

## Liability: Use of an Epi Pen

### 22 MRS 2150-G(5)

An individual who has completed the appropriate training, and who, in good faith, administers or provides an epi pen to another person, will not be held legally responsible for any damage or injuries. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

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### Epinephrine autoinjectors; emergency administration

5. Immunity. The following entities are not liable for any injuries or related damages that result from any act or omission of the entity committed in good faith pursuant to this section unless it is established that the injuries or related damages were caused willfully, wantonly or recklessly or by gross negligence:

- A. A health care practitioner that prescribes epinephrine autoinjectors in accordance with subsection 1;
- B. A pharmacist or health care practitioner that dispenses epinephrine autoinjectors in accordance with subsection 1;
- C. An authorized entity that acquires and stocks epinephrine autoinjectors or designates employees or agents to be responsible for storage, maintenance, control and general oversight of epinephrine autoinjectors in accordance with subsection 2;
- D. An employee or agent of an authorized entity who has completed the training required by subsection 4 who provides an epinephrine autoinjector to a person pursuant to subsection 3, paragraph A or who administers an epinephrine autoinjector to a person in accordance with subsection 3, paragraph B; and
- E. An individual or entity that conducts training in accordance with subsection 4.

The administration of an epinephrine autoinjector in accordance with this section is not the practice of medicine or any other profession that otherwise requires licensure.

This subsection does not eliminate, limit or reduce any other immunity or defense that may be available under the laws of this State, including that provided under Title 14, section 164.

An authorized entity located in this State is not liable for any injuries or related damages that result from the provision or administration of an epinephrine autoinjector outside of this State if the authorized entity would not have been liable for such injuries or related damages had the provision or administration occurred within this State.