

# SENATE BILL 344

J1

(5lr1614)

## ENROLLED BILL

— Finance and Judicial Proceedings/Health and Government Operations —

Introduced by **Senators Pugh, Astle, Guzzone, Kagan, and Klausmeier**

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.

\_\_\_\_\_  
President.

### 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~~

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

29 BY repealing and reenacting, with amendments,

30 Article – Health – General

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

33 Annotated Code of Maryland

34 (2009 Replacement Volume and 2014 Supplement)

35 BY repealing

36 Article – Health – General

37 Section 13-705 through 13-707

38 Annotated Code of Maryland

39 (2009 Replacement Volume and 2014 Supplement)

40 BY adding to

41 Article – Health – General

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

44 Annotated Code of Maryland

1 (2009 Replacement Volume and 2014 Supplement)

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

4 **Article – Health – General**

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

6 13-701.

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

12 13-702.

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

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

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

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

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

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

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

28 [(b)] (E) “Certificate” means a certificate OR AN ENDORSEMENT ON THE  
29 OPERATING CERTIFICATE OF A YOUTH CAMP issued by the Department [or a private or  
30 public entity] TO ~~A PERSON~~ AN INDIVIDUAL WHO OPERATES A YOUTH CAMP UNDER

1 TITLE 14, SUBTITLE 4 OF THIS ARTICLE to OBTAIN, STORE, AND administer  
 2 [subcutaneous injections of] AUTO-INJECTABLE epinephrine.

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

6 [(c)] (G) "Program" means the [Insect Sting] Emergency AND ALLERGY  
 7 Treatment Program.

8 (H) "YOUTH CAMP" HAS THE MEANING STATED IN § 14-401 OF THIS  
 9 ARTICLE.  
 10 13-703.

11 (A) The Department may:

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

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

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

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

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

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

22 13-704.

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

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

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

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

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

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

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

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

10 (ii) Include training in:

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

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

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

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

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

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

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

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

30 (4) PROCEDURES FOR PROPER EMERGENCY FOLLOW-UP;

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

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

7 [13-705.

8 An applicant for a certificate shall:

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

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

13 13-705.

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

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

20 (B) A CERTIFICATE HOLDER MAY:

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

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

28 ~~(3)~~ (C) IN AN EMERGENCY SITUATION WHEN PHYSICIAN OR  
 29 EMERGENCY MEDICAL SERVICES ARE NOT IMMEDIATELY AVAILABLE, A  
 30 CERTIFICATE HOLDER OR AGENT MAY ADMINISTER AUTO-INJECTABLE  
 31 EPINEPHRINE TO AN INDIVIDUAL WHO IS EXPERIENCING OR BELIEVED IN GOOD

1 FAITH BY THE CERTIFICATE HOLDER OR AGENT TO BE EXPERIENCING  
2 ANAPHYLAXIS.

3 [13-706.

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

6 (b) Each certificate shall include:

7 (1) The kind of certificate;

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

9 (3) A serial number.

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

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

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

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

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

19 13-706.

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~~ OCCURS WHILE THE YOUTH  
23 CAMP IS IN SESSION THAT REQUIRED THE ADMINISTRATION OF AUTO-INJECTABLE  
24 EPINEPHRINE.

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

29 [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~~  
13 ~~AUTO-INJECTABLE EPINEPHRINE IN ACCORDANCE WITH THE PROVISIONS OF THE~~  
14 ~~PROGRAM.~~

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

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

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

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

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

29       ~~13-7A-02.~~

30           ~~(A) THERE IS AN EMERGENCY USE AUTO-INJECTABLE EPINEPHRINE~~  
31 ~~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 LAYPERSONS 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.