

## Chapter 342

## (Senate Bill 344)

AN ACT concerning

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

FOR the purpose of ~~establishing the Emergency Use Auto-Injectable Epinephrine Program in the Department of Health and Mental Hygiene; providing for the purpose of the Program; authorizing the Department to adopt certain regulations, collect certain fees, issue and renew certain certificates, and approve certain training programs relating to the Program; altering the name of the Insect Sting Emergency Treatment Program to be the Emergency and Allergy Treatment Program; altering the purpose of the Program; repealing the authority of the Department of Health and Mental Hygiene to conduct certain educational training programs; establishing~~ altering the qualifications for applicants for a certain certificate; requiring the Department to issue certain certificates to certain applicants; providing for the contents, replacement, term, and renewal of certain certificates; requiring an applicant for a certain certificate to have a certain policy; repealing a requirement that certain educational training programs be conducted by certain individuals and include certain information; repealing certain application requirements; authorizing certain physicians to prescribe and certain pharmacists to dispense auto-injectable epinephrine to certain certificate holders; authorizing certain certificate holders to take certain actions; *authorizing certain certificate holders and agents to administer auto-injectable epinephrine to an individual under certain circumstances; repealing certain requirements regarding the issuance, contents, replacement, and renewal of a certain certificate; providing that a cause of 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; *applying certain immunities from certain causes of action that are applicable to certain certificate holders to certain agents; 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* altering 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.

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

13–702.

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

(B) “AGENT” MEANS AN INDIVIDUAL WHO IS:

(1) *IS AT LEAST 18 YEARS OF AGE;*

(2) HAS SUCCESSFULLY COMPLETED, AT THE EXPENSE OF AN APPLICANT, AN EDUCATIONAL TRAINING PROGRAM APPROVED BY THE DEPARTMENT; AND

(3) IS APPOINTED BY A CERTIFICATE HOLDER ~~THAT IS NOT AN INDIVIDUAL~~ TO ADMINISTER AUTO-INJECTABLE EPINEPHRINE IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE.

(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.

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

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

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

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

13-703.

(A) The Department may:

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

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

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

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

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

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

13-704.

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

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

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

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

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

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

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

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

(ii) Include training in:

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

2. The proper administration of a subcutaneous injection of epinephrine.]

**(E) AN APPLICANT SHALL HAVE A WRITTEN POLICY THAT INCLUDES:**

(1) AUTHORIZATION FOR THE ~~APPLICANT OR AN AGENT OF THE APPLICANT~~ CERTIFICATE HOLDER OR AGENT TO ADMINISTER AUTO-INJECTABLE EPINEPHRINE, IF AVAILABLE, TO AN INDIVIDUAL WHO HAS BEEN DETERMINED TO BE OR IS BELIEVED TO BE EXPERIENCING ANAPHYLAXIS, WHETHER OR NOT THE INDIVIDUAL;

(I) HAS PREVIOUSLY BEEN KNOWN TO HAVE EXPERIENCED ANAPHYLAXIS; OR

(II) HAS A PRESCRIPTION FOR EPINEPHRINE PRESCRIBED BY AN AUTHORIZED HEALTH CARE PRACTITIONER LICENSED UNDER THE HEALTH OCCUPATIONS ARTICLE;

(2) A REQUIREMENT THAT YOUTH CAMP PERSONNEL COMPLETE TRAINING ON HOW TO RECOGNIZE THE SYMPTOMS OF ANAPHYLAXIS;

(3) PROCEDURES FOR THE EMERGENCY ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE;

(4) PROCEDURES FOR PROPER EMERGENCY FOLLOW-UP;

(5) AUTHORIZATION FOR A CERTIFICATE HOLDER TO OBTAIN AND STORE AUTO-INJECTABLE EPINEPHRINE TO BE USED IN AN EMERGENCY; AND

(6) A REQUIREMENT THAT ~~A~~ EACH CERTIFICATE HOLDER IMPLEMENT A METHOD FOR NOTIFYING THE PARENT OR GUARDIAN OF A CAMPER AT A YOUTH CAMP OF THE YOUTH CAMP'S POLICY UNDER THIS SECTION ~~AT THE BEGINNING OF THE YOUTH CAMP SEASON~~ BEFORE THE CAMPER'S ATTENDANCE.

[13-705.

An applicant for a certificate shall:

(1) Submit an application to the Department or a private or public entity on the form that the Department requires; and

(2) Pay to the Department or a private or public entity the application fee set by the Department.]

13-705.

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

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

(B) A CERTIFICATE HOLDER MAY:

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

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

~~(2)~~ (C) IN AN EMERGENCY SITUATION WHEN PHYSICIAN OR EMERGENCY MEDICAL SERVICES ARE NOT IMMEDIATELY AVAILABLE, A CERTIFICATE HOLDER OR AGENT MAY ADMINISTER AUTO-INJECTABLE EPINEPHRINE TO AN INDIVIDUAL WHO IS EXPERIENCING OR BELIEVED IN GOOD FAITH BY THE CERTIFICATE HOLDER OR AGENT TO BE EXPERIENCING ANAPHYLAXIS.

[13-706.

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

(b) Each certificate shall include:

(1) The kind of certificate;

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

(3) A serial number.

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

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

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

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

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

**13-706.**

**(A) A CERTIFICATE HOLDER SHALL SUBMIT TO THE DEPARTMENT, ON A FORM REQUIRED BY THE DEPARTMENT, A REPORT OF EACH INCIDENT THAT OCCURRED ON THE CERTIFICATE HOLDER'S PREMISES OCCURS WHILE THE YOUTH CAMP IS IN SESSION THAT REQUIRED THE ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE.**

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

**[13-707.**

An individual who is certified may:

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

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

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

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

(a) A cause of action may not arise against a certificate holder **OR AGENT** authorized under this subtitle for any act or omission when the certificate holder **OR AGENT** is acting in good faith while [rendering emergency treatment] **ADMINISTERING AUTO-INJECTABLE EPINEPHRINE** to [a person suffering] **AN INDIVIDUAL EXPERIENCING** or believed by the certificate holder **OR AGENT** to be [suffering a severe adverse reaction to an insect sting] **EXPERIENCING ANAPHYLAXIS**, except where the

conduct of the certificate holder *OR AGENT* amounts to gross 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, *OR PHARMACIST* 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.~~

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

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

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

~~13-7A-02.~~

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

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

~~13-7A-03.~~

~~THE DEPARTMENT MAY:~~

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

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

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

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

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

~~13-7A-04.~~

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

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

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

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

~~(i) THE AMERICAN RED CROSS;~~

~~(ii) THE AMERICAN CPR CARE ASSOCIATION;~~

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

~~(iv) ANY OTHER PERSON APPROVED BY THE DEPARTMENT.~~

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

~~13-7A-05.~~

~~AN APPLICANT FOR A CERTIFICATE SHALL:~~

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

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

~~13-7A-06.~~

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

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

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

~~(2) A SERIAL NUMBER.~~

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

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

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

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

~~(ii) DEMONSTRATE PROFICIENCY TO THE DEPARTMENT.~~

~~13-7A-07.~~

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

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

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

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

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

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

~~13-7A-08.~~

~~(A) A CAUSE OF ACTION MAY NOT ARISE AGAINST A CERTIFICATE HOLDER FOR ANY ACT OR OMISSION IF THE CERTIFICATE HOLDER IS ACTING IN GOOD FAITH WHILE RENDERING EMERGENCY TREATMENT TO AN INDIVIDUAL WHO IS EXPERIENCING OR BELIEVED BY THE CERTIFICATE HOLDER TO BE EXPERIENCING ANAPHYLAXIS UNLESS THE CONDUCT OF THE CERTIFICATE HOLDER AMOUNTS TO GROSS 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 IF THE PHYSICIAN IN GOOD FAITH PRESCRIBES OR DISPENSES AUTO-INJECTABLE EPINEPHRINE AND THE NECESSARY PARAPHERNALIA FOR THE ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE TO AN INDIVIDUAL CERTIFIED BY THE DEPARTMENT UNDER § 13-7A-06 OF THIS SUBTITLE.~~

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

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

~~13-7A-09.~~

~~(A) THIS SUBTITLE MAY NOT BE CONSTRUED TO CREATE A DUTY ON 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.~~

~~13-7A-10.~~

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

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

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

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

Approved by the Governor, May 12, 2015.