

Liability: Administration of Epi Pen

ACA 20-13-406

An individual who, in good faith and without compensation, administers epinephrine to another person will not be held legally responsible for acting or failing to act. They can be held legally responsible if acting with extreme carelessness or intent to cause harm. This section includes a physician who provides epinephrine, someone who provides training for the use of epinephrine, the location where the epinephrine is used, and person holding a certificate.

Immunity

(a) A person or entity that in good faith renders emergency care or treatment by the use of auto-injectable epinephrine is immune from civil liability resulting from:

- (1) The emergency care or treatment; and
- (2) Any good faith act or omission to provide or arrange for further medical treatment.

(b) A person or entity granted immunity under subsection (a) of this section includes without limitation:

- (1) A physician or medical facility that distributes auto-injectable epinephrine or issues a certificate under this subchapter;
- (2) A person or entity that provides auto-injectable epinephrine training to an expected user or authorized entity;
- (3) A person or entity responsible for the location where the auto-injectable epinephrine is located or used; and
- (4) A certificate holder.

(c) The immunity under subsection (a) of this section does not apply if the cause of action results from gross negligence or willful or wanton misconduct.

(d) Immunity under this section is in addition to the immunity provided to an individual acting as a "Good Samaritan" under the provisions of § 17-95-101.