

H.574

Introduced by Representative Harple of Glover

Referred to Committee on

Date:

Subject: Human services; health care; child care; epinephrine; stock supply

Statement of purpose of bill as introduced: This bill proposes to allow a child care provider to maintain a stock supply of epinephrine at a child care facility and designate personnel to administer epinephrine in emergency circumstances.

An act relating to the use and maintenance of epinephrine at child care facilities

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

Sec. 1. 33 V.S.A. § 3506 is added to read:

§ 3506. STOCK SUPPLY AND EMERGENCY ADMINISTRATION OF
EPINEPHRINE

(a) As used in this section:

(1) “Designated personnel” means an employee or volunteer of a child care provider who has completed training required by the Division and who has been authorized by the child care provider to administer epinephrine in

1 accordance with a health care professional's standing order or protocol
2 pursuant to this section.

3 (2) "Epinephrine" means a U.S. Food and Drug Administration–
4 approved single-use epinephrine delivery system containing a premeasured
5 single dose of epinephrine.

6 (3) "Health care professional" means a physician licensed pursuant to 26
7 V.S.A. chapter 23 or 33, an advanced practice registered nurse licensed to
8 prescribe drugs and medical devices pursuant to 26 V.S.A. chapter 28, or a
9 physician assistant licensed to prescribe drugs and medical devices pursuant to
10 26 V.S.A. chapter 31.

11 (b)(1) A health care professional may prescribe epinephrine in a child care
12 provider's name, which may be maintained in the child care facility for use as
13 described in subsection (d) of this section. The health care professional shall
14 issue to the child care provider a standing order for the use of epinephrine
15 prescribed under this section, including protocols for:

16 (A) recognizing whether an individual is experiencing a potentially
17 life-threatening allergic reaction;

18 (B) administering epinephrine to an individual experiencing a
19 potentially life-threatening allergic reaction;

1 (C) caring for an individual after administering epinephrine,
2 including contacting emergency services personnel and documenting the
3 incident; and

4 (D) disposing of used or expired epinephrine.

5 (2) A pharmacist licensed pursuant to 26 V.S.A. chapter 36 or a health
6 care professional may dispense epinephrine prescribed to a child care provider.

7 (c) A child care provider may maintain a stock supply of epinephrine. A
8 child care provider may enter into arrangements with epinephrine
9 manufacturers or suppliers to acquire these products for free or at reduced or
10 fair market prices.

11 (d) The child care provider may authorize appropriately trained designated
12 personnel to:

13 (1) administer prescribed epinephrine to a child according to a plan of
14 action maintained in the child's health records on file with the child care
15 provider; and

16 (2) administer epinephrine, in accordance with the protocol issued under
17 subsection (b) of this section, to a child or other individual at a child care
18 facility if the designated personnel believes in good faith that the child or
19 individual is experiencing anaphylaxis, regardless of whether the child or
20 individual has a prescription for epinephrine.

1 (e) Designated personnel, a child care provider, and a health care
2 professional prescribing epinephrine to a child care provider shall be immune
3 from any civil or criminal liability arising from the administration of
4 epinephrine under this section, unless the person's conduct constituted
5 intentional misconduct. Providing or administering epinephrine under this
6 section does not constitute the practice of medicine.

7 (f) The Division, in consultation with the Department of Health, shall adopt
8 rules pursuant to 3 V.S.A. chapter 25 for managing children with life-
9 threatening allergies and other individuals with life-threatening allergies who
10 may be present at a child care facility. The rules shall:

11 (1) establish protocols to prevent exposure to allergens in child care
12 facilities;

13 (2) establish procedures for responding to life-threatening allergic
14 reactions in child care facilities, including postemergency procedures;

15 (3) implement a process for child care providers and the parents or
16 guardians of children with a life-threatening allergy to jointly develop a written
17 individualized allergy management plan of action that:

18 (A) incorporates instructions from a child's health care professional
19 regarding the child's life-threatening allergy and prescribed treatment;

20 (B) becomes part of the child's health records maintained by the
21 child care provider; and

1 (C) is updated annually;

2 (4) require education and training for child care providers and
3 designated personnel, including training related to storing and administering
4 epinephrine and recognizing and responding to a life-threatening allergic
5 reaction; and

6 (5) require each child care provider to make publicly available protocols
7 and policies developed in accordance with the rules adopted by the Division
8 under this section.

9 Sec. 2. EFFECTIVE DATE

10 This act shall take effect on July 1, 2026.