
OLR Bill Analysis

SB 706

AN ACT CONCERNING EPINEPHRINE AUTO INJECTORS.

SUMMARY

This bill makes various changes regarding the administration of epinephrine auto-injectors (e.g., Epi Pens). It:

1. allows a trained individual to administer an epinephrine auto-injector to someone experiencing an allergic reaction, if he or she acts with reasonable care;
2. grants such individuals immunity from civil and criminal liability if they are not licensed health care providers and administer an epinephrine auto-injector in the ordinary course of their employment;
3. allows a prescribing practitioner to enter into an agreement with a pharmacy to issue a standing order (i.e., non-patient specific) that allows pharmacists to dispense epinephrine auto-injectors if they meet certain training, certification, and record keeping requirements; and
4. grants immunity from civil and criminal liability to prescribing practitioners who prescribe or dispense epinephrine auto-injectors and all licensed health providers who administer them to treat someone experiencing an allergic reaction.

EFFECTIVE DATE: October 1, 2019

§ 1 — REQUIREMENTS FOR ADMINISTERING EPINEPHRINE AUTO-INJECTORS

The bill allows an individual acting with reasonable care to administer an epinephrine auto-injector if he or she:

1. is certified as having completed a first aid course offered by an

organization approved by the Department of Public Health (DPH) or a local health director or

2. has been trained in how to use an epinephrine auto-injector by a licensed physician, physician assistant, advanced practice registered nurse, or registered nurse.

Under the bill, an individual who completes such training may administer an epinephrine auto-injector only to someone he or she in good faith believes is experiencing an allergic reaction.

§§ 1 & 3 — IMMUNITY FROM LIABILITY

Prescribing Practitioners

Under the bill, a licensed health care provider authorized to prescribe an epinephrine auto-injector is immune from civil and criminal liability for (1) prescribing or dispensing an epinephrine auto-injector to someone experiencing an allergic reaction and (2) any subsequent use of the epinephrine auto-injector.

A licensed health care provider who prescribes or dispenses an epinephrine auto-injector according to the bill's provisions is deemed not to have violated his or her professional standard of care.

Other Licensed Health Care Providers

The bill permits any licensed health care provider to administer an epinephrine auto-injector to a person to treat an allergic reaction. A provider who does so in accordance with the bill's provisions is (1) immune from civil or criminal liability and (2) deemed not to have violated his or her professional standard of care.

Individuals Other Than Licensed Health Care Providers

The bill grants immunity from civil and criminal liability to an individual, other than a licensed health care provider, who administers an epinephrine auto-injector in the ordinary course of his or her employment and in accordance with the bill's training and certification requirements.

§ 2 — STANDING ORDERS FOR EPINEPHRINE AUTO-INJECTORS

The bill allows a prescribing practitioner authorized to prescribe an epinephrine auto-injector to enter into an agreement with a pharmacy to issue a standing order (i.e., non-patient specific) that allows a licensed pharmacist to dispense an epinephrine auto-injector to (1) a person experiencing an allergic reaction or (2) a family member, friend, or other person in a position to assist someone experiencing an allergic reaction. A pharmacist may do so only if he or she has been trained and certified by a Department of Consumer Protection (DCP)-approved program.

When dispensing the epinephrine auto-injector under a standing order, the pharmacist must train the person to administer it. The pharmacist must also (1) keep a record of the dispensing and training under the law's recordkeeping requirements and (2) send a copy of the dispensing record to the prescribing practitioner who entered into a standing order agreement with the pharmacy.

Additionally, the bill requires the pharmacy to provide DCP with a copy of each standing order it enters into with a prescribing practitioner.

Under the bill, a prescribing practitioner who issues a standing order for an epinephrine auto-injector is considered to have done so for a legitimate medical purpose and in the usual course of his or her professional practice. Additionally, a pharmacist who accepts the standing order and dispenses the opioid antagonist is deemed not to have violated his or her professional standard of care.

The bill also authorizes the DCP commissioner to adopt regulations implement the bill's standing order provisions.

COMMITTEE ACTION

Public Health Committee

Joint Favorable

Yea 23 Nay 0 (03/08/2019)