

## Liability: Possession and Administration of Epinephrine

### CRS 25-47-107

An authorized entity possessing an epi pen, a person or entity that conducts anaphylaxis training program, a person who prescribes or dispenses an epi pen, a medical professional who consults regarding the placement of an emergency public access station for epi pens, or a person who utilizes an emergency public access station 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.

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### Good Samaritan Protections - Liability

(1) The following individuals and entities are immune from criminal liability and from suit in any civil action brought by any person for injuries or related damages that result from an act or omission taken pursuant to this article:

(a) An authorized entity that possesses and makes available epinephrine auto-injectors or an EPAS and the entity's employees, agents, and other individuals;

(b) An authorized entity that does not possess or make available epinephrine auto-injectors or an EPAS and the entity's employees, agents, and other individuals;

(c) An individual or entity that conducts an anaphylaxis training program;

(d) An individual who prescribes or dispenses an epinephrine auto-injector;

(e) An individual who administers or provides an epinephrine auto-injector;

(f) A medical professional who consults the user of an EPAS and makes the epinephrine auto-injectors stored in the EPAS available to the user; or

(g) An individual who uses an EPAS.

(2) Immunity under subsection (1) of this section does not apply to acts or omissions that are grossly negligent or willful and wanton.

(3) This section does not eliminate, limit, or reduce any other immunity or defense that may be available under state law, including the protections set forth in section 13-21-108, C.R.S. Providing or administering an epinephrine auto-injector by an entity or individual is deemed emergency care or emergency assistance for purposes of section 13-21-108, C.R.S.

(4) An authorized entity located in this state that provides or administers an epinephrine auto-injector outside of this state is not liable for any resulting injuries or related damages if the authorized entity:

(a) Would not be liable for the injuries or related damages if the epinephrine auto-injector had been provided or administered in this state; or

(b) Is not liable for injuries or related damages under the law of the state where the authorized entity provided or administered the epinephrine auto-injector.