

ALABAMA

- Training:** Training for EPI-Pens is not regulated.
- Training for asthma inhalers is not regulated.
- Administration - Epi:** Optometrists may administer epinephrine (Alabama Code §34-22-1). Regulations cover EMTs assisting with administration or administering directly (Alabama Administrative Code r. 420-2-1-.12). Assistance with administration or direct administration of pre-measured doses of epinephrine permitted by school personnel delegated by school nurse (Ala. Admin. Code r. 610-X-6-.06).
- Self-administration by students not regulated.
- Assistance by lay persons and first responders not regulated.
- Administration - Inhaler:** Regulations cover EMTs assisting with administration or administering directly (Ala. Admin. Code r. 420-2-1-.12). **Assisted living facility personnel are prohibited from assisting with administration** (Ala. Admin. Code r. 420-5-4-.06).
- Self-administration by students not regulated.
- Assistance by lay persons and first responders not regulated.
- Good Samaritan:** (i) Only covers listed professionals (e.g. doctors, rescue squad members, school professionals, etc.) gratuitously offering first aid or emergency care, but (ii) does cover lay responders in the case of gratuitously rendering emergency care or treatment to a person suffering or appearing to suffer cardiac arrest, including use of an AED, except in cases of gross negligence (Code of Ala. §6-5-332).
- Interpretation:** Chapters can train lay responders to assist with EPI-Pens and asthma inhalers, but should warn assisted living facility personnel about the prohibition on inhaler assistance and all trainees about gaps in Good Samaritan coverage.

ALASKA

Training:

Training for EPI-Pens is not regulated.

Training for asthma inhalers is not regulated.

Administration - Epi:

Regulations cover EMTs (7 Alaska Administrative Code 26.040), and mid-wives (12 Alaska Admin. Code 14.570, 12 Alaska Admin. Code 14.600) assisting with administration or administering directly.

Self-administration by students allowed (Alaska Statutes §14.30.141).

Assistance by lay persons and first responders not regulated.

Administration - Inhaler:

Regulations cover EMTs (7 Alaska Admin. Code 26.999)

Self-administration by students allowed (Alaska Stat. §14.30.141).

Assistance by lay persons and first responders not regulated.

Good Samaritan:

A person ... who renders emergency care ... to an injured... person who reasonably appears to be in immediate need of emergency aid in order to avoid serious harm or death is not liable for civil damages as a result of an act or omission in rendering emergency aid, except for gross negligence or reckless or intentional misconduct. The statute also provides immunity to volunteers of an emergency services organization, except for the use of certain advanced life support techniques and for gross negligence or reckless or intentional misconduct. (Alaska Stat. § 09.65.090).

Interpretation:

Chapters can train lay responders to assist clients with EPI-Pens and asthma inhalers.

ARIZONA

Training:

Training for EPI-Pens is not regulated.

Training for asthma inhalers is not regulated.

Administration - Epi:

Regulations cover pharmacists (Arizona Administrative Code §R4-23-411), optometrists (Arizona Revised Statutes §32-1706), and EMTs (A.A.C. §R9-25-509) assisting with administration or administering directly.

Self-administration by students allowed (A.R.S. §15-341).

Assistance by lay persons and first responders not regulated.

Administration - Inhaler:

Self-administration by students allowed (A.R.S. §15-341).

Assistance by lay persons and first responders not regulated.

Good Samaritan:

No general Good Samaritan statute.

A person who in good faith and gratuitously administers epinephrine to a person suffering from a severe allergic reaction where a qualified health professional is not available shall not be subject to civil liability, except in cases of gross negligence, willful misconduct, or intentional wrongdoing (A.R.S. §36-2226).

Interpretation:

Chapters can train lay responders to assist clients with EPI-Pens and asthma inhalers.

ARKANSAS

- Training:** Arkansas Code §§20-13-401 – 20-13-407 (“Insect Sting Emergency Act”) provides a means to authorize certain people to administer epinephrine in insect sting emergencies when a physician is not immediately available. Training under this program must be done by a physician licensed to practice in Arkansas
- Training for asthma inhalers not regulated.
- Administration - Epi:** Regulations cover optometrists (A.C. §17-90-101).
- Allows for administration or assistance by lay person certified under the Insect Sting Emergency Act. In order to be qualified to be certified under the Act, a person must be 18 years of age, trained by a licensed physician and have duty to respond due to relationship, occupation or volunteer status (A.C. §§20-13-401 – 20-13-407).
- Self-administration by students allowed (A.C. §6-18-707).
- Administration - Inhaler:** Self-administration by students allowed (A.C. §6-18-707).
- Assistance by lay persons and first responders not regulated.
- Good Samaritan:** [A]ny other person, who, in good faith, lends emergency care or assistance without compensation at the place of an emergency or accident, and who was acting as a reasonable and prudent person would have acted under the circumstances present at the scene at the time the services were rendered, shall not be liable for any civil damages for acts or omissions performed in good faith (A.C. §17-95-101).
- Interpretation:** **If instructor requirements are met**, chapters can train lay responders to assist persons in need of emergency care with EPI-Pens, but they should coordinate with the state to ensure compliance with the Insect Sting Emergency Act. Chapters can train lay responders to assist persons in need of emergency care with asthma inhalers.

CALIFORNIA

- Training:** There are no training requirements for the general public for either epi-pens injections or asthma inhalers. Extensive regulations for EMTs and pre-hospital care personnel cover epi-pen training and bronchodilators, especially EMT training under 22 CCR 100064 (e). School Superintendent established training requirements for school personnel pursuant to Cal Ed. Code 49414 for epi-pens and Cal. Ed. Code 49423.1 for asthma inhalers.
- Administration - Epi:** Assistance by lay persons is not regulated. Regulations apply to school personnel, a limited class of first responders. Assistance by other first responders is not regulated.
- Administration - Inhaler:** Assistance by lay persons and first-responders is not regulated.
- Good Samaritan:** There is no general law applicable to the public at large. An AHA or ARC CPR certificate-holder is not liable for civil damages in responding to an emergency except for gross negligence. Similar laws provide protections from civil liability to licensed health care personnel responding to an emergency. The Good Samaritan laws do not excuse acts of gross negligence or duties performed in the scope of one's employment.
- Interpretation:** Chapters may train lay responders to assist with epi-pens and asthma inhalers.

COLORADO

- Training:** Training for EPI-Pens is not regulated.
- Training for asthma inhalers is not regulated.
- Administration - Epi:** Regulations cover school personnel (3 Colorado Code of Regulations 716-1) and EMTs (3 CCR 713-6) assisting with administration or administering directly.
- Self-administration by students allowed (Colorado Revised Statutes §22-1-119.5).
- Assistance by lay persons and first responders not regulated.
- Administration - Inhaler:** Regulations cover EMTs assisting with administration or administering directly (3 CCR 713-6).
- Self-administration by students allowed (C.R.S. §22-1-119.5).
- Assistance by lay persons and first responders not regulated.
- Good Samaritan:** [A]ny ... person, who in good faith renders emergency care or emergency assistance to a person ... without compensation at the place of an emergency or accident, ... shall not be liable for any civil damages for acts or omissions made in good faith as a result of the rendering of such emergency care or emergency assistance during the emergency, unless the acts or omissions were grossly negligent or willful and wanton (C.R.S. §13-21-108).
- Interpretation:** Chapters can train lay responders to assist clients with EPI-Pens and asthma inhalers.

CONNECTICUT

Training: Requires EMTs (Connecticut General Statutes §19a-197a), day care workers, and camp counselors (Conn. Gen. Stat. §19a-900) to be trained in state-approved public health program regarding epinephrine administration. Day care workers and camp counselors may be trained by the American Red Cross to comply with this requirement (Conn. Gen. Stat. §19a-900(d)).

Training for asthma inhalers not regulated.

Administration - Epi: Regulations cover EMTs (Conn. Gen. Stat. §19a-197a), selected school personnel (Conn. Gen. Stat. §10-212a(d)), optometrists (Conn. Gen. Stat. §20-127), day care workers, and camp counselors (Conn. Gen. Stat. §19a-900) assisting with administer or administering directly after receiving proper training.

Assistance by lay persons and first responders not regulated.

Administration - Inhaler: Administration of asthma inhalers not regulated.

Good Samaritan: Any person who has completed a course in first aid offered by the American Red Cross... and who, voluntarily and gratuitously and other than in the ordinary course of such person's employment or practice, or is an identified staff member of a before or after school program, day camp or day care facility ... renders emergency assistance by using a cartridge injector on another person in need thereof, shall not be liable to such person assisted for civil damages for any personal injuries which result from acts or omissions by such person in using a cartridge injector, which may constitute ordinary negligence (Conn. Gen. Stat. §52-557b(h)).

Interpretation: **Chapter should seek Department of Health approval for epinephrine administration course if training EMTs, day care workers, and camp counselors.**

Chapters can train lay responders to assist clients with EPI-Pens and asthma inhalers.

DELAWARE

- Training:** Training for EPI-Pens is not regulated.
Training for asthma inhalers is not regulated.
- Administration - Epi:** Assistance by lay persons and first responders not regulated.
Self-administration by students not regulated.
- Administration - Inhaler:** Assistance by lay persons and first responders not regulated.
Self-administration by students not regulated.
- Good Samaritan:** Any person who in good faith provides emergency care shall not be liable for damages, except in the case of gross negligence or willful or wanton misconduct (16 Del. C. §6801).
- Interpretation:** There are no requirements restricting who can train lay responders to assist persons in need of help with EPI-Pens or asthma inhalers.

DISTRICT OF COLUMBIA

- Training:** Not regulated for either epinephrine auto-injectors or asthma inhalers.
- Administration - Epi:** Not regulated for lay persons.
- Trained medication employees employed in assisted living facilities may administer EPI-pens. (17 D.C. Mun. Regs. 17-6111).
- Administration - Inhaler:** Not regulated.
- Good Samaritan:** Any person who in good faith renders emergency care or assistance to an injured person at the scene of an accident or other emergency in the District of Columbia outside of a hospital, without the expectation of receiving or intending to seek compensation, from such injured person for such service, shall not be liable in civil damages for any act or omission, not constituting gross negligence, in the course of rendering such care or assistance.
- Interpretation:** Chapters can train lay responders to assist clients with Epi-Pens and asthma inhalers.

FLORIDA

Training: Florida Statutes §381.88 (“Insect Sting Emergency Treatment Act”) “provide[s] for the certification of persons who administer lifesaving treatment to persons who have severe adverse reactions to insect stings when a physician is not immediately available.” Training under this act must be performed by a physician licensed to practice in Florida. Certification permits trainees to carry epinephrine (see also: 64E-2.035 Florida Administrative Code).

Training for asthma inhalers is not regulated.

Administration - Epi: Regulations cover EMTs assisting with administration or administering directly (Fla. Stat. §401.23).

Physician’s assistants may prescribe epinephrine (Fla. Stat. §458.347). Self-administration by students allowed (Fla. Stat. §1002.20).

Self-administration and assistance by unlicensed personnel permitted for inhaler use in assisted living facilities.

Assistance by lay persons and first responders not regulated.

Administration - Inhaler: Nursing homes and home health agency personnel (Fla. Stat. §400.488) and assisted living facility personnel (Fla. Stat. §429.256) may assist with administration.

Self-administration by students allowed (Fla. Stat. §1002.20).

Assistance by lay persons and first responders not regulated.

Good Samaritan: Any person ... who gratuitously and in good faith renders emergency care or treatment either in direct response to emergency situations related to and arising out of a public health emergency ... or at the scene of an emergency outside of a hospital, doctor's office, or other place having proper medical equipment, without objection of the injured victim or victims thereof, shall not be held liable for any civil damages as a result of such care or treatment or as a result of any act or failure to act in providing or arranging further medical treatment where the person acts as an ordinary reasonably prudent person would have acted under the same or similar circumstances (Fla. Stat. §768.13).

Interpretation: Chapters can train lay responders to assist clients with asthma inhalers and EPI Pens.

GEORGIA

Training:

Training for EPI-Pens is not regulated.

Training for asthma inhalers is not regulated.

Administration - Epi:

Regulations cover personal care homes (Rules and Regulations of the State of Georgia r. 290-5-35-.19), community living arrangements (Ga. Comp. R. & Regs. r. 290-9-37-.20).

Self-administration by students not regulated.

Assistance by lay persons and first responders not regulated.

Administration - Inhaler:

Administration by qualified medication aide under supervision permitted (Official Code of Georgia §43-26-56).

Self-administration by students not regulated.

Assistance by lay persons and first responders not regulated.

Good Samaritan:

Any person ... who in good faith renders emergency care at the scene of an accident or emergency to the victim or victims thereof without making any charge therefor shall not be liable for any civil damages as a result of any act or omission by such person in rendering emergency care or as a result of any act or failure to act to provide or arrange for further medical treatment or care for the injured person...The immunity ... shall apply only to those persons who perform the aforesaid emergency services for no remuneration (O.C.G.A. § 51-1-29).

Interpretation:

Chapters can train lay responders to assist clients with EPI-Pens and asthma inhalers.

GUAM

Training: Training for EPI-Pens is not regulated.

Training for asthma inhalers is not regulated.

Administration - Epi: Not regulated.

Administration - Inhaler: Not regulated.

Good Samaritan: Any person who renders emergency care or assistance without compensation at the place of an emergency or accident, shall not be liable for any civil damages resulting his acts or omissions, except for such damages as may result from his gross negligence or wanton omissions (20 Guam Code § 2104).

Interpretation: Chapters can train lay responders to assist clients with EPI-Pens and asthma inhalers.

HAWAII

Training: Regulates training of EMTs in administration of medications for anaphylaxis and asthma (Hawaii Rules §16-85-56).

Training for lay persons not regulated.

Administration - Epi: Regulations cover EMT assisting with administration or administering directly (Hawaii Rules §16-85-56).

Self-administration by students allowed (Hawaii Revised Statutes §302A-1164).

Assistance by lay persons and first responders not regulated.

Administration - Inhaler: Regulations cover EMT assisting with administration or administering directly (WCHR §16-85-56).

Self-administration by students allowed (H.R.S. §302A-1164).

Assistance by lay persons and first responders not regulated.

Good Samaritan: Any person who in good faith renders emergency care, without remuneration or expectation of remuneration, at the scene of an accident or emergency to a victim of the accident or emergency shall not be liable for any civil damages resulting from the person's acts or omissions, except for such damages as may result from the person's gross negligence or wanton acts or omissions (H.R.S. §663-1.5) .

Interpretation: **Chapter should seek approval if training EMTs.** Chapters can train lay responders to assist clients with EPI-Pens and asthma inhalers.

IDAHO

- Training:** Regulations cover EMTs assisting with administration or administering directly prescribed medications (Idaho Administrative Code 22.01.06.011).
- Administration - Epi:** Regulations cover EMTs assisting with administration or administering directly prescribed medications (IDAPA 22.01.06.011).
- Self-administration by students not regulated.
- Assistance by lay persons and first responders not regulated.
- Administration - Inhaler:** Regulations cover EMTs assisting with administration or administering directly prescribed medications (IDAPA 22.01.06.011).
- Self-administration by students allowed (Idaho Code §33-520).
- Assistance by lay persons and first responders not regulated.
- Good Samaritan:** That no action shall lie or be maintained for civil damages in any court of this state against any person or persons, or group of persons, who in good faith, being at, or stopping at the scene of an accident, offers and administers first aid or medical attention to any person or persons injured in such accident unless it can be shown that the person or persons offering or administering first aid, is guilty of gross negligence in the care or treatment of said injured person or persons or has treated them in a grossly negligent manner. The immunity described herein shall cease upon delivery of the injured person to either a generally recognized hospital for treatment of ill or injured persons, or upon assumption of treatment in the office or facility of any person undertaking to treat said injured person or persons, or upon delivery of said injured person or persons into custody of an ambulance attendant (Idaho Code §5-330).
- Interpretation:** **Chapters should seek approval if training EMTs.** Chapters can train lay responders to assist clients with EPI-Pens and asthma inhalers.

ILLINOIS

- Training:** Regulates the epinephrine training requirements for EMTs based on DOT curriculum (210 Illinois Compiled Statutes 50/3.50).
Training for asthma inhalers is not regulated.
- Administration - Epi:** Regulations cover EMT assisting with administration or administering directly (210 ILCS 50/3.50).
Self-administration by students allowed (105 ILCS 5/22-30).
Self-administration by children at recreation camps allowed (410 ILCS 607/10).
Assistance by lay persons and first responders not regulated.
- Administration - Inhaler:** Self-administration by students allowed (105 ILCS 5/22-30).
Self-administration by children at recreation camps allowed (410 ILCS 607/10).
Assistance by lay persons and first responders not regulated.
- Good Samaritan:** No general Good Samaritan statute.
Any person who is currently certified in first aid by the American Red Cross or the American Heart Association and who in good faith provides first aid without fee to any person shall not, as a result of his or her acts or omissions, except willful and wanton misconduct on the part of the person in providing the aid, be liable to a person to whom such aid is provided for civil damages (745 ILCS 49/67).
- Interpretation:** Chapter should seek approval if training EMTs. Chapters can train lay responders to assist clients with EPI-Pens and asthma inhalers.

INDIANA

Training: Instruction on administration of epinephrine by EMTs is regulated (Indiana Code §16-31-2-9).

Training not regulated for asthma inhalers.

Administration - Epi: Regulations cover EMT assisting with administration or administering directly (I.C. §16-31-3-23).

Assistance by lay persons and first responders not regulated.

Self-administration by students allowed (I.C. §20-33-8-13).

Administration - Inhaler: Assistance by lay persons and first responders not regulated.

Self-administration by students allowed (I.C. §20-33-8-13).

Good Samaritan: An EMT who provides emergency services is not liable for acts or omissions, except in the case of negligence or willful misconduct (I.C. §16-31-6-1).

A person who comes upon the scene of an emergency or accident or is summoned to the scene of an emergency or accident and, in good faith, gratuitously renders emergency care at the scene of the emergency or accident is immune from civil liability for any personal injury that results from: (1) any act or omission by the person in rendering the emergency care; or (2) any act or failure to act to provide or arrange for further medical treatment or care for the injured person; except for acts or omissions amounting to gross negligence or willful or wanton misconduct (I.C. §34-30-12-1).

Interpretation: **Chapters should seek approval if training EMTs.** Chapters can train lay responders to assist clients with EPI-Pens and asthma inhalers.

IOWA

Training:

Training for EPI-Pens is not regulated.

Training for asthma inhalers is not regulated.

Administration - Epi:

Regulations cover EMTs assisting with administration or administering directly (Iowa EMS Scope of Practice).

Self-administration by students not regulated.

Assistance by lay persons and first responders not regulated.

Administration - Inhaler:

Regulations cover EMT assisting with administration or administering directly (Iowa EMS Scope of Practice).

Self-administration by students allowed (Iowa Code §280.16).

Assistance by lay persons and first responders not regulated.

Good Samaritan:

A person, who in good faith renders emergency care or assistance without compensation, shall not be liable for any civil damages for acts or omissions occurring at the place of an emergency or accident or while the person is in transit to or from the emergency or accident or while the person is at or being moved to or from an emergency shelter unless such acts or omissions constitute recklessness (I.C. §613.17).

Interpretation:

Chapters can train lay responders to assist clients with EPI-Pens and asthma inhalers.

KANSAS

- Training:** Regulations require training of EMTs in an approved course on administration of epinephrine (Kansas Statutes §65-6121).
- Training for asthma inhalers is not regulated.
- Administration - Epi:** Regulations cover EMT and school personnel assisting with administration or administering directly (K.S. §65-6121).
- Self-administration by students allowed (K.S. §72-8252).
- Assistance by lay persons and first responders not regulated.
- Administration - Inhaler:** Regulations cover EMT and school personnel assisting with administration or administering directly (K.S. §65-6121).
- Self-administration by students allowed (K.S. §72-8252).
- Assistance by lay persons and first responders not regulated.
- Good Samaritan:** No general Good Samaritan statute. K.S. §65-6124 provides liability protection for first responders providing emergency care, except in cases of gross negligence or willful or wanton acts or omissions.
- Interpretation:** **Chapter should seek approval if training EMTs.** Chapters can train lay responders to assist clients with EPI-Pens and asthma inhalers.

KENTUCKY

- Training:** Training for EPI-Pens is not regulated.
- Training for asthma inhalers is not regulated.
- Administration - Epi:** Regulations cover EMTs (Kentucky Revised Statutes §311A.195) and optometrists (KRS §320.240) assisting with administration or administering directly.
- Self-administration by students allowed (KRS §§158.830 – 158.838).
- Assistance by lay persons and first responders not regulated.
- Administration - Inhaler:** Self-administration by students allowed (KRS §§158.830 – 158.838).
- Assistance by lay persons and first responders not regulated.
- Good Samaritan:** No general Good Samaritan statute.
- No person certified by the American Heart Association or the American Red Cross to perform cardiopulmonary resuscitation, or employee of any board of education . . . , who has completed a course in first aid and who maintains current certification therein in accordance with the standards set forth by the American Red Cross shall be liable in civil damages for administering emergency care or treatment at the scene of an emergency outside of a hospital, doctor's office, or other place having proper medical equipment excluding house calls, for acts performed at the scene of such emergency, unless such acts constitute willful or wanton misconduct (KRS §411.148).
- Interpretation:** Chapters can train lay responders to assist clients with EPI-Pens and asthma inhalers.

LOUISIANA

Training: Regulates training of school personnel in administration of medications (La. Rev. Stat. § 17:436.1). EMT training pursuant to National Standard EMT training curriculum (La. Rev. Stat. § 40:1234 (B)(1)(a).)

Training of lay persons for EPI-Pens and asthma inhalers is not regulated.

Administration - Epi: Regulations cover EMTs (La. R.S. 40:1234) and school personnel (La. R.S. 17:436.1 and Louisiana Administrative Code 28:I929) administering EPI-Pens.

Assistance by lay persons and first responders and self-administration is not regulated.

Administration - Inhaler: Regulations cover school personnel (La. R.S. 17:436.1 and LAC 28:I929) assisting with administration or administering directly.

EMTs may provide assistance with respiratory failure or respiratory arrest occurs.

Assistance by lay persons and first responders not regulated.

Good Samaritan: No person who in good faith gratuitously renders emergency care, first aid or rescue at the scene of an emergency, or moves a person receiving such care, first aid or rescue to a hospital or other place of medical care shall be liable for any civil damages as a result of any act or omission in rendering the care or services or as a result of any act or failure to act to provide or arrange for further medical treatment or care for the person involved in the said emergency; provided, however, such care or services or transportation shall not be considered gratuitous, and this Section shall not apply when rendered incidental to a business relationship, including but not limited to that of employer-employee, existing between the person rendering such care or service or transportation and the person receiving the same, or when incidental to a business relationship existing between the employer or principal of the person rendering such care, service or transportation and the employer or principal of the person receiving such care, service or transportation. This Section shall not exempt from liability those individuals who intentionally or by grossly negligent acts or omissions cause damages to another individual (La. R.S. 9:2793).

Interpretation:

Chapter should seek approval if training EMTs or school personnel. Chapters can train lay responders to assist clients with EPI-Pens and asthma inhalers.

MAINE

Training: Regulates training of school personnel in administration of medications, which must be performed by a registered professional nurse or physician (Code of Maine Rules 05-071-040).

Training for lay responders not regulated.

Administration - Epi: Regulations cover EMTs (CMR 16-163-005 and CMR 16-163-003) and school personnel (CMR 05-071-040) assisting with administration or administering directly.

Self-administration by students allowed (20-A Maine Revised Statutes §254).

Self-administration by recreational campers allowed (22 M.R.S. §2496).

Assistance by lay persons and first responders not regulated.

Administration - Inhaler: Regulations cover school personnel assisting with administration or administering directly (CMR 05-071-040) and EMTs assisting with administration (CMR 16-163-005).

Self-administration by students allowed (20-A M.R.S. §254)

Self-administration by recreational campers allowed (22 M.R.S. §2496).

Assistance by lay persons and first responders not regulated.

Good Samaritan: [A]ny person who voluntarily, without the expectation of monetary or other compensation from the person aided or treated, renders first aid, emergency treatment or rescue assistance to a person who is unconscious, ill, injured or in need of rescue assistance, shall not be liable for damages for injuries alleged to have been sustained by such person nor for damages for the death of such person alleged to have occurred by reason of an act or omission in the rendering of such first aid, emergency treatment or rescue assistance, unless it is established that such injuries or such death were caused willfully, wantonly or recklessly or by gross negligence on the part of such person (14 M.R.S. §164).

Interpretation: **Chapter should seek approval if training school personnel.** Chapters can train lay responders to assist clients with EPI-Pens and asthma inhalers.

MARYLAND

Training: Maryland Health Code §§13-701-13-709 (“Insect Sting Emergency Treatment Program”) provides a means by which people can be certified to administer epinephrine in emergencies. Training under this program must be done by a physician licensed to practice in Maryland, and the training program must be approved by Department of Health.

Training for asthma inhalers is not regulated.

Administration-Epi: A person to be trained under the Insect Sting Emergency Treatment Program must be of good moral character, at least 18 years of age, and be reasonably expected to have responsibility for someone (subject to an Insect Sting Emergency) as a result of the person’s occupation or volunteer status.

Self-administration by students is allowed. (Maryland Education Code § 7-421)..

Administration-Inhaler: Self-administration by students is allowed (Maryland Education Code § 7-421).

Assistance by lay persons and first responders is not regulated.

Good Samaritan: Maryland Code – Courts and Judicial Proceedings §5-603 states that, among others, a person who “has completed an American Red Cross course in advanced first aid and has a current card showing that status” “is not civilly liable for any act or omission in giving any assistance or medical care, if (1) The act or omission is not one of gross negligence; (2) The assistance or medical care is provided without fee or other compensation; and (3) The assistance or medical care is provided: (i) At the scene of an emergency; (ii) In transit to a medical facility; or (iii) Through communications with personnel providing emergency assistance.” The statute further states that people not listed in the statute are not civilly liable, provided that “(1) The assistance or aid is provided in a reasonably prudent manner; (2) The assistance or aid is provided without fee or other compensation; and (3) The individual relinquishes care of the victim when someone who is licensed or certified by this State to provide medical care or services becomes available to take responsibility.”

Under the Insect Sting Emergency Program, action cannot be brought against individuals certified by the Program “for any act or

omission when the certificate holder is acting in good faith while rendering emergency treatment to a person suffering or believed by the certificate holder to be suffering a severe adverse reaction to an insect sting, except where the conduct of the certificate holder amounts to gross negligence, willful or wanton misconduct, or intentionally tortious conduct.” Furthermore, the statute states that non-certified individuals “may not be held civilly liable in any action arising from or in connection with the administration of epinephrine by the individual solely because the individual did not possess a certificate issued under this subtitle.”

Interpretation:

There are no requirements restricting who can train lay responders to assist persons in need of help with EPI-Pens or asthma inhalers.

MASSACHUSETTS

- Training:** Training program for EMTs (105 CMR 700.003) and first responders for EPI-Pens must meet requirements determined by the Dep't of Public Health (105 CMR § 171.165).
- Training for asthma inhalers is not regulated.
- Administration - Epi:** Regulations cover EMTs and other medical personnel designated by the Massachusetts Dep't of Health (105 CMR. § 700.003), school personnel (105 Mass. Code Regs. § 210.100), and first responders (105 Mass.Code Regs. § 171.165) assisting with administration or administering directly.
- Self-administration by students not regulated.
- Assistance by lay persons not regulated.
- Administration - Inhaler:** Regulations cover school personnel assisting with administration or administering directly (105 Mass. Code Regs. § 210.004).
- Self-administration by students allowed (Massachusetts General Laws Chapter 71 §54B).
- Assistance by lay persons and first responders not regulated.
- Good Samaritan:** No general Good Samaritan statute.
- Interpretation:** Chapters can train lay responders to assist clients with EPI-Pens and asthma inhalers. Training for EMTs and first responders will require approval by Massachusetts's Department of Public Health.

MICHIGAN

Training: Requires training for EMTs in administration of epinephrine for anaphylaxis (Michigan Compiled Laws §333.20919), but does not regulate who may provide training.

Training for asthma inhalers is not regulated.

Administration - Epi: Regulations cover EMT assisting with administration or administering directly.

Self-administration by students is allowed (MCL §380.1179).

Self-administration by campers at children's camps is allowed (MCL §722.127a).

Assistance by lay persons and first responders not regulated.

Administration - Inhaler: Self-administration by students is allowed (MCL §380.1179).

Self-administration by campers at children's camps is allowed (MCL §722.127a).

Assistance by lay persons and first responders not regulated.

Good Samaritan: No general Good Samaritan statute.

Interpretation: **Chapter should seek approval if training EMTs.** Chapters can train lay responders to assist clients with EPI-Pens and asthma inhalers.

MINNESOTA

- Training:** EMT training for epinephrine must be approved by the ambulance service's medical director (Minnesota Administrative Code 4690.8300).
- Training for asthma inhalers is not regulated.
- Administration - Epi:** Regulations cover school personnel assisting with administration or administering directly (Minnesota Statutes §121A.2205).
- EMTs may assist with administration (Minn. R. 4690.0800), but EMTs assisting with administration or administering directly must be trained (Minn. R. 4690.8300).
- Self-administration by students allowed (Minn. Stat. §121A.22 and Minn. Stat. §121A.2205).
- Assistance by lay persons and first responders not regulated.
- Administration - Inhaler:** Self-administration by students allowed (Minn. Stat. §121A.22 and Minn. Stat. §121A.221).
- Assistance by lay persons and first responders not regulated.
- Good Samaritan:** There is a duty to assist. (a) A person who, without compensation or the expectation of compensation, renders emergency care, advice, or assistance at the scene of an emergency or during transit to a location where professional medical care can be rendered, is not liable for any civil damages as a result of acts or omissions by that person in rendering the emergency care, advice, or assistance, unless the person acts in a willful and wanton or reckless manner in providing the care, advice, or assistance. This subdivision does not apply to a person rendering emergency care, advice, or assistance during the course of regular employment, and receiving compensation or expecting to receive compensation for rendering the care, advice, or assistance (Minn. Stat. §604A.01).
- Interpretation:** **Chapter should seek approval if training EMTs.** Chapters can train lay responders to assist clients with EPI-Pens and asthma inhalers.

MISSISSIPPI

- Training:** Training for EPI-Pens is not regulated.
Training for asthma inhalers is not regulated.
- Administration - Epi:** Assistance by lay persons and first responders not regulated.
Self-administration by students not regulated.
- Administration - Inhaler:** Assistance by lay persons and first responders not regulated.
Self-administration by students not regulated.
- Good Samaritan:** Any person who in good faith provides emergency care at the scene of an emergency shall not be liable for damages, except in the case of gross negligence or willful or wanton misconduct (Mississippi Code §73-25-37).
- Interpretation:** There are no requirements restricting who can train lay responders to assist persons in need of help with EPI-Pens or asthma inhalers.

MISSOURI

- Training:** Requires training program of EMT and first responders for epinephrine be approved by the Director of the Department of Health and Senior Services (Revised Statutes of Missouri §190.246).
- Training for asthma inhalers not regulated.
- Administration - Epi:** Regulations cover EMT and first responders assisting with administration or administering directly (R.S.Mo. §190.246).
- Self-administration by students allowed (R.S.Mo. §167.627).
- Assistance by lay persons not regulated.
- Administration - Inhaler:** Self-administration by students allowed (R.S.Mo. §167.627.)
- Assistance by lay persons and first responders not regulated.
- Good Samaritan:** Any other person who has been trained to provide first aid in a standard recognized training program may, without compensation, render emergency care or assistance to the level for which he or she has been trained, at the scene of an emergency or accident, and shall not be liable for civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such emergency care (R.S.Mo. §537.037).
- Interpretation:** **Department of Health and Senior Services approval required for first responder and EMT course.** Chapters may train lay responders to assist clients with EPI-Pens and asthma inhalers.

MONTANA

Training:

Training for EPI-Pens is not regulated.

Training for asthma inhalers is not regulated.

Administration - Epi:

Not regulated.

Self-administration by students allowed, specific to students with asthma (Montana Code §20-5-420).

Administration - Inhaler:

Not regulated.

Self-administration by students allowed, specific to students with asthma (Mont. Code §20-5-420).

Good Samaritan:

[A]ny other person who in good faith renders emergency care or assistance without compensation ... at the scene of an emergency or accident is not liable for any civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such emergency care or assistance (Mont. Code §27-1-714).

Interpretation:

Chapters can train lay responders to assist clients with EPI-Pens and asthma inhalers.

NEBRASKA

- Training:** Training for EPI-Pens is not regulated.
Training for asthma inhalers is not regulated.
- Administration - Epi:** Assistance by lay persons and first responders not regulated.
Self-administration by students not regulated.
- Administration - Inhaler:** Assistance by lay persons and first responders not regulated.
Self-administration by students not regulated.
- Good Samaritan:** Trained school personnel not liable for damages when assisting person suffering from allergic reaction or asthma attack (Nebraska Revised Statutes §25-21,180). Any person who in good faith gratuitously provides emergency care shall not be liable for damages (Nebraska Revised Statutes §25-21,186).
- Interpretation:** There are no requirements restricting who can train lay responders to assist persons in need of help with EPI-Pens or asthma inhalers.

NEVADA

- Training:** Training for EPI-Pens is not regulated.
Training for asthma inhalers is not regulated.
- Administration - Epi:** Assistance by lay persons and first responders not regulated.
Self-administration by students permitted (Nevada Revised Statutes Title 34, §392.425).
- Administration - Inhaler:** Assistance by lay persons and first responders not regulated.
Self-administration by students permitted (NRS Title 34, §392.425).
- Good Samaritan:** Any person who in good faith gratuitously provides emergency care shall not be liable for damages, except in the case of gross negligence (NRS Title 3, §41.500). Medical professionals are subject to similar language in NRS § 41.505. Similar provisions protect volunteers serving in various capacities for volunteer ambulances.
- Interpretation:** There are no requirements restricting who can train lay responders to assist persons in need of help with EPI-Pens or asthma inhalers.

NEW HAMPSHIRE

- Training:** There are no training regulations for epi-pens or asthma inhalers.
- Administration - Epi:** Schools and recreational camps may permit students or members to possess and use epi-pens. N.H. Rev. Stat. § 200:42 and § 485-A:25-b. Assistance by lay persons is not regulated.
- Administration - Inhaler:** Schools and recreational camps may permit students or members to possess and use asthma inhalers. N.H. Rev. Stat. § 200:46 and §§ 485-A:25-f. Assistance by lay persons is not regulated.
- Good Samaritan:** New Hampshire excuses a lay responder acting in good faith from liability, but requires the responder to take the victim to a hospital or health care provider. Specifically, “[i]f any person in good faith renders emergency care at the place of the happening of an emergency or to a victim of a crime or delinquent act or while in transit in an ambulance or rescue vehicle, to a person who is in urgent need of care as a result of the emergency or crime or delinquent act, and if the acts of care are made in good faith and without willful or wanton negligence, the person who renders the care is not liable in civil damages for his acts or omissions in rendering the care, as long as he receives no direct compensation for the care from or on behalf of the person cared for. Any person rendering emergency care shall have the duty to place the injured person under the care of a physician, nurse, or other person qualified to care for such person as soon as possible and to obey the instructions of such qualified person.”
N.H. Rev. Stat. § 08:12(I).
- Schools are exempt from liability for permitting a student to use an epi-pen or asthma inhaler. N.H. Rev. Stat. § 200:45 and § 200:47
- Recreational camps are exempt from liability for permitting a student to use an epi-pen or asthma inhaler. N.H. Rev. Stat. § 485-A:25-e and 485-A:25-g
- Interpretation:** Chapters may train lay responders to assist clients with epi-pen and asthma inhalers.

NEW JERSEY

- Training:** Prior to administering epi-pens, school personnel must be trained by a school nurse using standardized training protocols by the NJDOH (N.J. Stat. § 18A:40-12.6). School personnel authorized to administer asthma inhalers must receive asthma medication training consistent with nationally recognized standards (N.J. Stat. § 18A:40-12.8).
- In order to administer epinephrine, EMTs must be trained under a program recognized by the Commissioner of the New Jersey Department of Health (N.J. Stat. § 26:2K-47.2)
- Administration - Epi:** Self-administration by students is allowed. Administration of epi-pens is permitted by school nurse or trained school personnel only.
- EMTs must be certified to administer epinephrine under training approved by the Commissioner of the New Jersey Department of Health.
- Administration - Inhaler:** Self-administration by students is allowed. Administration of nebulizers (inhalers) is permitted by school nurse or trained school personnel only.
- Good Samaritan:** General Good Samaritan law protects someone from civil liability due to any acts or omissions while providing emergency care. Specifically: “Any individual, including a person licensed to practice any method of treatment of human ailments, disease, pain, injury, deformity, mental or physical condition, or licensed to render services ancillary thereto, or any person who is a volunteer member of a duly incorporated first aid and emergency or volunteer ambulance or rescue squad association, who in good faith renders emergency care at the scene of an accident or emergency to the victim or victims thereof, or while transporting the victim or victims thereof to a hospital or other facility where treatment or care is to be rendered, shall not be liable for any civil damages as a result of any acts or omissions by such person in rendering the emergency care.” N.J. Stat. § 2A:62A-1
- Interpretation:** Chapters may train lay responders to assist clients with epi-pens. School personnel and EMTs should consult with their supervisors to see if Red Cross training meets the standards set forth above.

NEW MEXICO

- Training:** There are no regulations for either epi-pens or asthma inhalers.
- Administration - Epi:** Self-administration by students is permitted under N.M. Stat. § 22-5-4.3E(3). There are no other applicable regulations.
- Administration - Inhaler:** Self-administration by students is permitted under N.M. Stat. § 22-5-4.3E(3). There are no other applicable regulations.
- Good Samaritan:** New Mexico generally releases from liability anyone who provides aid in an emergency. Exceptions are made for gross negligence or if the person is paid. N.M. Stat. § 24-10-3 states: No person who comes to the aid or rescue of another person by providing care or assistance in good faith at or near the scene of an emergency . . . shall be held liable for any civil damages as a result of any action or omission by that person in providing that care or assistance, except when liable for an act of gross negligence; but nothing in this section applies to the provision of emergency care or assistance when it is rendered for remuneration. . . .”
- Interpretation:** Chapters can train lay responders to assist clients with epi-pens and asthma inhalers.

NEW YORK

- Training:** Training programs for EMT, first responders and camp personnel in the administration of epinephrine and identification of symptoms of anaphylaxis must be approved by the Commissioner of Health. NY Pub. Health Law § 3000c. **The American Red Cross program has been approved by the Commissioner of Health.**
- Administration - Epi:** Self-administration by students is not regulated. Regulations cover EMTs, first responders, child care providers, and camp personnel assisting with the administration or administering epi-pen shots directly and all such personnel are required to complete a training course approved by the Commissioner of Health prior to using Epi-Pens. NY Pub. Health Law § 3000c.
- Administration - Inhaler:** Self-administration by students is allowed.
- Good Samaritan:** N.Y. Pub. Health Law § 3000a states: “any person who voluntarily and without expectation of monetary compensation renders first aid or emergency treatment at the scene of an accident or other emergency outside a hospital, doctor's office or any other place having proper and necessary medical equipment, to a person who is unconscious, ill, or injured, shall not be liable for damages for injuries alleged to have been sustained by such person or for damages for the death of such person alleged to have occurred by reason of an act or omission in the rendering of such emergency treatment unless it is established that such injuries were or such death was caused by gross negligence on the part of such person.”
- Interpretation:** Chapters may train lay responders to assist clients with epi-pens and asthma inhalers.

NORTH CAROLINA

Training: Training of lay persons is not regulated. North Carolina Gen. Stat. § 143-509 provides for the training of EMTs. DHHS “shall... promote a means of training [EMTs] to administer life-saving treatment to persons who suffer a severe adverse reaction to agents that might cause anaphylaxis.”

Training for asthma inhalers is not regulated.

Administration - Epi: Trained EMTs *may* be approved by the NC Medical Care Commission to administer epinephrine (NCGS §143-509).

Self-administration by students is allowed (NCGS §115C-375.2).

Administration - Inhaler: Assistance by lay persons and first responders not regulated.

Self-administration by students allowed (NCGS §115C-375.2).

Good Samaritan: Any person who, in a volunteer capacity, helps another person in a medical emergency, shall not be liable for damages except in the case of gross negligence, wanton conduct, or intentional wrongdoing (NCGS §90-21.14).

Interpretation: There are no requirements restricting who can train lay responders to assist persons in need of help with EPI-Pens or asthma inhalers.

NORTH DAKOTA

- Training:** **Training in the administration of epinephrine must be done by a physician or physician’s designee.** Training for asthma inhalers is not regulated.
- Administration - Epi:** Self-administration by students is allowed. N.D. Cent. Code § 15.1-19-16
- Assistance by lay persons is not regulated.
- Regulations cover EMT, first responder, child care providers, camp and school personnel and security staff (and other persons “whose employment creates a reasonable expectation to care for the health and safety of others”) assisting with administration of administering directly. N.D. Cent. Code § 33-37-01-01
- Administration - Inhaler:** Self-administration by students is permitted. N.D. Cent. Code § 15.1-19-16
- No other regulations.
- Good Samaritan:** N.D. Cent. Code § 32-03.1-01 states: “No person, or the person's employer . . . who renders aid or assistance necessary or helpful in the circumstances to other persons who have been injured or are ill as the result of an accident or illness, or any mechanical, external or organic trauma, may be named as a defendant or held liable in any personal injury civil action by any party in this state for acts or omissions arising out of a situation in which emergency aid or assistance is rendered, unless it is plainly alleged in the complaint and later proven that such person's acts or omissions constituted intentional misconduct or gross negligence.”
- Interpretation:** If the chapter meets the above requirement and has a physician trainer, the chapter may train lay responders and persons whose employment creates a reasonable expectation to care for the health and safety of others to administer epi-pens and asthma inhalers. There is no requirement for assisting with the administration of epinephrine or asthma inhalers.

OHIO

- Training:** Ohio has no training requirements for the general public for either epi-pens injections or asthma inhalers. Ohio has specific training requirements for EMTs. Ohio Rev. Code § 4765.38.
- Administration - Epi:** Assisting with an epi-pen is not regulated. Schools are permitted to allow students to possess and use epi-pens. Ohio Rev. Code § 3313.718
- Administration - Inhaler:** Assisting with an inhaler is not regulated. Schools are permitted to allow students to possess and use inhalers. Ohio Rev. Code § 3313.716
- Good Samaritan:** “No person shall be liable in civil damages for administering emergency care or treatment outside of a hospital, doctor’s office, or other place having proper medical equipment, for acts performed at the scene of such emergency, unless such acts constitute willful or wanton misconduct.” Ohio Rev. Code § 2305.23.
- School personnel are protected from civil liability in permitting a student to use either an epi-pen (Ohio Rev. Code § 3314.141) or a bronchodilator (Ohio Rev. Code § 3314.14). Ohio has numerous Good Samaritan laws protecting health care providers who administer aid outside the scope of their regular duties.
- Interpretation:** Chapters may train lay responders to assist with epi-pens and asthma inhalers.

OKLAHOMA

- Training:** Not regulated for either epinephrine auto-injectors or asthma inhalers.
- Administration - Epi:** Not regulated
- Administration - Inhaler:** Not regulated
Self-administration by students allowed. 70 Okl. Stat. § 1-116-.3
- Good Samaritan:** Oklahoma statutes specify: “any person who in good faith renders or attempts to render emergency care consisting of artificial respiration, restoration of breathing, or preventing or retarding the loss of blood, or aiding or restoring heart action or circulation of blood to the victim or victims of an accident or emergency, wherever required, shall not be liable for any civil damages as a result of any acts or omissions by such person in rendering the emergency care.” 76 Okl. St. § 5(a)(2)
- Interpretation:** Chapters may train lay responders to assist clients with epi-pens and asthma inhalers.

OREGON

Training: **Requires training in administration of epinephrine be done by a physician, nurse, nurse practitioner, or other nursing professional defined in O.R.S. Chapter 678 using protocols available from the state** (Oregon Revised Statutes §§433.800-433.830 and Oregon Administrative Rules 333-055-0000 – 333-055-0035). EMTs may be trained in accordance with guidelines for emergency care established by by Oregon Dep't of Public Health. (O.R.S. § 682.025(5)). **In order to qualify for training, a person must be 21 years of age and have, or reasonably expect to have, responsibility for or contact with at least one other person as a result of the eligible person's occupational or volunteer status** (O.R.S. §433.820).

Training for asthma inhalers is not regulated.

Administration - Epi: EMT and first responders may assist with administration or administer directly (Or. Admin. R. 847-035-0030). Trained individuals may administer epinephrine in emergency situation when a healthcare professional is not immediately available (O.R.S. §433.805 and Or. Admin. R. 333-055-0000). No cause of action shall arise against a person who has completed training for any act or omission when acting in good faith while rendering emergency care under the authority granted by the law, provided that such conduct cannot be described as wanton misconduct (O.R.S. §433.830).

Self-administration by students not regulated.

Administration - Inhaler: Assistance by lay persons and first responders not regulated.

Self-administration by students not regulated.

Good Samaritan: No person may maintain an action for damages for injury, death or loss that results from acts or omissions of a person while rendering emergency medical assistance unless it is alleged and proved by the complaining party that the person was grossly negligent in rendering the emergency medical assistance (O.R.S. §30.800).

Interpretation: **If instructor and responder requirements are met**, Chapters can train lay responders to assist clients with EPI-Pens.

PENNSYLVANIA

- Training:** Training of lay persons is not regulated.
- Administration - Epi:** Assistance by lay persons is not regulated.
- Administration - Inhaler:** Self-administration by students is allowed. 24 Pa. Stat. § 14-1414.1
- Good Samaritan:** Pa. Code § 8332 states: “[a]ny person who renders emergency care, first aid or rescue at the scene of an emergency, or moves the person receiving such care, first aid and rescue to a hospital or other place of medical care, shall not be liable to such person for any civil damages as a result of any acts or omissions in rendering the emergency care, first aid or rescue, or moving the person receiving the same to a hospital or other place of medical care, except any acts or omissions intentionally designed to harm or any grossly negligent acts or omissions which result in harm to the person receiving the emergency care, first aid or rescue or being moved to a hospital or other place of medical care.”
- Interpretation:** Chapters may train lay responders to assist clients with asthma inhalers.

PUERTO RICO

Training:	Not regulated for either epinephrine auto-injectors or asthma inhalers.
Administration - Epi:	Not regulated.
Administration - Inhaler:	Not regulated.
Good Samaritan:	There is no general Good Samaritan statute.
Interpretation:	Chapters may train lay responders to assist clients with asthma inhalers.

RHODE ISLAND

- Training:** Not regulated for either epinephrine auto-injectors or asthma inhalers.
- Administration - Epi:** Self-administration by students is not regulated. A school department may administer epinephrine to a student as authorized by the parents. R.I. Gen. Laws § 16-21-22(a)..
- Administration - Inhaler:** Self administration by students is not regulated. A school department may administer epinephrine to a student as authorized by parents. R.I. Gen. Laws § 16-21-22(b).
- Good Samaritan:** “No person who voluntarily and gratuitously renders emergency assistance to a person in need thereof including the administration of life saving treatment to those persons suffering from anaphylactic shock shall be liable for civil damages which result from acts or omissions by such persons rendering the emergency care, which may constitute ordinary negligence. This immunity does not apply to acts or omissions constituting gross negligence or willful or wanton conduct.” R.I. Gen. Laws § 9-1-27.1
- Interpretation:** Chapters may train lay responders to assist clients with epi-pens and asthma inhalers.

SOUTH CAROLINA

Training: The “Insect Sting Emergency Treatment Act” authorizes the Department of Health to train and certify people to administer epinephrine to a person suffering from an allergic reaction to an insect sting. Persons certified by this program are authorized to administer epinephrine to a person suffering an allergic reaction to an insect sting, as well as to obtain and possess epinephrine. (S.C. Code §§ 44-99-10 to 44-99-80)

Training for asthma inhalers is not regulated.

Administration - Epi: Assistance by lay persons and first responders not regulated.

Self-administration by students not regulated.

Administration - Inhaler: Assistance by lay persons and first responders not regulated.

Self-administration by students not regulated.

Good Samaritan: Any person who in good faith gratuitously renders emergency care at the scene of an accident or emergency to the victim thereof, shall not be liable for any civil damages for any personal injury as a result of any act or omission by such person in rendering the emergency care or as a result of any act or failure to act to provide or arrange for further medical treatment or care for the injured person, except acts or omissions amounting to gross negligence or willful or wanton misconduct. (S.C. Code §15-1-310).

Interpretation: There are no requirements restricting who can train lay responders to assist persons in need of help with EPI-Pens or asthma inhalers.

SOUTH DAKOTA

- Training:** Training for EPI-Pens is not regulated.
Training for asthma inhalers is not regulated.
- Administration - Epi:** Assistance by lay persons and first responders not regulated.
Self-administration by students not regulated.
- Administration - Inhaler:** Assistance by lay persons and first responders not regulated.
Self-administration by students not regulated.
- Good Samaritan:** Any person who in good faith provides emergency care shall not be liable for damages, except in the case of willful, wanton or reckless act of commission or omission (South Dakota Codified Laws § 20-9-4.1).
- Interpretation:** There are no requirements restricting who can train lay responders to assist persons in need of help with EPI-Pens or asthma inhalers.

TENNESSEE

- Training:** Pursuant to Tenn. Code Ann. § 68-140-510, the Tennessee Department of Health sets forth standards for training a lay person over 18 years old in the emergency administration of epinephrine. Training is limited to persons with a demonstrated need for training.
- Administration - Epi:** Self-administration and assisted administration by trained school personnel is permitted by Tenn. Code § 49-5-415.
- Administration - Inhaler:** Self-administration and assisted administration by trained school personnel is permitted by Tenn. Code § 49-5-415.
- Good Samaritan:** Any person, including those licensed to practice medicine and surgery and including any person licensed or certified to render service ancillary thereto . . . who in good faith . . . renders emergency medical care . . . shall not be liable to such victims or persons receiving emergency care for any civil damages as a result of any act or omission by such person in rendering the emergency care, or as a result of any act or failure to act to provide or arrange for further medical treatment or care for the injured person, except such damages as may result from the gross negligence of the person rendering such emergency care. Tenn. Code Ann. § 63-6-218.
- Interpretation:** Chapters may train lay responders that demonstrate a need for training to assist clients with asthma inhalers and epi-pens. Chapter should seek approval of epinephrine administration course from the Department of Health to make sure course meets epinephrine administration requirements.

TEXAS

- Training:** Not regulated for lay persons.
EMTs require training in a course approved by the Department of Health.
- Administration - Epi:** Self-administration by students is allowed.
Assistance by lay persons is not regulated.
Regulations on administration or assisting with administration cover EMTs and first responders.
- Administration - Inhaler:** Self-administration by students is permitted.
Assistance by lay persons is not regulated.
- Good Samaritan:** “[A] person who in good faith administers emergency care, including using an automated external defibrillator, is not liable in civil damages for an act performed during the emergency unless the act is wilfully or wantonly negligent.” Tex. Civ. Prac. & Rem. Code § 74.151
- Interpretation:** Chapters may train lay responders to assist clients with epi-pens and asthma inhalers. Chapters should seek a approval from the Department of Health if training EMTs.

UTAH

Training: Training for asthma inhalers is not regulated. School personnel must be trained by school district physician, health department medical director or local EMS director to assist with epi-pen administration. Utah Code Ann. § 26-41-104

Administration - Epi: Assistance by lay persons is not regulated. Trained school personnel may administer or assist with administering epinephrine. Utah Code Ann. § 26-41-104

Administration - Inhaler: Not regulated. Self-administration by students permitted. Utah Code Ann. § 53A-11-602

Good Samaritan: “A person who renders emergency care at or near the scene of, or during an emergency, gratuitously and in good faith, is not liable for any civil damages or penalties as a result of any act or omission by the person rendering the emergency care, unless the person is grossly negligent or caused the emergency. As used in this section, "emergency" means an unexpected occurrence involving injury, threat of injury, or illness to a person or the public, including motor vehicle accidents, disasters, actual or threatened discharges, removal, or disposal of hazardous materials, and other accidents or events of a similar nature.” Utah Code Ann. § 78-11-22

School personnel are specifically protected from liability in assisting with epi-pen injections under Utah Code Ann. § 26-41-106.

Interpretation: Chapters may train lay responders to assist clients with epi-pens and asthma inhalers.

Chapters must seek approval prior to training school personnel and the training program must meet the requirements set forth in Utah Code § 26-41-104(2). The school district physician or other medical services director would need to designate a program.

VERMONT

- Training:** Training for EPI-Pens is not regulated.
Training for asthma inhalers is not regulated.
- Administration - Epi:** Assistance by lay persons and first responders not regulated.
Self-administration by students not regulated.
- Administration - Inhaler:** Assistance by lay persons and first responders permitted (Vermont Statutes Title 26 §4712).
Self-administration by students not regulated.
- Good Samaritan:** Any person who in good faith provides emergency care shall not be liable for damages, except in the case of gross negligence (12 V.S. §519). Furthermore, 12 V.S. §519 *requires* that a person provide assistance to a person exposed to grave physical harm, to the extent that such assistance does not endanger or imperil the person providing assistance and that such assistance is not already being provided.
- Interpretation:** There are no requirements restricting who can train lay responders to assist persons in need of help with EPI-Pens or asthma inhalers.

VIRGINIA

Training: No regulations for epinephrine auto-injectors or asthma inhalers.

Administration - Epi: Self-Administration by students allowed. Va. Code Ann. § 22.1-274.2. School personnel are permitted to assist, which includes administering the injection. Va. Code Ann. § 8.01-226.5:1. Assistance by other lay persons is not regulated. Regulations cover EMTs and athletic trainers administering or assisting with administration of epinephrine. Va. Code Ann. § 8.01-225.

Administration - Inhaler: Self-administration by students allowed. Va. Code Ann. § 22.1-274.2.

Good Samaritan: “Any person who . . . [i]n good faith, renders emergency care or assistance, without compensation, to any ill or injured person at the scene of an accident, fire, or any life-threatening emergency, or en route therefrom to any hospital, medical clinic or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance.” Va. Code Ann. § 8.01-225

Interpretation: Chapters can train lay responders to assist with epi-pens and asthma inhalers.

VIRGIN ISLANDS

Training: Not regulated for epinephrine auto-injectors or asthma inhalers.

Administration - Epi: Not regulated.

Administration - Inhaler: Not regulated.

Good Samaritan: Good Samaritan derived from U.S. common law. 1 V.I. Code § 4 states: The rules of the common law, as expressed in the restatements of the law approved by the American Law Institute, and to the extent not so expressed, as generally understood and applied in the United States, shall be the rules of decision in the courts of the Virgin Islands in cases to which they apply, in the absence of local laws to the contrary.

Restatement of the law provides: “[c]onduct that injures another does not make the actor liable to the other, even though the other has not consented to it if (a) an emergency makes it necessary or apparently necessary, in order to prevent harm to the other, to act before there is opportunity to obtain consent from the other or one empowered to consent for him, and (b) the actor has no reason to believe that the other, if he had the opportunity to consent, would decline.” Restat.2d of Torts § 892D

Interpretation: Chapters may train lay responders to assist clients with epi-pens and asthma inhalers.

WASHINGTON

- Training:** Not regulated for epinephrine auto-injectors or asthma inhalers.
- Administration - Epi:** Self-administration by students is allowed and school personnel are permitted to assist. Wash. Rev. Code § 28A.210.370. No specific restrictions are set forth.
EMTs are regulated as to administering or assisting with administering epinephrine.
- Administration - Inhaler:** Self-administration by students is allowed and school personnel are permitted to assist. Wash. Rev. Code § 28A.210.370. No specific restrictions are set forth.
- Good Samaritan:** “Any person, including but not limited to a volunteer provider of emergency or medical services, who without compensation or the expectation of compensation renders emergency care at the scene of an emergency or who participates in transporting, not for compensation, therefrom an injured person or persons for emergency medical treatment shall not be liable for civil damages resulting from any act or omission in the rendering of such emergency care or in transporting such persons, other than acts or omissions constituting gross negligence or willful or wanton misconduct. Wash. Rev. Code § 4.24.300
- Interpretation:** Chapters may train lay responders to assist clients with epi-pens and asthma inhalers.

WEST VIRGINIA

- Training:** Training for EPI-Pens is not regulated.
Training for asthma inhalers is not regulated.
- Administration - Epi:** Assistance by lay persons and first responders not regulated.
Self-administration by students not regulated.
- Administration - Inhaler:** Assistance by lay persons and first responders not regulated.
Self-administration by students not regulated.
- Good Samaritan:** Any person who in good faith gratuitously provides emergency care shall not be liable for damages (West Virginia Code §55-7-15).
- Interpretation:** There are no requirements restricting who can train lay responders to assist persons in need of help with EPI-Pens or asthma inhalers.

WISCONSIN

- Training:** No regulations for epinephrine auto-injectors or asthma injectors.
- Administration - Epi:** Self-administration by students is not regulated. Wis. Stat. § 895.48. General authority to assist students is provided to school personnel. Wis. Stat. § 118.29.
- Administration - Inhaler:** Self-administration by students is not regulated. Wis. Stat. § 895.48. General authority to assist students is provided to school personnel. Wis. Stat. § 118.29(1).
- Good Samaritan:** “Any person who renders emergency care at the scene of any emergency or accident in good faith shall be immune from civil liability for his or her acts or omissions in rendering such emergency care. Wis. Stat. § 895.48
- School personnel are immunized from liability when helping with inhalers or epi-pens. Wis. Stat. § 118.29.
- Interpretation:** Chapters may train lay responders to assist clients with epi-pens and asthma inhalers.

WYOMING

- Training:** No regulations for epinephrine auto-injectors or asthma injectors.
- Administration - Epi:** Assistance by lay persons is not regulated.
- Administration - Inhaler:** Self-administration by students allowed. Wyo. Stat. § 21-4-310
No other regulations.
- Good Samaritan:** “Any person licensed as a physician and surgeon under the laws of the state of Wyoming, or any other person, who in good faith renders emergency care or assistance without compensation at the place of an emergency or accident, is not liable for any civil damages for acts or omissions in good faith.”
Wyo. Stat. § 1-1-120
- Interpretation:** Chapters may train lay responders to assist clients with epi-pens and asthma inhalers.