

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY

S.P. 674 - L.D. 1972

An Act To Increase Access to and Reduce the Cost of Epinephrine Autoinjectors by Amending the Definition of "Epinephrine Autoinjector"

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this Act expands the definition of "epinephrine autoinjector" to include devices approved by the federal Food and Drug Administration that deliver a specific dose of epinephrine by means other than automatic injection; and

Whereas, this Act provides more flexibility for entities, including, but not limited to, recreation camps, colleges, universities, day care facilities, youth sports leagues, amusement parks, restaurants and sports arenas, that purchase epinephrine for emergency purposes to consider lower-cost alternatives; and

Whereas, this Act, if it becomes effective prior to the expiration of the 90-day period, could provide financial relief to youth camps, recreational camps, municipal recreation programs and amusement parks before the upcoming summer season; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 20-A MRSA §254, sub-§5, ¶C, as enacted by PL 2003, c. 531, §1, is amended to read:

C. A public school or a private school approved pursuant to section 2902 must have a written local policy authorizing students to possess and self-administer emergency medication from an asthma inhaler or an epinephrine ~~pen~~ autoinjector as defined in section 6305, subsection 1, paragraph C. The written local policy must include the following requirements.

(1) A student who self-administers an asthma inhaler or an epinephrine ~~pen~~ autoinjector must have the prior written approval of the student's primary health care provider and, if the student is a minor, the prior written approval of the student's parent or guardian.

(2) The student's parent or guardian must submit written verification to the school from the student's primary health care provider confirming that the student has the knowledge and the skills to safely possess and use an asthma inhaler or an epinephrine ~~pen~~ autoinjector in school.

(3) The school nurse shall evaluate the student's technique to ensure proper and effective use of an asthma inhaler or an epinephrine ~~pen~~ autoinjector in school.

Sec. 2. 20-A MRSA §6305, sub-§1, ¶C, as enacted by PL 2013, c. 526, §1, is amended to read:

C. "Epinephrine autoinjector" means a single-use device that automatically injects used for the automatic injection of a premeasured dose of epinephrine into a human body or another single-use epinephrine delivery system approved by the federal Food and Drug Administration for public use.

Sec. 3. 22 MRSA §2150-F, sub-§3, as enacted by PL 2015, c. 231, §1, is amended to read:

3. Epinephrine autoinjector. "Epinephrine autoinjector" means a single-use device used for the automatic injection of a premeasured dose of epinephrine into a human body or another single-use epinephrine delivery system approved by the federal Food and Drug Administration for public use.

Sec. 4. 22 MRSA §2496, sub-§2, as amended by PL 2009, c. 211, Pt. A, §9, is further amended to read:

2. Youth camps; emergency medication. A youth camp must have a written policy authorizing campers to self-administer emergency medication, including, but not limited to, an asthma inhaler or an epinephrine ~~pen~~ autoinjector as defined in section 2150-F, subsection 3. The written policy must include the following requirements:

A. A camper who self-administers emergency medication must have the prior written approval of the camper's primary health care provider and the camper's parent or guardian;

B. The camper's parent or guardian must submit written verification to the youth camp from the camper's primary health care provider confirming that the camper has the knowledge and the skills to safely self-administer the emergency medication in camp;

C. The youth camp health staff must evaluate the camper's technique to ensure proper and effective use of the emergency medication in camp; and

D. The emergency medication must be readily available to the camper.

Sec. 5. 30-A MRSA §3108, as enacted by PL 2007, c. 588, §1, is amended to read:

§3108. Asthma inhalers and epinephrine ~~pens~~ autoinjectors

Municipal employees and volunteers that operate or assist in any municipal recreational program or camp may receive training on how to administer asthma inhalers and epinephrine ~~pens~~ autoinjectors as defined in Title 22, section 2150-F, subsection 3. Municipal employees and volunteers may possess and administer prescribed asthma inhalers and epinephrine ~~pens~~ autoinjectors in order to provide emergency aid.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.