GENERAL ASSEMBLY

January Session, 2019

Substitute Bill No. 706

AN ACT CONCERNING EPINEPHRINE AUTO INJECTORS.

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

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

(b) Any person who has completed a course in first aid offered by an organization approved by the Department of Public Health, said department or any director of health, and is certified by the organization, department or director of health offering the course, or has been trained in the use of an epinephrine cartridge injector by a licensed physician, physician assistant, advanced practice registered nurse or registered nurse, and who in good faith believes that another person is experiencing an allergic reaction may, if acting with reasonable care, administer an epinephrine cartridge injector to such other person. Pursuant to subsection (h) of section 52-557b of the general statutes, any person, other than a licensed health care provider acting in the ordinary course of such person's employment, who administers an epinephrine cartridge injector in accordance with this subsection shall not be liable for damages in a civil action or subject to criminal prosecution for the administration of such epinephrine.
cartridge injector.

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

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

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

(d) A pharmacist who dispenses an epinephrine cartridge injector pursuant to a medical protocol standing order shall (1) provide appropriate training regarding the administration of such epinephrine cartridge injector to the person to whom the epinephrine cartridge injector is dispensed, (2) maintain a record of such dispensing and the training required pursuant to chapter 400j of the general statutes, and (3) send a copy of the record of such dispensing to the prescribing practitioner who entered into an agreement for a medical protocol standing order with the pharmacy.

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

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

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

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

This act shall take effect as follows and shall amend the following sections:

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<thead>
<tr>
<th>Section</th>
<th>Date</th>
<th>Status</th>
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<tbody>
<tr>
<td>1</td>
<td>October 1, 2019</td>
<td>New section</td>
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<tr>
<td>2</td>
<td>October 1, 2019</td>
<td>New section</td>
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<tr>
<td>3</td>
<td>October 1, 2019</td>
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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; 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