

1 S.235

2 Introduced by Senator Degree

3 Referred to Committee on

4 Date:

5 Subject: Health; prescriptions; epinephrine auto-injectors

6 Statement of purpose of bill as introduced: This bill proposes to enable an
7 authorized entity to maintain a stock supply of epinephrine auto-injectors on its
8 premises.

9 An act relating to the prescription, maintenance, and use of epinephrine
10 auto-injectors

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 18 V.S.A. chapter 19 is added to read:

13 CHAPTER 19. EPINEPHRINE AUTO-INJECTORS

14 § 951. DEFINITIONS

15 As used in this chapter:

16 (1) “Authorized entity” means a business or organization identified by
17 the Department by rule as having an increased risk of the presence of allergens
18 causing anaphylaxis or potentially having persons present with increased
19 sensitivity to the presence of allergens causing anaphylaxis.

1 (2) “Designated employee” means an employee of an authorized entity
2 who has completed an anaphylaxis training program and who maintains the
3 authorized entity’s stock supply of epinephrine auto-injectors.

4 (3) “Emergency public access station” means a locked, secure
5 container for the storage of epinephrine auto-injectors on an authorized entity’s
6 premises that:

7 (A) is under the general supervision of a health care provider;

8 (B) requires a designated employee to consult with the health care
9 provider in real time prior to accessing the supply of epinephrine
10 auto-injectors; and

11 (C) enables the health care provider to unlock the secure storage
12 container from off-site.

13 (4) “Epinephrine auto-injector” means a single-use device that delivers a
14 premeasured dose of epinephrine.

15 (5) “Health care provider” means a physician licensed pursuant to
16 26 V.S.A. chapter 23 or 33, an advanced practice registered nurse licensed to
17 prescribe drugs and medical devices pursuant to 26 V.S.A. chapter 28, or a
18 physician assistant licensed to prescribe drugs and medical devices pursuant to
19 26 V.S.A. chapter 31.

1 § 952. PRESCRIBING AND DISPENSING

2 (a) A health care provider may prescribe an epinephrine auto-injector in the
3 name of an authorized entity for use in accordance with this chapter.

4 (b) A health care provider, or pharmacist licensed pursuant to 26 V.S.A.
5 chapter 36 acting in accordance with a valid prescription, may dispense an
6 epinephrine auto-injector in the name of an authorized entity.

7 § 953. MAINTENANCE AND USE OF STOCK SUPPLIES

8 (a) An authorized entity may acquire and maintain a stock supply of
9 epinephrine auto-injectors issued pursuant to a valid prescription. A stock
10 supply of epinephrine auto-injectors shall be stored in accordance with the
11 manufacturer's instructions and in a location that is readily accessible in an
12 emergency. An authorized entity may store epinephrine auto-injectors in an
13 emergency public access station.

14 (b) One or more employees designated by an authorized entity to maintain
15 the stock supply of epinephrine auto-injectors on behalf of the authorized
16 entity shall complete an anaphylaxis training program described pursuant to
17 section 954 of this title.

18 (c) A designated employee of an authorized entity who has completed the
19 training described pursuant to section 954 of this title shall use an epinephrine
20 auto-injector as follows:

1 (1) to provide, for immediate administration, an epinephrine
2 auto-injector to any individual the designated employee believes in good faith
3 is experiencing anaphylaxis, or to the parent, guardian, or caregiver of such an
4 individual, regardless of whether the individual has a prescription for the
5 epinephrine auto-injector or has been previously diagnosed with an allergy; or

6 (2) to administer an epinephrine auto-injector to any individual who the
7 designated employee believes in good faith is experiencing anaphylaxis,
8 regardless of whether the individual has a prescription for the epinephrine
9 auto-injector or has been previously diagnosed with an allergy.

10 § 954. DESIGNATED EMPLOYEE TRAINING

11 (a) An authorized entity shall designate one or more employees to maintain
12 its stock supply of epinephrine auto-injectors pursuant to section 953 of this
13 title and to complete an anaphylaxis training program offered by either:

14 (1) a nationally recognized organization experienced in training
15 laypersons in emergency health treatment; or

16 (2) an organization approved by the Department by rule.

17 (b) An anaphylaxis training program may be conducted in-person or
18 electronically, and minimally shall cover the following topics:

19 (1) how to recognize the signs and symptoms of severe allergic
20 reactions, including anaphylaxis;

1 (2) standards and procedures for the storage and administration of an
2 epinephrine auto-injector; and

3 (3) emergency procedures to be implemented after the administration of
4 an epinephrine auto-injector.

5 (c) The organization offering the anaphylaxis training program shall issue a
6 certificate on a form approved by the Department to each designated employee
7 completing the program.

8 § 955. LIABILITY

9 A health care provider, pharmacist, authorized entity, designated employee,
10 and anaphylaxis training program shall be immune from any civil or criminal
11 liability arising from the administration or self-administration of an
12 epinephrine auto-injector under this chapter unless the individual's or
13 organization's behavior constituted intentional misconduct. Providing or
14 administering an epinephrine auto-injector under section 953 of this title does
15 not constitute the practice of medicine.

16 § 956. REPORTING

17 (a) An authorized entity that maintains a stock supply of epinephrine
18 auto-injectors pursuant to section 953 of this title shall report to the
19 Department each incident involving the use of an epinephrine auto-injector on
20 the authorized entity's premises. The report shall be made on a form created
21 by the Department, and made available on its website.

1 (b) Annually, the Department shall publish on its website the aggregated
2 number of incidents involving the use of an epinephrine auto-injector on
3 authorized entities' premises based on the data submitted pursuant to
4 subsection (a) of this section.

5 Sec. 2. RULEMAKING

6 (a) The Commissioner of Health shall adopt rules pursuant to 3 V.S.A.
7 chapter 25 identifying those categories of businesses and organizations, other
8 than a school as defined in 16 V.S.A. § 1388, where an increased risk of the
9 presence of allergens causing anaphylaxis exists or where there may be persons
10 with increased sensitivity to the presence of allergens causing anaphylaxis.
11 Categories identified by the Commissioner by rule shall be deemed to be
12 “authorized entities” as used in 18 V.S.A. chapter 19.

13 (b) The Commissioner shall adopt any other rules necessary to carry out the
14 provisions of this act.

15 Sec. 3. EFFECTIVE DATE

16 This act shall take effect on July 1, 2016.