

Amendment to be offered by Rep. Parent of St. Albans City to S. 139

First: By adding two new sections and reader assistance heading to be Secs. 23a and 23b to read as follows:

* * * Epi-Pens * * *

Sec. 23a. 18 V.S.A. chapter 19 is added to read:

CHAPTER 19. EPINEPHRINE AUTO-INJECTORS

§ 951. DEFINITIONS

As used in this chapter:

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

(2) "Designated employee" means an employee of an authorized entity who has completed an anaphylaxis training program and who maintains the authorized entity's stock supply of epinephrine auto-injectors.

(3) "Emergency public access station" means a locked, secure container for storage of epinephrine auto-injectors on an authorized entity's premises that:

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

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

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

(4) "Epinephrine auto-injector" means a single-use device that delivers a premeasured dose of epinephrine.

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

§ 952. PRESCRIBING AND DISPENSING

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

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

§ 953. MAINTENANCE AND USE OF STOCK SUPPLIES

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

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

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

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

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

§ 954. DESIGNATED EMPLOYEE TRAINING

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

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

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

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

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

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

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

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

§ 955. LIABILITY

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

§ 956. REPORTING

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

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

Sec. 23b. RULEMAKING

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

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

Second: In Sec. 33, effective dates, subsection (b), following "16–20 (primary care study)," by inserting "23a and 23b (epi-pens),"