
OLR Bill Analysis

sSB 706 (File 159, as amended by Senate "A")*

AN ACT CONCERNING EPINEPHRINE AUTO INJECTORS.

SUMMARY

This bill allows an authorized entity (e.g., for-profit or non-profit entity) to acquire and maintain a supply of epinephrine auto-injectors (e.g., EpiPens) from a wholesaler and provide or administer them to a person experiencing an anaphylactic reaction. To do this, the authorized entity must (1) establish a medical protocol with a prescribing practitioner and (2) have at least one employee or agent trained in recognizing the signs and symptoms of anaphylaxis, administering the medication, and following emergency protocol.

The bill establishes related training, storage, and medication administration requirements.

The bill also generally grants immunity from civil and criminal liability to (1) prescribing practitioners who establish medical protocols with authorized entities and (2) authorized entities, the state or its political subdivisions, or their trained employees who provide or administer epinephrine auto-injectors to someone experiencing anaphylaxis.

Additionally, the bill authorizes the commissioners of consumer protection or public health to adopt regulations to implement the bill's provisions.

The bill also makes technical and conforming changes.

*Senate Amendment "A" eliminates provisions in the original bill (1) allowing a prescribing practitioner to enter into an agreement with a pharmacy to issue a standing order for epinephrine auto-injectors

and (2) requiring authorized entities to obtain epinephrine auto-injectors from a pharmacy with a standing order

EFFECTIVE DATE: Upon passage

§ 1 — MEDICAL PROTOCOLS FOR EPINEPHRINE AUTO-INJECTORS

The bill allows a prescribing practitioner authorized to prescribe an epinephrine auto-injector to establish a medical protocol with an authorized entity for the authorized entity's trained employee or agent to administer the medication to provide emergency care to a person experiencing an allergic reaction.

The bill requires the medical protocol to include:

1. any training requirements for an employee or agent in addition to those described below,
2. record-keeping requirements,
3. proper storage and maintenance of the epinephrine auto injectors, and
4. procedures for handling emergency medical situations involving anaphylactic reactions at the authorized entity's place of business.

Under the bill, the medical protocol is deemed established for a legitimate medical purpose and in the usual course of the prescribing practitioner's professional practice. The authorized entity must maintain a copy of the medical protocol at its place of business and review it at least annually with its trained employees and agents and prescribing practitioner.

§§ 1 & 2 — AUTHORIZED ENTITY EPINEPHRINE STOCK

The bill allows an authorized entity that has a medical protocol with a prescribing practitioner to acquire and maintain a supply of epinephrine auto-injectors from a wholesaler. It establishes related training, storage, and medication administration requirements.

Under the bill, an “authorized entity” is a for-profit or non-profit entity or organization with at least one trained employee. It excludes from the definition (1) the state or any political subdivision authorized to purchase epinephrine from a prescription drug manufacturer under existing law or (2) local or regional boards of education and licensed or certified ambulances required to maintain or carry epinephrine auto-injectors under existing law.

Training

In order for an authorized entity’s employee or agent to administer an epinephrine auto-injector, the employee or agent must be:

1. certified as having completed a first aid course offered by the American Red Cross, American Heart Association, National Ski Patrol, Department of Public Health (DPH), or a local health director, or
2. trained by a licensed physician, physician assistant, advanced practice registered nurse, or emergency medical services personnel and have written acknowledgement of the training.

Under the bill, the first aid course or health provider training must include training in how to (1) recognize the signs and symptoms of anaphylaxis, (2) administer the medication, and (3) follow emergency protocol.

Storage

The authorized entity must designate trained employees or agents to be responsible for the epinephrine auto injectors’ storage, maintenance, and control. It must also maintain documentation of the employees’ or agents’ training described above.

Under the bill, an authorized entity’s trained employee or agent must store the epinephrine auto injectors in a location readily accessible in an emergency and in accordance with the medication instructions and the established medical protocol.

Medication Administration

The bill allows an authorized entity's trained employee or agent to administer an epinephrine auto injector to someone he or she believes in good faith is experiencing an allergic reaction, even if the individual does not have a prescription for the medication or a prior diagnosis of an allergic condition. It also allows the employee or agent to provide the medication to the individual or the individual's parent, guardian, or caregiver so that they may immediately administer it.

Under the bill, the employee or agent must promptly notify a local emergency medical services organization after an epinephrine auto injector from the authorized entity's supply is administered. The authorized entity must also report to the prescribing practitioner who established the medical protocol within 30 days after the date the medication was administered and maintain a record of the administration.

§§ 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) establishing a medical protocol with an authorized entity and (2) any subsequent use of the epinephrine auto-injector acquired or maintained by the authorized entity.

A prescribing practitioner who establishes a medical protocol with an authorized entity according to the bill's provisions is deemed not to have violated his or her professional standard of care.

Authorized Entities and Trained Employees

The bill grants immunity from civil and criminal liability to an authorized entity, or the entity's trained employee or agent, for providing or administering an epinephrine auto injector to a person the agent or employee believes in good faith is experiencing anaphylaxis. Specifically, the bill grants such immunity for any personal injuries resulting from ordinary negligence during the provision or administration of the medication.

The immunity does not extend to acts or omissions that constitute gross, willful, or wanton negligence.

The State and Its Employees

The bill extends the same immunity from civil and criminal liability to the state and its employees as for authorized entities and trained employees described above. The immunity applies only if the state employee meets the bill's training requirements for authorized entities' trained employees (i.e., completion of a first aid course or health provider training).

COMMITTEE ACTION

Public Health Committee

Joint Favorable
Yea 23 Nay 0 (03/08/2019)

Judiciary Committee

Joint Favorable
Yea 33 Nay 0 (04/22/2019)