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An Act To Expand Public Access to Epinephrine Autoinjectors

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA c. 423 is enacted to read:

CHAPTER 423

ACCESS TO EPINEPHRINE AUTOINJECTOR

§ 2150-F. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Administer. "Administer" means to apply an epinephrine autoinjector directly to a human body.

2. Authorized entity. "Authorized entity" means any entity, organization or place of employment, other than a school under Title 20-A, section 6305, in connection with or at which allergens capable of causing anaphylaxis may be present, including but not limited to recreation camps, colleges, universities, day care facilities, youth sports leagues, amusement parks, restaurants and sports arenas.

3. Emergency public access station. "Emergency public access station" means a locked, secure container for the storage of epinephrine autoinjectors that is under the general oversight of a health care practitioner who is available in real time by audio, video or other similar means of electronic communication and that, upon authorization of the consulting health care practitioner, may be unlocked to make available the epinephrine autoinjectors.

4. Epinephrine autoinjector. "Epinephrine autoinjector" means a single-use device used for the automatic injection of a premeasured dose of epinephrine into a human body.

5. Health care practitioner. "Health care practitioner" means an individual who is licensed, registered or otherwise authorized in the appropriate jurisdiction to prescribe and administer drugs in the course of professional practice.

§ 2150-G. Epinephrine autoinjectors; emergency administration

1. Prescribing to an authorized entity permitted. A health care practitioner may prescribe epinephrine autoinjectors in the name of an authorized entity for use in accordance with this section, and pharmacists and health care practitioners may dispense epinephrine autoinjectors pursuant to a prescription issued in the name of an authorized entity. A prescription authorized pursuant to this section is valid for 2 years.

2. Authorized entities permitted to maintain supply. An authorized entity may acquire and stock a supply of epinephrine autoinjectors pursuant to a prescription issued under subsection 1. An epinephrine autoinjector must be stored in a location readily accessible in an emergency and in accordance with the instructions for use for the epinephrine autoinjector and any additional requirements that may be established by the department. An authorized entity shall designate employees or agents who have completed the training required under subsection 4 to be responsible for the storage, maintenance, control and general oversight of epinephrine autoinjectors acquired by the authorized entity.

3. Use of epinephrine autoinjectors. An employee or agent of an authorized entity who has completed the training required by subsection 4 may use epinephrine autoinjectors prescribed pursuant to subsection 1 to:

- A. Provide an epinephrine autoinjector to a person the employee or agent believes in good faith is experiencing anaphylaxis, or the parent, guardian or caregiver of such a person, for immediate administration, regardless of whether the person has a prescription for an epinephrine autoinjector or has previously been diagnosed with an allergy; and
- B. Administer an epinephrine autoinjector to a person the employee or agent believes in good faith is experiencing anaphylaxis, regardless of whether the person has a prescription for an epinephrine autoinjector or has previously been diagnosed with an allergy.

4. Training. An employee or agent of an authorized entity shall complete an anaphylaxis training program and shall complete additional training at least every 2 years thereafter. The training must be conducted by a nationally recognized organization experienced in training nonprofessionals in emergency health treatment or an entity or individual approved by the department. The department may approve specific entities or individuals or may approve classes of entities or individuals to conduct training. Training may be conducted online or in person and, at a minimum, must cover:

- A. How to recognize signs and symptoms of severe allergic reactions, including anaphylaxis;
- B. Standards and procedures for the storage and administration of an epinephrine autoinjector; and
- C. Emergency follow-up procedures.

The entity or individual that conducts the training shall issue a certificate, on a form developed or approved by the department, to each person who successfully completes the anaphylaxis training program.

5. Immunity. An authorized entity that possesses and makes available epinephrine autoinjectors and its employees and agents; a health care practitioner that prescribes epinephrine autoinjectors to an authorized entity; a pharmacist or health care practitioner that dispenses epinephrine autoinjectors to an authorized entity; and an individual or entity that conducts the training under subsection 4 may not be held liable for any injuries or related damages that result from any act or omission taken in good faith pursuant to this section except that this immunity does not apply to acts or omissions constituting gross negligence or willful or wanton misconduct. The administration of an epinephrine autoinjector in accordance with this section is not the practice of medicine or any other profession that otherwise requires licensure. This

subsection does not eliminate, limit or reduce any other immunity or defense that may be available under the laws of this State, including that provided under Title 14, section 164. An authorized entity located in this State is not liable for any injuries or related damages that result from the provision or administration of an epinephrine autoinjector outside of this State if the authorized entity would not have been liable for such injuries or related damages had the provision or administration occurred within this State.

6. Reporting. An authorized entity that possesses and makes available epinephrine autoinjectors shall submit to the department, on a form developed by the department, a report of each incident on the authorized entity's premises that involves the administration of an epinephrine autoinjector pursuant to subsection 3. The department shall annually publish a summary of all reports submitted to it under this subsection.

§ 2150-H. Emergency public access stations

1. Emergency public access stations. Notwithstanding any provision of Title 32, chapters 2-B, 31, 48 and 117:

A. A health care practitioner may prescribe a stock supply of epinephrine autoinjectors to an entity or organization for storage in an emergency public access station or may place a stock supply of epinephrine autoinjectors at an entity or organization in an emergency public access station in accordance with protocols established by the health care practitioner and approved by the department;

B. A health care practitioner may provide consultation services to an individual accessing an emergency public access station and may make the epinephrine autoinjectors stored in the emergency public access station available to the individual in accordance with protocols established by the health care practitioner and approved by the department; and

C. An individual may use an emergency public access station and may administer or provide an epinephrine autoinjector made available from the emergency public access station to a person believed in good faith to be experiencing anaphylaxis or may provide such an epinephrine autoinjector to the parent, guardian or caregiver of such a person.

2. Immunity. A person, including an entity or organization at which an emergency public access station is located, a health care practitioner and a user of an emergency public access station, who undertakes in good faith any act or omission pursuant to this section is not liable for any injuries or related damages that result from any such act or omission except that this immunity does not apply to acts or omissions constituting gross negligence or willful or wanton misconduct. This subsection does not eliminate, limit or reduce any other immunity or defense that may be available under the laws of this State, including that provided under Title 14, section 164. Use of an emergency public access station in accordance with this section is not the practice of medicine or any other profession that otherwise requires licensure.

SUMMARY

This bill allows entities, organizations and places of employment at which allergens capable of causing anaphylaxis may be present, other than schools, to stock prescribed epinephrine autoinjectors and administer them to persons believed in good faith to be experiencing anaphylaxis and provides that those entities, organizations and places of employment may not be held liable for any injuries or related damages that may result. It requires training for employees or agents of such entities, organizations or places of employment. It also provides for the establishment of emergency public access stations to contain stocks of epinephrine autoinjectors, allows health care practitioners to stock them with epinephrine autoinjectors and to provide individuals accessing the stations with consultation services in real time by audio, video or other similar means of electronic communication and provides that persons involved with the stations and acting in good faith may not be held liable for any injuries or related damages that may result.