

DEPARTMENT OF HEALTH

SUBJECT: Public Access to Epinephrine, 20 CAR pt. 201

DESCRIPTION: The proposed amendments to the Public Access to Epinephrine rules are to clarify the types of epinephrine for use by authorized entities and expand on health professionals who can issue certificates pursuant Act 245 of 2025.

PUBLIC COMMENT: No public hearing was held on this rule. The public comment period expired on August 2, 2026. The agency indicated that it received no comments.

Lacey Johnson, an attorney with the Bureau of Legislative Research, asked the following question and received the following response:

Q. Section 201-102(5) states that epinephrine includes auto-injectable and nasal spray. These are the same forms listed in Act 245, but Act 245 states that epinephrine “only includes” these items. Is there a reason the word “only” was not included in the rule?

RESPONSE: We can correct the draft to include “only” to match the Act.

The proposed effective date is pending legislative review and approval.

FINANCIAL IMPACT: The agency indicated that this rule has no financial impact.

LEGAL AUTHORIZATION: The State Board of Health has power “to make all necessary and reasonable rules of a general nature for the protection of the public health and safety[.]” Ark. Code Ann. § 20-7-109(a)(1). This rule implements Act 245 of 2025, sponsored by Representative Zack Gramlich. The Act clarified the types of epinephrine for use in elementary and secondary schools in this state.

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH
THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT _____
BOARD/COMMISSION _____
BOARD/COMMISSION DIRECTOR _____
CONTACT PERSON _____
ADDRESS _____
PHONE NO. _____ EMAIL _____
NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING _____
PRESENTER EMAIL(S) _____

INSTRUCTIONS

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, miller-ricer@blr.arkansas.gov, for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, garritym@blr.arkansas.gov, for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

1. What is the official title of this rule?

2. What is the subject of the proposed rule? _____
3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes No

4. Is this rule being filed for permanent promulgation? Yes No

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, what was the effective date of the emergency rule? _____

On what date does the emergency rule expire? _____

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes No

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes No

If yes, please provide the state statute and/or rule citation.

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes No

If yes, please list the rules being repealed.

If no, please explain.

8. Is this a new rule? Yes No

Does this repeal an existing rule? Yes No

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes No

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?
Yes No

If yes, please provide the year of the act(s) and act number(s).

11. What is the reason for this proposed rule? Why is it necessary?

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

13. Will a public hearing be held on this proposed rule? Yes No

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

Please be sure to advise Bureau Staff if this information changes for any reason.

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. _____

15. What is the proposed effective date for this rule? _____

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

19. Is the rule expected to be controversial? Yes No

If yes, please explain.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT _____
BOARD/COMMISSION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ **EMAIL** _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE _____

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes No

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes No

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:
(a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.



Sarah Huckabee Sanders
GOVERNOR

Renee Mallory, RN, BSN
SECRETARY OF HEALTH

Jennifer Dillaha, MD
DIRECTOR

SUMMARY OF PROPOSED AMENDMENTS TO RULES PERTAINING TO PUBLIC ACCESS TO AUTO-INJECTABLE EPINEPHRINE

The proposed listed amendments update Rules Pertaining to Public Access to Auto-Injectable Epinephrine.

Pursuant to Act 245 of 2025 the following updates have been implemented.

- 1) 20 CAR § 201-102, (1), (H). Schools are included in the definition of “authorized entity”.
- 2) 20 CAR § 201-102, (2), “Epinephrine” is added to the list of definitions referencing both auto-injectable and nasal spray delivery systems. This resulted in subsequent numbering changes in this section.
- 3) 20 CAR § 201-102, (9), Advanced Practice Registered Nurse is added to the list of definitions.
- 4) 20 CAR § 201-102, (10), Physician Assistant is added to the list of definitions.
- 5) 20 CAR § 201-103, (a),(3),(A), the section titled Eligibility for certificate is updated. The language authorizes physician assistants and advanced practice registered nurses to provide instruction regarding recognition of the symptoms of systemic reactions to insect stings and other allergic reactions and including the proper administration of epinephrine. This will also authorize physician assistants and advanced practice registered nurses to issue certificates of completion regarding the knowledge and skills described.
- 6) 20 CAR § 201-105, (b), (1). the section titled Immunity is updated. Physician assistants and advanced practice registered nurses are added to the section regarding distributing epinephrine and issuing certificates under the Insect Sting and Other Allergic Reactions Emergency Treatment Act, Arkansas Code § 20-13-401 et seq.
- 7) 20 CAR § 201-106, (a), (2). the section titled Administration is updated. Language is updated to authorize physician assistants and advanced practice registered nurses to provide copies of the certificate under the Insect Sting and Other Allergic Reactions Emergency Treatment Act to the Department.
- 8) Auto-injectable epinephrine is replaced with epinephrine where appropriate to expand use, training, issuance of certificates and reporting to include epinephrine nasal spray and auto-injectable epinephrine.

NOTICE OF PUBLIC COMMENT PERIOD

The Arkansas Department of Health (ADH) is accepting public comments on the Rules for Public Access to Epinephrine, 20 CAR Pt.201, from July 3rd 2026 to August 2nd ,2026. The comment period is provided to allow interested parties and the public to provide any comments. The proposed changes update the rule to expand access to epinephrine to authorized entities in Arkansas. The proposed rule revision with a summary of changes can be viewed online at <https://www.healthy.arkansas.gov/proposed-amendment-to-existing-rules> or you may request a copy from our office at 501-661-2325.

Comments on the proposed changes can also be mailed to Arkansas Department of Health at 4815 West Markham Slot 25, Little Rock Arkansas, 72205, or emailed to nick.shull@arkansas.gov.

Proposed Rulemaking

~~Title~~Rules for Public Access to Epinephrine

Promulgated by:
Department of Health

Title 20. Public Health and Welfare

Chapter I. Generally, Department of Health

Subchapter H. Drugs

Part 201. Public Access to ~~Auto-Injectable~~ Epinephrine

Subpart 1. Generally

20 CAR § 201-101. Purpose.

The purpose of this part is to expand public access to ~~auto-injectable~~ epinephrine and to expand immunity to include an authorized entity that provides prescribed ~~auto-injectable~~ epinephrine.

20 CAR § 201-102. Definitions.

As used in this part:

(1) "Advanced Practice Registered Nurse" means an individual licensed to deliver healthcare services as an advanced practice registered nurse in the state of Arkansas under Arkansas Code §17-87-101, et seq.;

~~(1)~~(2) "Authorized entity" means an entity or organization at which or in connection with which allergens capable of causing an anaphylactic reaction may be present, including without limitation:

- (A) A restaurant;
- (B) An amusement park;
- (C) A sports arena;

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(D) Day care;

(E) Colleges and universities;

(F) Before and after school programs; ~~and~~

(G) Summer and recreational camps; ~~and~~

(H) School;

~~(2)(3)~~ "Auto-injectable epinephrine" means a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body;

~~(3)(4)~~ "Certificate" means a certificate issued under the Insect Sting and Other Allergic Reactions Emergency Treatment Act, Arkansas Code § 20-13-401 et seq., to authorize the receipt, possession, and administration of prescribed ~~auto-injectable~~ epinephrine;

(5) "Epinephrine" means a neuro transmitter and hormone that has been approved by the United States Food and Drug Administration for the treatment of anaphylaxis. Epinephrine shall include auto-injectable epinephrine and epinephrine nasal spray;

~~(4)(6)~~ "Expected user" means an authorized entity's employee or agent who is responsible for the storage, maintenance, and general supervision of ~~auto-injectable~~ epinephrine acquired by the authorized entity;

~~(5)(7)~~ "Healthcare professional" means a licensed physician, chiropractor, dentist, optometrist, podiatrist, or other licensed healthcare professional;

~~(6)(8)~~ "Physician" means an individual licensed to practice medicine in the State of Arkansas under the Arkansas Medical Practices Act, Arkansas Code § 17-95-201 et seq., Arkansas Code § 17-95-301 et seq., and Arkansas Code § 17-95-401 et seq.; ~~and~~

(9) "Physician assistant" means an individual licensed to provide healthcare services in the State of Arkansas under Arkansas Code § 17-105-101 et seq.; and

~~(7)(10)~~ "Self-administration" means a person's discretionary use of ~~auto-injectable~~ epinephrine pursuant to a prescription or written direction from a healthcare professional.

20 CAR § 201-103. Eligibility for certificate.

(a) A person may receive a certificate under the Insect Sting and Other Allergic Reactions Emergency Treatment Act, Arkansas Code § 20-13-401 et seq., only if the person:

(1) Is eighteen (18) years of age or older;

(2) Has, or reasonably expects to have, regular contact with at least one (1) other person as a result of the person's relationship or occupational or volunteer status, including without limitation:

- (A) A parent;
- (B) A camp counselor;
- (C) A scout leader;
- (D) A school nurse, school teacher, or other school employee;
- (E) A forest ranger;
- (F) A tour guide;
- (G) A chaperone; or
- (H) An authorized entity; and

(3)(A) Has been properly instructed by a physician, physician assistant, or advanced practice registered nurse, or has completed an anaphylaxis training program conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment or other persons approved by the Department of Health.

(B) The instruction shall minimally include recognition of the symptoms of systemic reactions to insect stings and other allergic reactions and the proper administration ~~of an injection~~ of epinephrine.

(b)(1) A certificate issued pursuant to this part expires two (2) years after the date of issuance.

(2) A new certificate may be issued to the individual upon proof of completion of the knowledge and skills course described in 20 CAR § 201-107.

20 CAR § 201-104. Authority of certificate holder.

The certificate also shall authorize the certificate holder to possess, provide, and administer in an emergency situation, when a physician is not immediately available, the prescribed epinephrine to a person who:

(1) Has contact with the certificate holder as a result of the certificate holder's relationship or occupational or volunteer status under Arkansas Code § 20-13-404(2); and

(2) Appears to be suffering a severe adverse reaction to an insect sting or other allergic reaction.

20 CAR § 201-105. 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, physician assistant, advanced practice registered nurse, or medical facility that distributes auto-injectable epinephrine or issues a certificate under the Insect Sting and Other Allergic Reactions Emergency Treatment Act, Arkansas Code § 20-13-401 et seq.;

(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 Arkansas Code § 17-95-101.

20 CAR § 201-106. Administration of act.

(a)(1) The Department of Health shall prepare a certificate form for use by a physician as authorized under the Insect Sting and Other Allergic Reactions Emergency Treatment Act, Arkansas Code § 20-13-401 et seq.

(2) A copy of a certificate issued under the Insect Sting and Other Allergic Reactions Emergency Treatment Act, shall be forwarded by the issuing physician, physician assistant, or advanced practice registered nurse to the department.

(3) The department shall maintain the copy on file and make it available for public inspection.

(b) Certificates of training issued pursuant to 20 CAR § 201-103(3) will be accepted and kept on file by the Arkansas Department of Health department.

20 CAR § 201-107. ~~Auto-injectable epinephrine~~ Epinephrine use by an authorized entity.

(a) In order to ensure the public health and safety, an authorized entity that acquires ~~auto-injectable~~ epinephrine shall ensure that:

(1) An expected user:

(A) Completes appropriate knowledge and skills courses at least one (1) time every two (2) years in anaphylaxis and ~~auto-injectable~~ epinephrine use; and

(B) Obtains a certificate under the Insect Sting and Other Allergic Reactions Emergency Treatment Act, Arkansas Code § 20-13-401 et seq.;

(2) The ~~auto-injectable~~ epinephrine is maintained according to the manufacturer's operational guidelines and instructions in a locked, secure location; and

(3) A person who renders emergency care or treatment to a person having an anaphylactic reaction by using ~~auto-injectable~~ epinephrine activates the emergency

medical services system as soon as possible and immediately reports the use of ~~auto-injectable~~ epinephrine to the medical provider responding to the emergency.

(b) An authorized entity and its expected users may:

(1) Obtain a prescription in the name of the authorized entity for epinephrine ~~auto-injectors~~ and acquire epinephrine ~~auto-injectors~~ under the prescription;

(2) Provide ~~auto-injectable~~ epinephrine for immediate self-administration to an individual who the authorized entity or expected user believes in good faith is experiencing anaphylaxis, regardless of whether the individual has a prescription for ~~auto-injectable~~ epinephrine or has previously been diagnosed with an allergy; and

(3) Administer ~~auto-injectable~~ epinephrine directly to an individual who the authorized entity or expected user believes in good faith is experiencing anaphylaxis, regardless of whether the individual has a prescription for ~~auto-injectable~~ epinephrine or has been previously diagnosed with an allergy.

(c) An authorized entity that possesses and makes available ~~auto-injectable~~ epinephrine shall:

(1)(A) Submit to the Department of Health a report of each incident on the authorized entity's premises in which the authorized entity provides or administers ~~auto-injectable~~ epinephrine.

(B) The report shall include the following:

(i) The name and address of the authorized entity;

(ii) The name and certificate number of the person administering ~~auto-injectable~~ epinephrine;

(iii) The age of the person receiving the ~~injection~~ epinephrine; and

(iv)(a) The name of the emergency medical service contacted after the ~~injection~~ epinephrine was administered.

(b) The department shall annually publish a report that summarizes and analyzes the reports submitted under this subdivision (c)(1); and

(2) Notify an agent of emergency communications, 911, or vehicle dispatch center of the existence, location, and type of ~~auto-injectable~~ epinephrine.