

Chapter 262

(House Bill 49)

AN ACT concerning

Public Health – Emergency and Allergy Treatment Program – Nurse Practitioners

FOR the purpose of authorizing certain nurse practitioners to prescribe and dispense auto-injectable epinephrine to certain certificate holders who operate youth camps; and generally relating to nurse practitioners and the Emergency and Allergy Treatment Program.

BY repealing and reenacting, with amendments,
 Article – Health – General
 Section 13–701, 13–702, 13–705, and 13–707
 Annotated Code of Maryland
 (2019 Replacement Volume and 2021 Supplement)

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

Article – Health – General

13–701.

The 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 individuals who have severe adverse reactions to allergens or insect stings when physician [services], **REGISTERED NURSE PRACTITIONER**, 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:

(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 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.

(e) “Certificate” means a certificate or an endorsement on the operating certificate of a youth camp issued by the Department to an individual who operates a youth camp under Title 14, Subtitle 4 of this article to obtain, store, and administer auto-injectable epinephrine.

(f) “Certificate holder” means an individual who is authorized by the Department to obtain, store, and administer auto-injectable epinephrine to be used in an emergency situation.

~~(g) “NURSE PRACTITIONER” MEANS AN INDIVIDUAL LICENSED TO PRACTICE REGISTERED NURSING IN THE STATE AND WHO IS CERTIFIED AS A NURSE PRACTITIONER BY THE STATE BOARD OF NURSING UNDER TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE.~~

~~[(g)] (H)~~ “Program” means the Emergency and Allergy Treatment Program.

(H) “REGISTERED NURSE PRACTITIONER” HAS THE MEANING STATED IN § 8-101 OF THE HEALTH OCCUPATIONS ARTICLE.

~~[(h)] (I)~~ “Youth camp” has the meaning stated in § 14-401 of this article.

13-705.

(a) (1) A **REGISTERED NURSE PRACTITIONER OR** A physician licensed to practice medicine in the State may prescribe auto-injectable epinephrine in the name of a certificate holder.

(2) A **REGISTERED NURSE PRACTITIONER,** 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 **REGISTERED NURSE PRACTITIONER OR 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.

(c) In an emergency situation when **REGISTERED NURSE PRACTITIONER**, 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.

13-707.

(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 administering auto-injectable epinephrine to an individual experiencing or believed by the certificate holder or agent to be 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 auto-injectable epinephrine to a person certified by the Department under 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.

(3) A CAUSE OF ACTION MAY NOT ARISE AGAINST ANY NURSE PRACTITIONER FOR ANY ACT OR OMISSION WHEN THE NURSE PRACTITIONER IN GOOD FAITH PRESCRIBES OR 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, **REGISTERED NURSE PRACTITIONER**, physician, or pharmacist may be entitled.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2024, the Maryland Department of Health shall report to the Senate Finance Committee, the Senate Judicial Proceedings Committee, and the House Health and Government Operations Committee, in accordance with § 2-1257 of the State Government Article, on the implementation of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

Approved by the Governor, May 12, 2022.