



Senate

General Assembly

File No. 159

January Session, 2019

Substitute Senate Bill No. 706

Senate, March 26, 2019

The Committee on Public Health reported through SEN. DAUGHERTY ABRAMS of the 13th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING EPINEPHRINE AUTO INJECTORS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2019*) (a) As used in this section
2 and sections 2 and 3 of this act, "epinephrine cartridge injector" means
3 an automatic prefilled cartridge injector or similar automatic injectable
4 equipment used to deliver epinephrine in a standard dose for
5 emergency first aid response to allergic reactions.

6 (b) Any person who has completed a course in first aid offered by
7 an organization approved by the Department of Public Health, said
8 department or any director of health, and is certified by the
9 organization, department or director of health offering the course, or
10 has been trained in the use of an epinephrine cartridge injector by a
11 licensed physician, physician assistant, advanced practice registered
12 nurse or registered nurse, and who in good faith believes that another
13 person is experiencing an allergic reaction may, if acting with
14 reasonable care, administer an epinephrine cartridge injector to such

15 other person. Pursuant to subsection (h) of section 52-557b of the
16 general statutes, any person, other than a licensed health care provider
17 acting in the ordinary course of such person's employment, who
18 administers an epinephrine cartridge injector in accordance with this
19 subsection shall not be liable for damages in a civil action or subject to
20 criminal prosecution for the administration of such epinephrine
21 cartridge injector.

22 Sec. 2. (NEW) (*Effective October 1, 2019*) (a) A prescribing
23 practitioner, as defined in section 20-14c of the general statutes, who is
24 authorized to prescribe an epinephrine cartridge injector and a
25 pharmacy may enter into an agreement for a medical protocol
26 standing order at such pharmacy allowing a pharmacist, licensed
27 under part II of chapter 400j of the general statutes, to dispense an
28 epinephrine cartridge injector to any person experiencing an allergic
29 reaction or to a family member, friend or other person in a position to
30 assist a person experiencing an allergic reaction.

31 (b) Any such medical protocol standing order shall be deemed
32 issued for a legitimate medical purpose in the usual course of the
33 prescribing practitioner's professional practice. The pharmacy shall
34 provide the Department of Consumer Protection with a copy of every
35 medical protocol standing order agreement entered into with a
36 prescribing practitioner under this section.

37 (c) A pharmacist may only dispense an epinephrine cartridge
38 injector pursuant to a medical protocol standing order if the
39 pharmacist has been trained and certified as part of a program
40 approved by the Commissioner of Consumer Protection.

41 (d) A pharmacist who dispenses an epinephrine cartridge injector
42 pursuant to a medical protocol standing order shall (1) provide
43 appropriate training regarding the administration of such epinephrine
44 cartridge injector to the person to whom the epinephrine cartridge
45 injector is dispensed, (2) maintain a record of such dispensing and the
46 training required pursuant to chapter 400j of the general statutes, and
47 (3) send a copy of the record of such dispensing to the prescribing

48 practitioner who entered into an agreement for a medical protocol
49 standing order with the pharmacy.

50 (e) A pharmacist who dispenses an epinephrine cartridge injector in
51 accordance with the provisions of this section shall be deemed not to
52 have violated any standard of care for a pharmacist.

53 (f) The Commissioner of Consumer Protection may adopt
54 regulations, in accordance with chapter 54 of the general statutes, to
55 implement the provisions of this section.

56 Sec. 3. (NEW) (*Effective October 1, 2019*) (a) A licensed health care
57 provider who is permitted by law to prescribe an epinephrine
58 cartridge injector may prescribe or dispense an epinephrine cartridge
59 injector to any individual to treat an allergic reaction without being
60 liable for damages in a civil action or subject to criminal prosecution
61 for prescribing or dispensing such epinephrine cartridge injector or for
62 any subsequent use of such epinephrine cartridge injector. A licensed
63 health care provider who prescribes or dispenses an epinephrine
64 cartridge injector in accordance with the provisions of this subsection
65 shall be deemed not to have violated the standard of care for such
66 licensed health care provider.

67 (b) A licensed health care provider may administer an epinephrine
68 cartridge injector to any person to treat an allergic reaction. A licensed
69 health care provider who administers an epinephrine cartridge injector
70 with reasonable care shall not be liable for damages in a civil action or
71 subject to criminal prosecution for administration of such epinephrine
72 cartridge injector and shall not be deemed to have violated the
73 standard of care for such licensed health care provider.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	New section
Sec. 2	<i>October 1, 2019</i>	New section
Sec. 3	<i>October 1, 2019</i>	New section

Statement of Legislative Commissioners:

In Section 1(a), "sections 4 to 5, inclusive," was changed to "sections 2 and 3" for accuracy; in Section 1(b), "first aid offered by any organization" was changed to "first aid offered by an organization" for clarity; "In accordance with" was changed to "Pursuant to" for accuracy; "an" was inserted before "epinephrine" for clarity; "cartridge injector" was added after "epinephrine" for accuracy; and "with respect to" was changed to "for" for conciseness; and in Section 3(b), "Such licensed health care provider" was changed to "A licensed health care provider" for clarity; and "in accordance with the provisions of this subsection" was changed to "with reasonable care" for accuracy.

PH *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Public Health, Dept.	GF - Cost	17,522	16,322
State Comptroller - Fringe Benefits ¹	GF - Cost	6,723	6,723

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill, which requires that the Department of Public Health (DPH) approve of first aid courses and the Department of Consumer Protection (DCP) to approve of certain medical protocol trainings, is anticipated to result in a State cost of approximately \$24,245 in FY 20 and approximately \$23,045 in FY 21.

Currently, DPH does not approve of first aid courses.² To do so, it is anticipated that the agency will require a part-time Health Program Assistant at a cost of \$16,322 annually and a computer and software (a one-time expense of \$1,200). Fringe benefits for this position, provided by the State Comptroller are \$6,723 annually. The Health Program Assistant will: (1) develop the application and renewal process for organizations offering first aid, (2) review evidence-based research to determine the National Educational Standards, (3) review organizations' course curriculums to assure that they meet these

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.19% of payroll in FY 20 and FY 21.

²The Office of Early Childhood approves of first aid courses for child day care in order to ensure that they meet child care licensing and/or Care4Kids requirements.

standards, (4) develop and maintain a searchable database for individuals to determine if their first aid course has been approved, (5) develop a continuous quality assurance program involving site visits to observe the courses being approved to ensure they are being conducted per the established standards, and (6) to communicate with organizations when standards are updated as new technology arises.

The bill, which also requires DCP to: (1) collect medical protocol agreements, (2) certify a training program, and (3) adopt regulations. Currently, DCP has the resources and expertise required to implement these provisions of the bill and, therefore, they are not anticipated to result in a fiscal impact to the agency.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

*Sources: Office of Early Childhood, Approved First Aid Courses For Child Day Care – December 2018, Available:
https://www.ct.gov/oec/lib/oec/licensing/childcare/first_aid_course_list.pdf
Office of Early Childhood, First Aid, CPR and Medication Administration Training Webpage, Available:
<https://www.ct.gov/oec/cwp/view.asp?A=4638&Q=604378>*

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)