

Liability: Use of Epi Pen

KRS 311.647

An individual, who, in good faith and without compensation, provides emergency care by the use of an epi pen, 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 also applies to a health care provider who prescribes, a pharmacist who dispenses, an entity who stores, and an individual who trains the use of an epi pen.

Immunity from civil liability for rendering emergency care or treatment with epinephrine auto-injector

(1) Any individual or entity who, in good faith and without compensation, renders emergency care or treatment by the use of an epinephrine auto-injector shall be immune from civil liability for any personal injury as a result of the care or treatment, or as a result of any act or failure to act in providing or arranging further medical treatment, if the person acts as an ordinary, reasonable prudent person would have acted under the same or similar circumstances.

(2) The immunity from civil liability for any personal injury under subsection (1) of this section includes:

(a) A health-care practitioner who prescribes or authorizes the emergency use of the epinephrine auto-injector;

(b) A pharmacist who fills a prescription for the epinephrine auto-injector;

(c) A certified individual who provides or administers the epinephrine auto-injector;

(d) An authorized entity who stores or provides the epinephrine auto-injector to a certified individual or authorized noncertified individual; and

(e) An individual trainer or training entity providing the certified individual.

(3) The immunity from civil liability under subsection (1) of this section shall not apply if the personal injury results

from the gross negligence or willful or wanton misconduct of the person rendering the emergency care.

(4) The requirements of KRS 311.646(6) shall not apply to any individual who provides or administers an epinephrine auto-injector if that individual is acting as a Good Samaritan under KRS 313.035 and 411.148.