

# HOUSE BILL 49

J1, J2

(PRE-FILED)

2lr1019  
CF 2lr1412

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By: **Delegate Johnson**

Requested: October 28, 2021

Introduced and read first time: January 12, 2022

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Emergency and Allergy Treatment Program – Nurse**  
3 **Practitioners**

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

8 BY repealing and reenacting, with amendments,  
9 Article – Health – General  
10 Section 13–701, 13–702, 13–705, and 13–707  
11 Annotated Code of Maryland  
12 (2019 Replacement Volume and 2021 Supplement)

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

15 **Article – Health – General**

16 13–701.

17 The Emergency and Allergy Treatment Program is a program in the Department for  
18 the purpose of providing a means of authorizing certain individuals to administer  
19 life-saving treatment to individuals who have severe adverse reactions to allergens or  
20 insect stings when physician [services], **NURSE PRACTITIONER**, or emergency medical  
21 services are not immediately available in a youth camp.

22 13–702.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (b) “Agent” means an individual who:

3 (1) Is at least 18 years of age;

4 (2) Has successfully completed, at the expense of an applicant, an  
5 educational training program approved by the Department; and

6 (3) Is appointed by a certificate holder to administer auto-injectable  
7 epinephrine in accordance with the provisions of this subtitle.

8 (c) “Anaphylaxis” means a sudden, severe, and potentially life-threatening  
9 allergic reaction that occurs when an individual is exposed to an allergen.

10 (d) “Auto-injectable epinephrine” means a portable, disposable drug delivery  
11 device that contains a premeasured single dose of epinephrine that is used to treat  
12 anaphylaxis in an emergency situation.

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

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

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

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

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

26 13-705.

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

29 (2) **A NURSE PRACTITIONER, A** pharmacist licensed to practice pharmacy  
30 in the State, or a physician may dispense auto-injectable epinephrine under a prescription  
31 issued to a certificate holder.

1 (b) A certificate holder may:

2 (1) On presentment of a certificate, receive from any **NURSE**  
3 **PRACTITIONER OR ANY** physician licensed to practice medicine in the State a prescription  
4 for auto-injectable epinephrine and the necessary paraphernalia for the administration of  
5 auto-injectable epinephrine; and

6 (2) Possess and store prescribed auto-injectable epinephrine and the  
7 necessary paraphernalia for the administration of auto-injectable epinephrine.

8 (c) In an emergency situation when **NURSE PRACTITIONER**, physician, or  
9 emergency medical services are not immediately available, a certificate holder or agent may  
10 administer auto-injectable epinephrine to an individual who is experiencing or believed in  
11 good faith by the certificate holder or agent to be experiencing anaphylaxis.

12 13-707.

13 (a) A cause of action may not arise against a certificate holder or agent authorized  
14 under this subtitle for any act or omission when the certificate holder or agent is acting in  
15 good faith while administering auto-injectable epinephrine to an individual experiencing  
16 or believed by the certificate holder or agent to be experiencing anaphylaxis, except where  
17 the conduct of the certificate holder or agent amounts to gross negligence, willful or wanton  
18 misconduct, or intentionally tortious conduct.

19 (b) (1) A cause of action may not arise against any physician for any act or  
20 omission when the physician in good faith prescribes or dispenses auto-injectable  
21 epinephrine and the necessary paraphernalia for the administration of auto-injectable  
22 epinephrine to a person certified by the Department under this subtitle.

23 (2) A cause of action may not arise against any pharmacist for any act or  
24 omission when the pharmacist in good faith dispenses auto-injectable epinephrine and the  
25 necessary paraphernalia for the administration of auto-injectable epinephrine to a person  
26 certified by the Department under this subtitle.

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

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

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

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