

HOUSE BILL 658

J1

(5lr1177)

ENROLLED BILL

— Health and Government Operations/Finance and Judicial Proceedings —

Introduced by **Delegates Pena–Melnyk, 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**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

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~~

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.

Italics indicate opposite chamber/conference committee amendments.



1 qualifications for applicants for a certain certificate; ~~requiring the Department to~~
 2 ~~issue certain certificates to certain applicants; providing for the contents,~~
 3 ~~replacement, term, and renewal of certain certificates; requiring an applicant for a~~
 4 ~~certain certificate to have a certain policy; repealing a requirement that certain~~
 5 ~~educational training programs be conducted by certain individuals and include~~
 6 ~~certain information; repealing certain application requirements; authorizing certain~~
 7 physicians to prescribe and certain pharmacists to dispense auto-injectable
 8 epinephrine to certain certificate holders; authorizing certain certificate holders to
 9 take certain actions; authorizing certain certificate holders and agents to administer
 10 auto-injectable epinephrine to an individual under certain circumstances; repealing
 11 certain requirements regarding the issuance, contents, replacement, and renewal of
 12 a certain certificate; providing that a cause of action may not arise against certain
 13 certificate holders for certain acts or omissions under certain circumstances;
 14 providing that a cause of action may not arise against certain physicians who
 15 prescribe or dispense auto-injectable epinephrine and certain paraphernalia to
 16 certain certificate holders under certain circumstances; altering certain immunities
 17 from certain causes of action for certain certificate holders and physicians; applying
 18 certain immunities from certain causes of action that are applicable to certain
 19 certificate holders to certain agents; providing that a cause of action may not arise
 20 against certain pharmacists who dispense auto-injectable epinephrine and certain
 21 paraphernalia to certain certificate holders under certain circumstances; repealing
 22 certain provisions of law authorizing certain individuals to receive, possess, and
 23 administer certain epinephrine; providing for immunity from civil liability for
 24 certain individuals under certain circumstances; providing for altering the effect of
 25 certain provisions of this Act; providing for the construction of this Act; requiring
 26 certain certificate holders to submit to the Department a certain report; requiring
 27 the Department to publish a certain report on or before a certain date each year;
 28 requiring the Department to report to certain committees of the General Assembly
 29 on or before a certain date on the implementation of this Act; altering certain
 30 definitions; defining certain terms; making certain conforming and stylistic changes;
 31 and generally relating to the Emergency Use Auto-Injectable Epinephrine and
 32 Allergy Treatment Program.

33 BY repealing and reenacting, with amendments,

34 Article – Health – General

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

37 Annotated Code of Maryland

38 (2009 Replacement Volume and 2014 Supplement)

39 BY repealing

40 Article – Health – General

41 Section 13–705 through 13–707

42 Annotated Code of Maryland

43 (2009 Replacement Volume and 2014 Supplement)

44 BY adding to

1 Article – Health – General
 2 Section ~~13-7A-01 through 13-7A-10~~ to be under the new subtitle “Subtitle 7A,
 3 ~~Emergency Use Auto-Injectable Epinephrine Program~~” 13-705 and 13-706
 4 Annotated Code of Maryland
 5 (2009 Replacement Volume and 2014 Supplement)

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

8 **Article – Health – General**

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

10 13-701.

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

16 13-702.

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

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

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

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

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

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

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

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

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

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

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

13 13-703.

14 (A) The Department may:

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

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

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

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

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

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

25 13-704.

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

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

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

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

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

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

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

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

12 (ii) Include training in:

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

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

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

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

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

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

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

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

1 **(4) PROCEDURES FOR PROPER EMERGENCY FOLLOW-UP;**

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

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

8 **[13-705.**

9 An applicant for a certificate shall:

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

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

14 **13-705.**

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

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

21 **(B) A CERTIFICATE HOLDER MAY:**

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

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

29 **(3) (C) IN AN EMERGENCY SITUATION WHEN PHYSICIAN OR EMERGENCY**
 30 **MEDICAL SERVICES ARE NOT IMMEDIATELY AVAILABLE, A CERTIFICATE HOLDER OR**

1 AGENT MAY ADMINISTER AUTO-INJECTABLE EPINEPHRINE TO AN INDIVIDUAL WHO
2 IS EXPERIENCING OR BELIEVED IN GOOD FAITH BY THE CERTIFICATE HOLDER OR
3 AGENT TO BE EXPERIENCING ANAPHYLAXIS.

4 [13-706.

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

7 (b) Each certificate shall include:

8 (1) The kind of certificate;

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

10 (3) A serial number.

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

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

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

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

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

20 13-706.

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

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

30 [13-707.

1 An individual who is certified may:

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

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

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

12 [13-708.] 13-707.

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

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

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

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

34 [13-709.] 13-708.

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

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

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

8 ~~13-7A-01.~~

9 (A) ~~IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~
10 ~~INDICATED.~~

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

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

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

20 (E) ~~“CERTIFICATE” MEANS A CERTIFICATE ISSUED BY THE DEPARTMENT~~
21 ~~TO AN AUTHORIZED PERSON TO OBTAIN, STORE, AND ADMINISTER~~
22 ~~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 (G) ~~“PROGRAM” MEANS THE EMERGENCY USE AUTO-INJECTABLE~~
27 ~~EPINEPHRINE PROGRAM ESTABLISHED UNDER § 13-7A-02 OF THIS SUBTITLE.~~

28 ~~13-7A-02.~~

29 (A) ~~THERE IS AN EMERGENCY USE AUTO-INJECTABLE EPINEPHRINE~~
30 ~~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;~~

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

1 ~~(III) A NATIONALLY RECOGNIZED ORGANIZATION EXPERIENCED~~
2 ~~IN TRAINING LAY PERSONS IN EMERGENCY MEDICAL TREATMENT; OR~~

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

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

6 ~~13-7A-05.~~

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

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

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

12 ~~13-7A-06.~~

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

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

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

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

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

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

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

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

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

1 ~~13-7A-07.~~

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

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

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

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

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

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

21 ~~13-7A-08.~~

22 (A) ~~A CAUSE OF ACTION MAY NOT ARISE AGAINST A CERTIFICATE HOLDER~~
23 ~~FOR ANY ACT OR OMISSION IF THE CERTIFICATE HOLDER IS ACTING IN GOOD FAITH~~
24 ~~WHILE RENDERING EMERGENCY TREATMENT TO AN INDIVIDUAL WHO IS~~
25 ~~EXPERIENCING OR BELIEVED BY THE CERTIFICATE HOLDER TO BE EXPERIENCING~~
26 ~~ANAPHYLAXIS UNLESS THE CONDUCT OF THE CERTIFICATE HOLDER AMOUNTS TO~~
27 ~~GROSS NEGLIGENCE, WILLFUL OR WANTON MISCONDUCT, OR INTENTIONALLY~~
28 ~~TORTIOUS CONDUCT.~~

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

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

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

10 ~~13-7A-09.~~

11 ~~(A) THIS SUBTITLE MAY NOT BE CONSTRUED TO CREATE A DUTY ON ANY~~
12 ~~INDIVIDUAL TO OBTAIN A CERTIFICATE UNDER THIS SUBTITLE, AND AN INDIVIDUAL~~
13 ~~MAY NOT BE HELD CIVILLY LIABLE FOR FAILING TO OBTAIN A CERTIFICATE UNDER~~
14 ~~THIS SUBTITLE.~~

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

19 ~~13-7A-10.~~

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

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

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

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