

SENATE BILL 380

J1, J2

2lr1412
CF HB 49

By: **Senators Benson, Lam, and Patterson**

Introduced and read first time: January 24, 2022

Assigned to: Finance

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.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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

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

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

25 13-705.

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

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

31 (b) A certificate holder may:

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

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

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

11 13-707.

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

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

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

26 **(3) A CAUSE OF ACTION MAY NOT ARISE AGAINST ANY NURSE**
27 **PRACTITIONER FOR ANY ACT OR OMISSION WHEN THE NURSE PRACTITIONER IN**
28 **GOOD FAITH DISPENSES AUTO-INJECTABLE EPINEPHRINE AND THE NECESSARY**
29 **PARAPHERNALIA FOR THE ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE**
30 **TO A PERSON CERTIFIED BY 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, **NURSE PRACTITIONER**, physician, or pharmacist
34 may be entitled.

35 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2024,
36 the Maryland Department of Health shall report to the Senate Finance Committee, the

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1 Senate Judicial Proceedings Committee, and the House Health and Government
2 Operations Committee, in accordance with § 2-1257 of the State Government Article, on
3 the implementation of this Act.

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