

BY: Finance Committee

AMENDMENTS TO SENATE BILL 898
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Emergency Use”; in lines 2 and 3, strike “Program for Food Service Facilities” and substitute “- Certification for Emergency Administration”; strike beginning with “establishing” in line 4 down through “Hygiene;” in line 5 and substitute “establishing requirements for an authorized entity to obtain and store a supply of auto-injectable epinephrine; prohibiting an authorized entity from obtaining and storing auto-injectable epinephrine unless the authorized entity has a certain number of certain employees or certain affiliated individuals; requiring an authorized entity to maintain a copy of a certain certificate issued to certain individuals; establishing qualifications for an individual to obtain a certificate to obtain, store, and administer auto-injectable epinephrine to be used in an emergency situation; establishing the term of a certain certificate;”; in line 6, strike “establishing the purpose of the Program;”; in line 7, strike “, collect certain fees, issue and renew certain certificates, and” and substitute “; requiring the Department to”; strike beginning with “relating” in line 8 down through “certificate” in line 9; strike beginning with “requiring” in line 9 down through the semicolon in line 10; strike beginning with the comma in line 10 down through “term,” in line 11; in line 12, after “pharmacists” insert “and physicians”; in lines 13, 16, 19, and 22, in each instance, after “holders” insert “or authorized entities”; in line 14, strike “or an agent”; in lines 16 and 17, strike “or certain agents”; in line 17, after “circumstances;” insert “providing a certain exception to a certain immunity;”; in line 19, strike “and certain paraphernalia”; in lines 21 and 22, strike “and certain paraphernalia”; in line 24, after “Act;” insert “providing for the application of this Act;”; strike beginning with “requiring” in line 25 down through “year;” in line 27; and strike beginning with “the” in line 27 down through “Facilities” in line 28 and substitute “certification for obtaining, storing, and administering auto-injectable epinephrine”.

(Over)

On page 2, in line 1, strike “13-7A-10” and substitute “13-7A-09”; in line 2, strike “Use” and substitute “Administration of”; and strike beginning with “Program” in line 2 down through “Facilities” in line 3.

AMENDMENT NO. 2

On page 2, in line 9, strike “USE” and substitute “ADMINISTRATION OF”; in lines 9 and 10, strike “PROGRAM FOR FOOD SERVICE FACILITIES”; in line 14, strike “AGENT” and substitute “AFFILIATED INDIVIDUAL”; after line 15, insert:

“(2) HAS AN UNPAID AND CLOSE ASSOCIATION WITH AN AUTHORIZING ENTITY;”;

in lines 16 and 19, strike “(2)” and “(3)”, respectively, and substitute “(3)” and “(4)”, respectively; in line 19, strike “APPOINTED BY A CERTIFICATE HOLDER TO” and substitute “DESIGNATED BY AN AUTHORIZED ENTITY TO OBTAIN, STORE, AND”; after line 24, insert:

“(D) (1) “AUTHORIZED ENTITY” MEANS AN ENTITY:

(I) AT WHICH ALLERGENS CAPABLE OF CAUSING ANAPHYLAXIS MAY BE PRESENT; AND

(II) THAT IS AUTHORIZED UNDER THIS SUBTITLE TO OBTAIN AND STORE AUTO-INJECTABLE EPINEPHRINE.

(2) “AUTHORIZED ENTITY” INCLUDES:

(I) A COLLEGE OR UNIVERSITY;

(II) A DAY CARE FACILITY;

(III) A FOOD SERVICE FACILITY;

(IV) AN AMUSEMENT PARK; AND

(V) A YOUTH SPORTS LEAGUE.

(3) “AUTHORIZED ENTITY” DOES NOT INCLUDE A YOUTH CAMP AS DEFINED IN § 14-401 OF THIS ARTICLE.”;

in lines 25 and 28, strike “(D)” and “(E)”, respectively, and substitute “(E)” and “(F)”, respectively; and in line 28, after “BY” insert “AN EDUCATIONAL PROGRAM APPROVED BY”.

On page 3, in line 1, strike “(F)” and substitute “(G)”; in the same line, strike “IS” and substitute “:

(1) IS AT LEAST 18 YEARS OLD; AND

(2) IS”;

in line 2, strike “BY THE DEPARTMENT”; strike in their entirety lines 4 through 8, inclusive; after line 9, insert:

“THIS SUBTITLE DOES NOT APPLY TO:

(1) THE EMERGENCY AND ALLERGY TREATMENT PROGRAM UNDER SUBTITLE 7 OF THIS TITLE;

(2) PUBLIC ELEMENTARY AND SECONDARY SCHOOLS; OR

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(3) NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS.

13-7A-03.

(A) SUBJECT TO SUBSECTION (C) OF THIS SECTION, AN AUTHORIZED ENTITY MAY OBTAIN:

(1) A PRESCRIPTION FOR A SUPPLY OF AUTO-INJECTABLE EPINEPHRINE FROM A LICENSED PHYSICIAN AS PROVIDED IN § 13-7A-07 OF THIS SUBTITLE; AND

(2) A SUPPLY OF AUTO-INJECTABLE EPINEPHRINE FROM A LICENSED PHARMACIST OR A LICENSED PHYSICIAN AS PROVIDED IN § 13-7A-07 OF THIS SUBTITLE.

(B) (1) AN AUTHORIZED ENTITY SHALL STORE A SUPPLY OF AUTO-INJECTABLE EPINEPHRINE OBTAINED UNDER SUBSECTION (A)(2) OF THIS SECTION:

(I) IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS; AND

(II) IN A LOCATION THAT IS READILY ACCESSIBLE TO EMPLOYEES OR AFFILIATED INDIVIDUALS IN AN EMERGENCY SITUATION.

(2) AN AUTHORIZED ENTITY SHALL DESIGNATE THE EMPLOYEES WHO ARE CERTIFICATE HOLDERS OR AFFILIATED INDIVIDUALS WHO ARE CERTIFICATE HOLDERS WHO WILL BE RESPONSIBLE FOR THE STORAGE,

MAINTENANCE, AND CONTROL OF THE SUPPLY OF THE AUTO-INJECTABLE EPINEPHRINE.

(C) (1) AN AUTHORIZED ENTITY MAY NOT OBTAIN OR STORE AUTO-INJECTABLE EPINEPHRINE UNLESS THE AUTHORIZED ENTITY HAS AT LEAST TWO:

(I) EMPLOYEES WHO ARE CERTIFICATE HOLDERS; OR

(II) DESIGNATED AFFILIATED INDIVIDUALS WHO ARE CERTIFICATE HOLDERS.

(2) AN OWNER OF AN AUTHORIZED ENTITY WHO IS A CERTIFICATE HOLDER SHALL BE DEEMED TO BE AN EMPLOYEE FOR PURPOSES OF THE REQUIREMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(D) AN AUTHORIZED ENTITY SHALL MAINTAIN A COPY OF THE CERTIFICATE ISSUED TO AN EMPLOYEE OR AN AFFILIATED INDIVIDUAL UNDER § 13-7A-06 OF THIS SUBTITLE.”;

strike in their entirety lines 10 through 16, inclusive; in lines 17 and 27, strike “**13-7A-03.**” and “**13-7A-04.**”, respectively, and substitute “**13-7A-04.**” and “**13-7A-05.**”, respectively; in line 18, strike “**MAY**”; in line 19, strike “**ADOPT**” and substitute “**MAY ADOPT**”; strike beginning with “**FOR**” in line 19 down through “**PROGRAM**” in line 20 and substitute “**TO CARRY OUT THIS SUBTITLE**”; in line 20, after the semicolon insert “**AND**”; strike beginning with “**COLLECT**” in line 21 down through “**APPROVE**” in line 25 and substitute “**SHALL APPROVE**”; and strike line 30 in its entirety.

On page 4, in line 1, strike “**(C)**” and substitute “**(B)**”; strike in their entirety lines 6 through 11, inclusive; in line 13, strike “**THE**” and substitute “**AN EDUCATIONAL**”

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TRAINING PROGRAM APPROVED BY THE"; and strike beginning with "EACH" in line 15 down through "(D)" in line 21.

AMENDMENT NO. 3

On page 5, in line 2, strike "A" and substitute ":

(I) A";

in line 3, after "HOLDER" insert "; OR

(II) SUBJECT TO SUBSECTION (C) OF THIS SECTION, AN AUTHORIZED ENTITY";

in line 5, after "PHYSICIAN" insert "LICENSED TO PRACTICE MEDICINE IN THE STATE"; in line 6, after "HOLDER" insert "OR AN AUTHORIZED ENTITY"; strike beginning with "AND" in line 10 down through "EPINEPHRINE" in line 11; strike beginning with "AND" in line 13 down through "EPINEPHRINE" in line 14; after line 14, insert:

"(C) AN AUTHORIZED ENTITY MAY:

(1) ON PRESENTMENT OF A CERTIFICATE OF AN EMPLOYEE OF THE AUTHORIZED ENTITY OR AN AFFILIATED INDIVIDUAL, RECEIVE FROM ANY PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE A PRESCRIPTION FOR AUTO-INJECTABLE EPINEPHRINE; AND

(2) POSSESS AND STORE THE PRESCRIBED AUTO-INJECTABLE EPINEPHRINE.";

in line 15, strike “(C)” and substitute “(D)”; in line 16, after “A” insert “CERTIFICATE HOLDER OR AN AUTHORIZED ENTITY MAY MAKE AVAILABLE AND A”; in lines 16 and 17, strike “OR AN AGENT”; in line 19, strike “OR AGENT”; in line 21, after “(A)” insert “(1)”; in the same line, after “HOLDER” insert “OR AN AUTHORIZED ENTITY”; in line 22, strike “OR AN AGENT”; in lines 22, 25, and 26, in each instance, strike “OR AGENT” and substitute “OR AUTHORIZED ENTITY”; in line 23, after “WHILE” insert “MAKING AVAILABLE OR”; after line 28, insert:

“(2) THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION DO NOT APPLY IF A CERTIFICATE HOLDER OR AN AUTHORIZED ENTITY THAT MAKES AVAILABLE, OR A CERTIFICATE HOLDER WHO ADMINISTERS, AUTO-INJECTABLE EPINEPHRINE TO AN INDIVIDUAL WHO IS EXPERIENCING OR IS BELIEVED BY THE CERTIFICATE HOLDER OR AUTHORIZED ENTITY TO BE EXPERIENCING ANAPHYLAXIS:

(I) FAILS TO FOLLOW STANDARDS AND PROCEDURES FOR STORAGE AND ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE; OR

(II) ADMINISTERS AUTO-INJECTABLE EPINEPHRINE THAT IS BEYOND THE MANUFACTURER’S EXPIRATION DATE.”;

strike beginning with “AND” in line 31 down through “EPINEPHRINE” in line 32; and in line 33, strike “AN INDIVIDUAL CERTIFIED BY THE DEPARTMENT” and substitute “A CERTIFICATE HOLDER OR AN AUTHORIZED ENTITY”.

On page 6, strike beginning with “AND” in line 3 down through “EPINEPHRINE” in line 4; in lines 4 and 5, strike “AN INDIVIDUAL CERTIFIED BY THE DEPARTMENT” and substitute “A CERTIFICATE HOLDER OR AN AUTHORIZED ENTITY”; and strike in their entirety lines 19 through 27, inclusive.