SENATE BILL 380

J1, J2

ENROLLED BILL
— Finance/Health and Government Operations —

Introduced by Senators Benson, Lam, and Patterson

Read and Examined by Proofreaders:

_______________________________________________
Proofreader.

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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 and Allergy Treatment Program – Nurse
Practitioners

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
Underlining indicates amendments to bill.
Strikeout indicates matter stricken from the bill by amendment or deleted from the law by
amendment.
Italics indicate opposite chamber/conference committee amendments.
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], Nurse 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
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practitioner by the state board of nursing under title 8 has the meaning stated in § 8–101 of the health occupations article.

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

“Registered nurse practitioner” has the meaning stated in § 8–101 of the health occupations article.

(b) (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.
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(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:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.