



General Assembly

January Session, 2019

Amendment

LCO No. 9080



Offered by:

SEN. LESSER, 9th Dist.

SEN. DAUGHERTY ABRAMS, 13th Dist.

REP. RITTER M., 1st Dist.

SEN. SOMERS, 18th Dist.

REP. PETIT, 22nd Dist.

REP. COMEY, 102nd Dist.

REP. ARCONTI, 109th Dist.

REP. PHIPPS, 100th Dist.

REP. KUPCHICK, 132nd Dist.

To: Subst. Senate Bill No. 706

File No. 159

Cal. No. 99

"AN ACT CONCERNING EPINEPHRINE AUTO INJECTORS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) (a) As used in this section:

4 (1) "Epinephrine cartridge injector" means an automatic prefilled
5 cartridge injector or similar automatic injectable equipment used to
6 deliver epinephrine in a standard dose for an emergency first aid
7 response to allergic reactions;

8 (2) "Person with training" means a person who (A) (i) has completed
9 a course in first aid that includes training in recognizing the signs and
10 symptoms of anaphylaxis, administering epinephrine and following
11 emergency protocol, approved by a prescribing practitioner pursuant
12 to a medical protocol established in accordance with subsection (b) of
13 this section, which course may be offered by the American Red Cross,

14 the American Heart Association, the National Ski Patrol, the
15 Department of Public Health or any director of health, and (ii) is
16 certified by said organizations, department or director of health
17 offering the course, or (B) who has received training in the recognition
18 of the signs and symptoms of anaphylaxis, the use of an epinephrine
19 cartridge injector and emergency protocol by a licensed physician,
20 physician assistant, advanced practice registered nurse or emergency
21 medical services personnel;

22 (3) "Documentation evidencing training" includes a certificate
23 issued by the American Red Cross, the American Heart Association,
24 the National Ski Patrol, the Department of Public Health or any
25 director of health or a written statement of acknowledgment of
26 training signed by a licensed physician, physician assistant, advanced
27 practice registered nurse or emergency medical services personnel;
28 and

29 (4) "Authorized entity" means any for-profit or nonprofit entity or
30 organization that employs at least one person with training.
31 "Authorized entity" does not include the state or any political
32 subdivision thereof authorized to purchase epinephrine pursuant to
33 subsection (h) of section 21a-70 of the general statutes, as amended by
34 this act, a local or regional board of education required to maintain
35 epinephrine cartridge injectors pursuant to subdivision (2) of
36 subsection (d) of section 10-212a of the general statutes or a licensed or
37 a certified ambulance service required to be equipped with
38 epinephrine cartridge injectors pursuant to subsection (b) of section
39 19a-197a of the general statutes.

40 (b) An authorized entity and a prescribing practitioner, as defined in
41 section 20-14c of the general statutes, who is authorized to prescribe an
42 epinephrine cartridge injector, may establish a medical protocol
43 regarding the administration of an epinephrine cartridge injector by a
44 person with training who is employed by or an agent of an authorized
45 entity for the purpose of rendering emergency care in accordance with
46 subsection (d) of this section. Such medical protocol shall include, but

47 need not be limited to, (1) any training required, in addition to the
48 training required under subdivision (2) of section 1 of this act, for an
49 employee or agent of an authorized entity to be designated as a person
50 with training, (2) the records to be maintained in accordance with this
51 subsection and subsections (c) and (e) of this section, (3) the proper
52 storage and maintenance of epinephrine cartridge injectors, and (4) the
53 procedure for handling emergency medical situations involving
54 anaphylactic allergic reactions at the authorized entity's place of
55 business. Any such medical protocol shall be deemed established for a
56 legitimate medical purpose in the usual course of the prescribing
57 practitioner's professional practice. An authorized entity shall maintain
58 a copy of such medical protocol established under this section at the
59 place of business to which it applies and, not less than annually,
60 review such medical protocol with the designated persons with
61 training and the prescribing practitioner.

62 (c) An authorized entity that has established a medical protocol with
63 a prescribing practitioner pursuant to subsection (b) of this section
64 may acquire and maintain a supply of epinephrine cartridge injectors
65 from a wholesaler, as defined in section 21a-70 of the general statutes,
66 as amended by this act. The epinephrine cartridge injectors shall be
67 stored in a location readily accessible in an emergency, in accordance
68 with the instructions for use included with such epinephrine cartridge
69 injectors and the established medical protocol. An authorized entity
70 shall designate a person or persons with training who are employees
71 or agents of the authorized entity to be responsible for the storage,
72 maintenance and control of the epinephrine cartridge injectors. An
73 authorized entity shall maintain documentation (1) of all epinephrine
74 cartridge injectors acquired by such authorized entity, and (2)
75 evidencing the training acquired by each such designated person with
76 training.

77 (d) A person with training who is an employee or agent of an
78 authorized entity that acquires and maintains a supply of epinephrine
79 cartridge injectors pursuant to subsection (c) of this section may, in
80 accordance with the established medical protocol, (1) provide an

81 epinephrine cartridge injector to an individual or to the parent,
82 guardian or caregiver of an individual, whom the person with training
83 believes in good faith is experiencing anaphylaxis, regardless of
84 whether the individual has a prescription for an epinephrine cartridge
85 injector or a prior medical diagnosis of an allergic condition, for the
86 purpose of immediate administration of such epinephrine cartridge
87 injector by such individual, parent, guardian or caregiver, or (2)
88 administer an epinephrine cartridge injector to an individual whom
89 the person with training believes in good faith is experiencing
90 anaphylaxis, regardless of whether the individual has a prescription
91 for an epinephrine cartridge injector or a prior medical diagnosis of an
92 allergic condition. The person with training or any other employee or
93 agent of the authorized entity shall promptly notify a local emergency
94 medical services organization after any administration of an
95 epinephrine cartridge injector acquired and maintained by the
96 authorized entity.

97 (e) Each authorized entity shall report to the prescribing practitioner
98 with whom it has established a medical protocol any incident that
99 involves the administration of an epinephrine cartridge injector
100 acquired and maintained by the authorized entity under this section
101 not later than thirty days after the date of such incident and shall
102 maintain a record of such incident.

103 (f) (1) A prescribing practitioner who is authorized to prescribe
104 epinephrine may establish a medical protocol with an authorized
105 entity in accordance with this section without being liable for damages
106 in a civil action or subject to criminal prosecution for establishing such
107 medical protocol or for any subsequent use of an epinephrine cartridge
108 injector acquired and maintained by the authorized entity under this
109 section. A prescribing practitioner who has established a medical
110 protocol with an authorized entity in accordance with the provisions of
111 this section shall be deemed not to have violated the standard of care
112 for such licensed health care provider.

113 (2) A person with training or an authorized entity that employs or

114 has an agent who is a person with training who provides or
115 administers an epinephrine cartridge injector to an individual whom
116 the person with training believes in good faith is experiencing
117 anaphylaxis in accordance with the provisions of this section shall not
118 be liable to such individual for civil damages or subject to criminal
119 prosecution for any personal injuries that result from acts or omissions
120 by such person with training in using an epinephrine cartridge
121 injector, which may constitute ordinary negligence. The immunity
122 provided in this subsection shall not apply to wilful or wanton
123 misconduct or acts or omissions constituting gross negligence.

124 (g) The Commissioners of Consumer Protection or Public Health
125 may adopt regulations, in accordance with chapter 54 of the general
126 statutes, to implement the provisions of this section.

127 Sec. 2. Subsection (h) of section 21a-70 of the general statutes is
128 repealed and the following is substituted in lieu thereof (*Effective from*
129 *passage*):

130 (h) No wholesaler or manufacturer shall sell any drugs except to the
131 state or any political subdivision thereof, to another manufacturer or
132 wholesaler, to any hospital recognized by the state as a general or
133 specialty hospital, to any institution having a full-time pharmacist who
134 is actively engaged in the practice of pharmacy in such institution not
135 less than thirty-five hours a week, to a chronic and convalescent
136 nursing home having a pharmacist actively engaged in the practice of
137 pharmacy based upon the ratio of one-tenth of one hour per patient
138 per week but not less than twelve hours per week, to a practicing
139 physician, podiatrist, dentist, optometrist or veterinarian, [or] to a
140 licensed pharmacy or a store to which a permit to sell nonlegend drugs
141 has been issued as provided in section 20-624 or to an authorized
142 entity that has established a medical protocol with a prescribing
143 practitioner pursuant to section 1 of this act, provided drugs sold to an
144 authorized entity shall be limited to epinephrine cartridge injectors.
145 The commissioner may adopt such regulations as are necessary to
146 administer and enforce the provisions of this section."

147 Sec. 3. (NEW) (*Effective from passage*) (a) A person (1) employed to
 148 work for the state or any political subdivision thereof that has acquired
 149 and maintains a supply of epinephrine cartridge injectors, (2) who is
 150 trained in the use of an epinephrine cartridge injector in accordance
 151 with subdivision (2) of subsection (a) of section 1 of this act, and (3)
 152 provides or administers an epinephrine cartridge injector to an
 153 individual whom the person believes in good faith is experiencing
 154 anaphylaxis during the course of such person's employment, shall not
 155 be liable to such individual for civil damages or subject to criminal
 156 prosecution for any personal injuries that result from acts or omissions
 157 by such person in using an epinephrine cartridge injector, which may
 158 constitute ordinary negligence. The immunity provided in this
 159 subsection shall not apply to wilful or wanton misconduct or acts or
 160 omissions constituting gross negligence.

161 (b) The state or any political subdivision thereof that (1) has
 162 acquired and maintains a supply of epinephrine cartridge injectors,
 163 and (2) employs a person who (A) is trained in the use of an
 164 epinephrine cartridge injector in accordance with subdivision (2) of
 165 subsection (a) of section 1 of this act, and (B) provides or administers
 166 an epinephrine cartridge injector to an individual whom the person
 167 believes in good faith is experiencing anaphylaxis during the course of
 168 such person's employment, shall not be liable to such individual for
 169 civil damages for any personal injuries that result from acts or
 170 omissions by such person in using an epinephrine cartridge injector,
 171 which may constitute ordinary negligence. The immunity provided in
 172 this subsection shall not apply to wilful or wanton misconduct or acts
 173 or omissions constituting gross negligence."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	21a-70(h)
Sec. 3	<i>from passage</i>	New section