

**H.300 Comparison to 16 V.S.A. § 1388**  
House Committee on Human Services

	<b>H.300</b>	<b>16 V.S.A. § 1388</b>
<b>Prescribing/Dispensing Authority</b>	Health care provider can prescribe epi-pen in name of authorized entity; AND Health care provider or pharmacist can dispense epi-pen in name of authorized entity	Health care professional can prescribe epi-pen in school's name, and if s/he does so s/he must also provide school with a standing order for its use; AND Health care professional or pharmacist can dispense epi-pen in name of school
<b>Stock Supply</b>	Authorized entity can maintain a stock supply of epi-pens issued with a valid prescription, and they shall be stored in accordance with the manufacturer's instructions and in a readily accessible location	Schools can maintain stock supplies of epi-pens and enter into agreements with manufacturers/suppliers to acquire epi-pens for free or at a reduced price
<b>Training</b>	Authorized entity can designate 1+ employees to maintain epi-pens on premise; employee(s) must complete a training program addressing symptoms of anaphylaxis, storage and administration procedures, and other emergency procedures	School can designate individuals to provide and administer epi-pens who have completed the training required by State Board of Education on epi-pen storage/administration and recognizing life-threatening allergic reaction
<b>Epi-pen Use</b>	Designated employee is authorized to either: <ul style="list-style-type: none"> <li>• Provide epi-pen to a person, for immediate administration, who s/he believes in good faith is experiencing anaphylaxis, regardless of whether the person has a Rx for an epi-pen or has ever been diagnosed with an allergy; AND</li> <li>• Administer epi-pen to a person who s/he believes in good faith is experiencing anaphylaxis, regardless of whether the person has a Rx for an epi-pen or has ever been diagnosed with an allergy.</li> </ul>	School nurse and designated personnel is authorized to: <ul style="list-style-type: none"> <li>• Provide epi-pen to student for self-administration according to student's plan;</li> <li>• Administer epi-pen to student according to student's plan; AND</li> <li>• Administer epi-pen to student or other person at school in accordance with standing order if nurse or designated personnel believe in good faith that the student or person is experiencing anaphylaxis, regardless of whether student or person has a Rx for an epi-pen.</li> </ul>

<b>Liability</b>	Authorized entity, designated employee, prescribing health care provider, and pharmacist are immune from civil or criminal liability arising from the administration or self-administration of epi-pen unless behavior constituted intentional misconduct	School, designated personnel, and prescribing health care professional are immune from civil or criminal liability arising from the administration or self-administration of epi-pen unless conduct constituted intentional misconduct
<b>Rulemaking</b>	VDH to adopt rules identifying categories of businesses or organizations where there is an increased risk of the presence of allergens or persons sensitive to allergens	None, <i>but</i> requires State Board of Education, in consultation with VDH, to adopt policies for managing students (& other individuals in schools) with life-threatening allergies
<b>Reporting</b>	Authorized entities to report each episode of epi-pen use to VDH; VDH must publish aggregated data on its website	None