) The postsecondary educational institution.
- (2) The licensed campus medical professional.
- (3) The trained designee.

**Sec. 5. (a)** A postsecondary educational institution may fill a prescription for auto-injectable epinephrine and store the auto-injectable epinephrine on the campus if a health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication writes the prescription for auto-injectable epinephrine for the postsecondary educational institution.

(b) The postsecondary educational institution shall store the auto-injectable epinephrine in a safe location in which only postsecondary educational institution personnel have access.

(c) A health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication may write a prescription, drug order, or protocol for auto-injectable epinephrine for the postsecondary educational institution.

(d) A pharmacist licensed under IC 25-26 may dispense a valid prescription, drug order, or protocol for auto-injectable epinephrine issued in the name of a postsecondary educational institution.

**Sec. 6. (a)** A licensed campus medical professional who acts in accordance with this chapter is not liable for civil damages for any act or omission committed in accordance with this chapter unless the act or omission constitutes gross negligence or willful or



wanton misconduct.

(b) A trained designee who administers auto-injectable epinephrine in accordance with this chapter is not liable for civil damages resulting from the administration of auto-injectable epinephrine under this chapter unless the act or omission constitutes gross negligence or willful or wanton misconduct.

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

**Sec. 7. Nothing in this chapter may be construed to:**

- (1) permit a trained designee to perform the duties or fill the position of a licensed campus medical professional;**
- (2) prohibit the administration of a pre-filled auto-injector of epinephrine by a person acting under a lawful prescription;**  
or
- (3) prevent a licensed and qualified member of a health care profession from acting within the individual's scope of practice in administering auto-injectable epinephrine.**

SECTION 2. IC 34-30-2-86.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 86.4. IC 21-44.5-2-6 (Concerning licensed campus medical professionals, trained designees, and licensed health care providers and the administration of auto-injectable epinephrine).**

SECTION 3. An emergency is declared for this act.



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

