

## Liability: Use of Epi Pen

MCLS 333.17744d

An individual trained to administer auto-injectable epinephrine and does so, will not be held legally responsible for acting or failing to act. They can be held legally responsible if acting with intent to cause harm.

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### Providing or administering auto-injectable epinephrine

(5) Except as otherwise provided in this subsection, an authorized entity and its employees, agents, and other trained individuals that have acted in accordance with the requirements of subsections (1) to (4); an individual who uses auto-injectable epinephrine obtained in accordance with the requirements of subsections (1) to (4) and made available under subsection (7); or an organization, person, entity, or class of individuals that conducts an anaphylaxis training program described in and conducted in accordance with subsection (3) is not liable for any injuries or related damages that result from the administration or self-administration of auto-injectable epinephrine, the failure to administer auto-injectable epinephrine, or any other act or omission taken pursuant to this section. This subsection does not apply to acts or omissions that constitute willful misconduct or wanton misconduct. The administration of auto-injectable epinephrine as authorized in this section is not the practice of medicine. This section does not eliminate, limit, or reduce any other immunity or defense that may be available under the laws of this state. An authorized entity located in this state is not liable for any injuries or related damages that result from providing or administering auto-injectable epinephrine by its employees or agents outside of this state if either of the following requirements is met:

- (a) The authorized entity or its employee or agent would not have been liable for the injuries or related damages had the provision or administration occurred in this state.
- (b) The authorized entity or its employee or agent is not liable for the injuries or related damages under the law of

the state in which the provision or administration occurred.