

HOUSE BILL 658

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5lr1177
CF SB 344

By: Delegates Pena–Melnik, Angel, Beidle, Bromwell, Carr, Cullison, Hayes, Hill, Kelly, Kipke, Kramer, Krebs, Lam, McDonough, McMillan, Miele, Moon, Morales, Morhaim, Oaks, Pendergrass, Reznik, B. Robinson, Sample–Hughes, Sophocleus, Szeliga, Tarlau, and Valderrama Valderrama, Hammen, Saab, West, Rose, and K. Young

Introduced and read first time: February 12, 2015

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2015

CHAPTER _____

1 AN ACT concerning

2 **Public Health – Emergency ~~Use Auto-Injectable Epinephrine~~ and Allergy**
3 **Treatment Program**

4 FOR the purpose of ~~establishing the Emergency Use Auto-Injectable Epinephrine Program~~
5 ~~in the Department of Health and Mental Hygiene; providing for the purpose of the~~
6 ~~Program; authorizing the Department to adopt certain regulations, collect certain~~
7 ~~fees, issue and renew certain certificates, and approve certain training programs~~
8 ~~relating to the Program; altering the name of the Insect Sting Emergency Treatment~~
9 ~~Program to be the Emergency and Allergy Treatment Program; altering the purpose~~
10 ~~of the Program; repealing the authority of the Department of Health and Mental~~
11 ~~Hygiene to conduct certain educational training programs; establishing altering the~~
12 ~~qualifications for applicants for a certain certificate; ~~requiring the Department to~~~~
13 ~~issue certain certificates to certain applicants; providing for the contents,~~
14 ~~replacement, term, and renewal of certain certificates; requiring an applicant for a~~
15 ~~certain certificate to have a certain policy; repealing a requirement that certain~~
16 ~~educational training programs be conducted by certain individuals and include~~
17 ~~certain information; repealing certain application requirements; authorizing certain~~
18 ~~physicians to prescribe and certain pharmacists to dispense auto-injectable~~
19 ~~epinephrine to certain certificate holders; authorizing certain certificate holders to~~
20 ~~take certain actions; repealing certain requirements regarding the issuance,~~
21 ~~contents, replacement, and renewal of a certain certificate; ~~providing that a cause of~~~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~action may not arise against certain certificate holders for certain acts or omissions under certain circumstances; providing that a cause of action may not arise against certain physicians who prescribe or dispense auto-injectable epinephrine and certain paraphernalia to certain certificate holders under certain circumstances; altering certain immunities from certain causes of action for certain certificate holders and physicians; providing that a cause of action may not arise against certain pharmacists who dispense auto-injectable epinephrine and certain paraphernalia to certain certificate holders under certain circumstances; repealing certain provisions of law authorizing certain individuals to receive, possess, and administer certain epinephrine; providing for immunity from civil liability for certain individuals under certain circumstances; providing for the effect of certain provisions of this Act; providing for the construction of this Act; requiring certain certificate holders to submit to the Department a certain report; requiring the Department to publish a certain report on or before a certain date each year; requiring the Department to report to certain committees of the General Assembly on or before a certain date on the implementation of this Act; altering certain definitions; defining certain terms; making certain conforming and stylistic changes; and generally relating to the Emergency Use Auto-Injectable Epinephrine and Allergy Treatment Program.~~

BY repealing and reenacting, with amendments,

Article – Health – General

Section 13-701 through 13-704, 13-708, and 13-709 to be under the amended subtitle “Subtitle 7. Emergency and Allergy Treatment Program”

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

BY repealing

Article – Health – General

Section 13-705 through 13-707

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

BY adding to

Article – Health – General

~~Section 13-7A-01 through 13-7A-10 to be under the new subtitle “Subtitle 7A. Emergency Use Auto-Injectable Epinephrine Program”~~ 13-705 and 13-706

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Health – General

Subtitle 7. [Insect Sting] Emergency AND ALLERGY Treatment Program.

13-701.

1 The [Insect Sting] Emergency AND ALLERGY Treatment Program is a program in
2 the Department for the purpose of providing a means of authorizing certain individuals to
3 administer life-saving treatment to [persons] INDIVIDUALS who have severe adverse
4 reactions to ALLERGENS OR insect stings when physician services or emergency medical
5 services are not immediately available.

6 13-702.

7 (a) In this subtitle the following words have the meanings indicated.

8 **(B) “AGENT” MEANS AN INDIVIDUAL WHO IS APPOINTED BY A CERTIFICATE**
9 **HOLDER THAT IS NOT AN INDIVIDUAL TO ADMINISTER**
10 **AUTO-INJECTABLE EPINEPHRINE IN ACCORDANCE WITH THE PROVISIONS OF THIS**
11 **SUBTITLE.**

12 **(C) “ANAPHYLAXIS” MEANS A SUDDEN, SEVERE, AND POTENTIALLY**
13 **LIFE-THREATENING ALLERGIC REACTION THAT OCCURS WHEN AN INDIVIDUAL IS**
14 **EXPOSED TO AN ALLERGEN.**

15 **(D) “AUTO-INJECTABLE EPINEPHRINE” MEANS A PORTABLE, DISPOSABLE**
16 **DRUG DELIVERY DEVICE THAT CONTAINS A PREMEASURED SINGLE DOSE OF**
17 **EPINEPHRINE THAT IS USED TO TREAT ANAPHYLAXIS IN AN EMERGENCY SITUATION.**

18 **[(b)] (E) “Certificate” means a certificate OR AN ENDORSEMENT ON THE**
19 **OPERATING CERTIFICATE OF A YOUTH CAMP issued by the Department [or a private or**
20 **public entity] TO A PERSON WHO OPERATES A YOUTH CAMP UNDER TITLE 14,**
21 **SUBTITLE 4 OF THIS ARTICLE to OBTAIN, STORE, AND administer [subcutaneous**
22 **injections of] AUTO-INJECTABLE epinephrine.**

23 **(F) “CERTIFICATE HOLDER” MEANS A PERSON WHO IS AUTHORIZED BY THE**
24 **DEPARTMENT TO OBTAIN, STORE, AND ADMINISTER AUTO-INJECTABLE**
25 **EPINEPHRINE TO BE USED IN AN EMERGENCY SITUATION.**

26 **[(c)] (G) “Program” means the [Insect Sting] Emergency AND ALLERGY**
27 **Treatment Program.**

28 **(H) “YOUTH CAMP” HAS THE MEANING STATED IN § 14-401 OF THIS**
29 **ARTICLE.**

30 13-703.

31 **(A) The Department may:**

32 (1) Adopt regulations for the administration of the Program;

1 (2) Collect fees necessary for the administration of the Program;

2 (3) Issue and renew [certificates] A CERTIFICATE to [persons] A PERSON
3 meeting the requirements of this subtitle; and

4 (4) [(i) Conduct educational training programs described in § 13-704(e)
5 of this subtitle; and

6 [(ii)] Approve educational training programs, INCLUDING
7 PROGRAMS conducted by other State agencies or private entities.

8 **(B) A CERTIFICATE ISSUED BY THE DEPARTMENT SHALL BE VALID FOR 1**
9 **YEAR.**

10 13-704.

11 (a) To qualify for a certificate, an individual shall meet the requirements of this
12 section.

13 (b) The applicant shall [be of good moral character] OPERATE A YOUTH CAMP.

14 (c) The applicant OR THE AGENT OF AN APPLICANT shall be at least 18 years
15 old.

16 (d) [The applicant shall have, or reasonably expect to have, responsibility for at
17 least one other person as a result of the individual's occupation or volunteer status.

18 (e) [(1)] The applicant OR AN AGENT OF THE APPLICANT shall successfully
19 complete, AT THE EXPENSE OF THE APPLICANT, an educational training program
20 approved by the Department.

21 [(2) Educational training programs required under this subsection shall:

22 (i) 1. Be conducted by a physician licensed to practice medicine
23 in this State under Title 14 of the Health Occupations Article; or

24 2. Be conducted by a nurse practitioner licensed to practice
25 registered nursing in this State under Title 8 of the Health Occupations Article and who is
26 certified as a nurse practitioner by the State Board of Nursing; and

27 (ii) Include training in:

28 1. The recognition of the symptoms of systemic reactions to
29 insect stings; and

1 (A) (1) A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE
2 MAY PRESCRIBE AUTO-INJECTABLE EPINEPHRINE IN THE NAME OF A CERTIFICATE
3 HOLDER.

4 (2) A PHARMACIST LICENSED TO PRACTICE PHARMACY IN THE STATE
5 OR A PHYSICIAN MAY DISPENSE AUTO-INJECTABLE EPINEPHRINE UNDER A
6 PRESCRIPTION ISSUED TO A CERTIFICATE HOLDER.

7 (B) A CERTIFICATE HOLDER MAY:

8 (1) ON PRESENTMENT OF A CERTIFICATE, RECEIVE FROM ANY
9 PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE A PRESCRIPTION FOR
10 AUTO-INJECTABLE EPINEPHRINE AND THE NECESSARY PARAPHERNALIA FOR THE
11 ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE;

12 (2) POSSESS AND STORE PRESCRIBED AUTO-INJECTABLE
13 EPINEPHRINE AND THE NECESSARY PARAPHERNALIA FOR THE ADMINISTRATION OF
14 AUTO-INJECTABLE EPINEPHRINE; AND

15 (3) IN AN EMERGENCY SITUATION WHEN PHYSICIAN OR EMERGENCY
16 MEDICAL SERVICES ARE NOT IMMEDIATELY AVAILABLE, ADMINISTER
17 AUTO-INJECTABLE EPINEPHRINE TO AN INDIVIDUAL WHO IS EXPERIENCING OR
18 BELIEVED IN GOOD FAITH BY THE CERTIFICATE HOLDER TO BE EXPERIENCING
19 ANAPHYLAXIS.

20 [13-706.

21 (a) The Department or a private or public entity shall issue a certificate to any
22 applicant who meets the requirements of this subtitle.

23 (b) Each certificate shall include:

24 (1) The kind of certificate;

25 (2) The full name of the certificate holder; and

26 (3) A serial number.

27 (c) A replacement certificate may be issued to replace a lost, destroyed, or
28 mutilated certificate if the certificate holder pays the certificate replacement fee.

29 (d) (1) The certificate shall be valid for 1 year.

30 (2) In order to renew the certificate for an additional year, the applicant
31 shall:

1 (i) Successfully complete a refresher training program approved by
2 the Department; or

3 (ii) Demonstrate proficiency to the Department or a private or public
4 entity issuing certificates under this subtitle.]

5 **13-706.**

6 (A) **A CERTIFICATE HOLDER SHALL SUBMIT TO THE DEPARTMENT, ON A**
7 **FORM REQUIRED BY THE DEPARTMENT, A REPORT OF EACH INCIDENT THAT**
8 **OCCURRED ON THE CERTIFICATE HOLDER'S PREMISES THAT REQUIRED THE**
9 **ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE.**

10 (B) **ON OR BEFORE JANUARY 31 OF EACH YEAR, THE DEPARTMENT SHALL**
11 **PUBLISH A REPORT SUMMARIZING THE INFORMATION OBTAINED FROM THE**
12 **REPORTS SUBMITTED TO THE DEPARTMENT UNDER SUBSECTION (A) OF THIS**
13 **SECTION.**

14 **[13-707.**

15 An individual who is certified may:

16 (1) Upon presentment of a certificate, receive from any physician licensed
17 to practice medicine in this State a prescription for premeasured doses of epinephrine and
18 the necessary paraphernalia for the administration of a subcutaneous injection of
19 epinephrine;

20 (2) Possess prescribed epinephrine and the necessary paraphernalia for
21 the administration of a subcutaneous injection of epinephrine; and

22 (3) In an emergency situation when physician services or emergency
23 medical services are not immediately available, administer a subcutaneous injection of
24 epinephrine to a person suffering or believed by the certificate holder to be suffering a
25 severe adverse reaction to an insect sting.]

26 **[13-708.] 13-707.**

27 (a) A cause of action may not arise against a certificate holder authorized under
28 this subtitle for any act or omission when the certificate holder is acting in good faith while
29 **[rendering emergency treatment] ADMINISTERING AUTO-INJECTABLE EPINEPHRINE**
30 **to [a person suffering] AN INDIVIDUAL EXPERIENCING** or believed by the certificate
31 **holder to be [suffering a severe adverse reaction to an insect sting] EXPERIENCING**
32 **ANAPHYLAXIS, except where the conduct of the certificate holder amounts to gross**
33 **negligence, willful or wanton misconduct, or intentionally tortious conduct.**

(b) (1) A cause of action may not arise against any physician for any act or omission when the physician in good faith prescribes OR DISPENSES AUTO-INJECTABLE epinephrine and the necessary paraphernalia for the administration of [a subcutaneous injection of] AUTO-INJECTABLE epinephrine to [an individual] A PERSON certified by the Department under [§ 13-706 of] this subtitle.

(2) A CAUSE OF ACTION MAY NOT ARISE AGAINST ANY PHARMACIST FOR ANY ACT OR OMISSION WHEN THE PHARMACIST IN GOOD FAITH DISPENSES AUTO-INJECTABLE EPINEPHRINE AND THE NECESSARY PARAPHERNALIA FOR THE ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE TO A PERSON CERTIFIED BY THE DEPARTMENT UNDER THIS SUBTITLE.

(c) This section does not affect, and may not be construed as affecting, any immunities from civil liability or defenses established by any other provision of the Code or by common law to which a volunteer or physician may be entitled.

[13-709.] 13-708.

(a) This subtitle may not be construed to create a duty upon any individual to obtain a certificate under this subtitle, and an individual may not be held civilly liable for failing to obtain a certificate under this subtitle.

(b) An individual may not be held civilly liable in any action arising from or in connection with the administration of AUTO-INJECTABLE epinephrine by the individual solely because the individual did not possess a certificate issued under this subtitle.

~~SUBTITLE 7A. EMERGENCY USE AUTO-INJECTABLE EPINEPHRINE PROGRAM.~~

~~13-7A-01.~~

~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(B) "AGENT" MEANS AN INDIVIDUAL WHO IS APPOINTED BY A CERTIFICATE HOLDER THAT IS NOT AN INDIVIDUAL TO ADMINISTER AUTO-INJECTABLE EPINEPHRINE IN ACCORDANCE WITH THE PROVISIONS OF THE PROGRAM.~~

~~(C) "ANAPHYLAXIS" MEANS A SUDDEN, SEVERE, AND POTENTIALLY LIFE-THREATENING ALLERGIC REACTION THAT OCCURS WHEN AN INDIVIDUAL IS EXPOSED TO AN ALLERGEN.~~

~~(D) "AUTO-INJECTABLE EPINEPHRINE" MEANS A PORTABLE, DISPOSABLE DRUG DELIVERY DEVICE THAT CONTAINS A PREMEASURED SINGLE DOSE OF EPINEPHRINE THAT IS USED TO TREAT ANAPHYLAXIS IN AN EMERGENCY SITUATION.~~

1 ~~(E) "CERTIFICATE" MEANS A CERTIFICATE ISSUED BY THE DEPARTMENT~~
2 ~~TO AN AUTHORIZED PERSON TO OBTAIN, STORE, AND ADMINISTER~~
3 ~~AUTO-INJECTABLE EPINEPHRINE.~~

4 ~~(F) "CERTIFICATE HOLDER" MEANS A PERSON WHO IS AUTHORIZED BY THE~~
5 ~~DEPARTMENT TO OBTAIN, STORE, AND ADMINISTER AUTO-INJECTABLE~~
6 ~~EPINEPHRINE TO BE USED IN AN EMERGENCY SITUATION.~~

7 ~~(G) "PROGRAM" MEANS THE EMERGENCY USE AUTO-INJECTABLE~~
8 ~~EPINEPHRINE PROGRAM ESTABLISHED UNDER § 13-7A-02 OF THIS SUBTITLE.~~

9 ~~13-7A-02.~~

10 ~~(A) THERE IS AN EMERGENCY USE AUTO-INJECTABLE EPINEPHRINE~~
11 ~~PROGRAM IN THE DEPARTMENT.~~

12 ~~(B) THE PURPOSE OF THE PROGRAM IS TO PROVIDE A MEANS OF~~
13 ~~AUTHORIZING PERSONS TO OBTAIN AND STORE AUTO-INJECTABLE EPINEPHRINE~~
14 ~~AND ADMINISTER AUTO-INJECTABLE EPINEPHRINE TO INDIVIDUALS WHO ARE~~
15 ~~EXPERIENCING ANAPHYLAXIS WHEN PHYSICIAN OR EMERGENCY MEDICAL~~
16 ~~SERVICES ARE NOT IMMEDIATELY AVAILABLE.~~

17 ~~13-7A-03.~~

18 ~~THE DEPARTMENT MAY:~~

19 ~~(1) ADOPT REGULATIONS FOR THE ADMINISTRATION OF THE~~
20 ~~PROGRAM;~~

21 ~~(2) COLLECT FEES NECESSARY FOR THE ADMINISTRATION OF THE~~
22 ~~PROGRAM;~~

23 ~~(3) ISSUE AND RENEW CERTIFICATES TO PERSONS MEETING THE~~
24 ~~REQUIREMENTS OF THIS SUBTITLE; AND~~

25 ~~(4) (I) APPROVE EDUCATIONAL TRAINING PROGRAMS DESCRIBED~~
26 ~~IN § 13-7A-04(D) OF THIS SUBTITLE; AND~~

27 ~~(H) APPROVE EDUCATIONAL TRAINING PROGRAMS~~
28 ~~CONDUCTED BY OTHER STATE AGENCIES OR PRIVATE ENTITIES.~~

29 ~~13-7A-04.~~

1 ~~(A) TO QUALIFY FOR A CERTIFICATE, A PERSON SHALL MEET THE~~
2 ~~REQUIREMENTS OF THIS SECTION.~~

3 ~~(B) THE APPLICANT OR AN AGENT OF THE APPLICANT SHALL BE AT LEAST~~
4 ~~18 YEARS OLD.~~

5 ~~(C) THE APPLICANT SHALL HAVE, OR REASONABLY EXPECT TO HAVE,~~
6 ~~RESPONSIBILITY FOR AT LEAST ONE OTHER PERSON AS A RESULT OF THE~~
7 ~~INDIVIDUAL'S OCCUPATION OR VOLUNTEER STATUS.~~

8 ~~(D) (1) THE APPLICANT OR AGENT OF THE APPLICANT SHALL~~
9 ~~SUCCESSFULLY COMPLETE, AT THE EXPENSE OF THE APPLICANT, AN EDUCATIONAL~~
10 ~~TRAINING PROGRAM OFFERED BY:~~

11 ~~(I) THE AMERICAN RED CROSS;~~

12 ~~(II) THE AMERICAN CPR CARE ASSOCIATION;~~

13 ~~(III) A NATIONALLY RECOGNIZED ORGANIZATION EXPERIENCED~~
14 ~~IN TRAINING LAYPERSONS IN EMERGENCY MEDICAL TREATMENT; OR~~

15 ~~(IV) ANY OTHER PERSON APPROVED BY THE DEPARTMENT.~~

16 ~~(2) THE EDUCATIONAL TRAINING PROGRAM REQUIRED UNDER~~
17 ~~PARAGRAPH (1) OF THIS SUBSECTION MAY BE AN ONLINE TRAINING PROGRAM.~~

18 ~~13-7A-05.~~

19 ~~AN APPLICANT FOR A CERTIFICATE SHALL:~~

20 ~~(1) SUBMIT AN APPLICATION TO THE DEPARTMENT ON THE FORM~~
21 ~~THAT THE DEPARTMENT REQUIRES; AND~~

22 ~~(2) PAY TO THE DEPARTMENT THE APPLICATION FEE SET BY THE~~
23 ~~DEPARTMENT.~~

24 ~~13-7A-06.~~

25 ~~(A) THE DEPARTMENT SHALL ISSUE A CERTIFICATE TO ANY APPLICANT~~
26 ~~WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.~~

27 ~~(B) EACH CERTIFICATE SHALL INCLUDE:~~

28 ~~(1) THE FULL NAME OF THE CERTIFICATE HOLDER; AND~~

1 ~~(2) A SERIAL NUMBER.~~

2 ~~(C) A REPLACEMENT CERTIFICATE MAY BE ISSUED TO REPLACE A LOST,~~
3 ~~DESTROYED, OR MUTILATED CERTIFICATE IF THE CERTIFICATE HOLDER PAYS THE~~
4 ~~CERTIFICATE REPLACEMENT FEE.~~

5 ~~(D) (1) THE CERTIFICATE SHALL BE VALID FOR 2 YEARS.~~

6 ~~(2) TO RENEW THE CERTIFICATE FOR AN ADDITIONAL 2 YEAR TERM,~~
7 ~~THE APPLICANT OR THE AGENT OF THE APPLICANT SHALL:~~

8 ~~(I) SUCCESSFULLY COMPLETE A REFRESHER TRAINING~~
9 ~~PROGRAM REQUIRED UNDER § 13-7A-04 OF THIS SUBTITLE; OR~~

10 ~~(II) DEMONSTRATE PROFICIENCY TO THE DEPARTMENT.~~

11 ~~13-7A-07.~~

12 ~~(A) (1) A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE~~
13 ~~MAY PRESCRIBE AUTO-INJECTABLE EPINEPHRINE IN THE NAME OF A CERTIFICATE~~
14 ~~HOLDER.~~

15 ~~(2) A PHARMACIST LICENSED TO PRACTICE PHARMACY IN THE STATE~~
16 ~~OR A PHYSICIAN MAY DISPENSE AUTO-INJECTABLE EPINEPHRINE UNDER A~~
17 ~~PRESCRIPTION ISSUED TO A CERTIFICATE HOLDER.~~

18 ~~(B) A CERTIFICATE HOLDER MAY:~~

19 ~~(1) ON PRESENTMENT OF A CERTIFICATE, RECEIVE FROM ANY~~
20 ~~PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE A PRESCRIPTION FOR~~
21 ~~AUTO-INJECTABLE EPINEPHRINE AND THE NECESSARY PARAPHERNALIA FOR THE~~
22 ~~ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE;~~

23 ~~(2) POSSESS AND STORE PRESCRIBED AUTO-INJECTABLE~~
24 ~~EPINEPHRINE AND THE NECESSARY PARAPHERNALIA FOR THE ADMINISTRATION OF~~
25 ~~AUTO-INJECTABLE EPINEPHRINE; AND~~

26 ~~(3) IN AN EMERGENCY SITUATION WHEN PHYSICIAN OR EMERGENCY~~
27 ~~MEDICAL SERVICES ARE NOT IMMEDIATELY AVAILABLE, ADMINISTER~~
28 ~~AUTO-INJECTABLE EPINEPHRINE TO AN INDIVIDUAL WHO IS EXPERIENCING OR~~
29 ~~BELIEVED IN GOOD FAITH BY THE CERTIFICATE HOLDER TO BE EXPERIENCING~~
30 ~~ANAPHYLAXIS.~~

31 ~~13-7A-08.~~

1 ~~(A) A CAUSE OF ACTION MAY NOT ARISE AGAINST A CERTIFICATE HOLDER~~
2 ~~FOR ANY ACT OR OMISSION IF THE CERTIFICATE HOLDER IS ACTING IN GOOD FAITH~~
3 ~~WHILE RENDERING EMERGENCY TREATMENT TO AN INDIVIDUAL WHO IS~~
4 ~~EXPERIENCING OR BELIEVED BY THE CERTIFICATE HOLDER TO BE EXPERIENCING~~
5 ~~ANAPHYLAXIS UNLESS THE CONDUCT OF THE CERTIFICATE HOLDER AMOUNTS TO~~
6 ~~GROSS NEGLIGENCE, WILLFUL OR WANTON MISCONDUCT, OR INTENTIONALLY~~
7 ~~TORTIOUS CONDUCT.~~

8 ~~(B) (1) A CAUSE OF ACTION MAY NOT ARISE AGAINST ANY PHYSICIAN FOR~~
9 ~~ANY ACT OR OMISSION IF THE PHYSICIAN IN GOOD FAITH PRESCRIBES OR~~
10 ~~DISPENSES AUTO INJECTABLE EPINEPHRINE AND THE NECESSARY~~
11 ~~PARAPHERNALIA FOR THE ADMINISTRATION OF AUTO INJECTABLE EPINEPHRINE~~
12 ~~TO AN INDIVIDUAL CERTIFIED BY THE DEPARTMENT UNDER § 13-7A-06 OF THIS~~
13 ~~SUBTITLE.~~

14 ~~(2) A CAUSE OF ACTION MAY NOT ARISE AGAINST ANY PHARMACIST~~
15 ~~FOR ANY ACT OR OMISSION IF THE PHARMACIST IN GOOD FAITH DISPENSES~~
16 ~~AUTO INJECTABLE EPINEPHRINE AND THE NECESSARY PARAPHERNALIA FOR THE~~
17 ~~ADMINISTRATION OF AUTO INJECTABLE EPINEPHRINE TO AN INDIVIDUAL~~
18 ~~CERTIFIED BY THE DEPARTMENT UNDER § 13-7A-06 OF THIS SUBTITLE.~~

19 ~~(C) THIS SECTION DOES NOT AFFECT ANY IMMUNITIES FROM CIVIL~~
20 ~~LIABILITY OR DEFENSES ESTABLISHED BY ANY OTHER PROVISION OF STATUTORY~~
21 ~~LAW OR BY COMMON LAW TO WHICH A VOLUNTEER, PHYSICIAN, OR PHARMACIST~~
22 ~~MAY BE ENTITLED.~~

23 ~~13-7A-09.~~

24 ~~(A) THIS SUBTITLE MAY NOT BE CONSTRUED TO CREATE A DUTY ON ANY~~
25 ~~INDIVIDUAL TO OBTAIN A CERTIFICATE UNDER THIS SUBTITLE, AND AN INDIVIDUAL~~
26 ~~MAY NOT BE HELD CIVILLY LIABLE FOR FAILING TO OBTAIN A CERTIFICATE UNDER~~
27 ~~THIS SUBTITLE.~~

28 ~~(B) AN INDIVIDUAL MAY NOT BE HELD CIVILLY LIABLE IN ANY ACTION~~
29 ~~ARISING FROM OR IN CONNECTION WITH THE ADMINISTRATION OF~~
30 ~~AUTO INJECTABLE EPINEPHRINE BY THE INDIVIDUAL SOLELY BECAUSE THE~~
31 ~~INDIVIDUAL DID NOT POSSESS A CERTIFICATE ISSUED UNDER THIS SUBTITLE.~~

32 ~~13-7A-10.~~

33 ~~(A) A CERTIFICATE HOLDER SHALL SUBMIT TO THE DEPARTMENT, ON A~~
34 ~~FORM REQUIRED BY THE DEPARTMENT, A REPORT OF EACH INCIDENT THAT~~

1 ~~OCCURRED ON THE CERTIFICATE HOLDER'S PREMISES THAT INVOLVED THE~~
2 ~~ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE.~~

3 ~~(B) ON OR BEFORE JANUARY 31 OF EACH YEAR, THE DEPARTMENT SHALL~~
4 ~~PUBLISH A REPORT SUMMARIZING THE INFORMATION OBTAINED FROM THE~~
5 ~~REPORTS SUBMITTED TO THE DEPARTMENT UNDER SUBSECTION (A) OF THIS~~
6 ~~SECTION.~~

7 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2017,
8 the Department of Health and Mental Hygiene shall report to the Senate Finance
9 Committee, the Senate Judicial Proceedings Committee, and the House Health and
10 Government Operations Committee, in accordance with § 2-1246 of the State Government
11 Article, on the implementation of this Act.

12 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.