

HOUSE BILL 49

J1, J2

(PRE-FILED)

2lr1019
CF SB 380

By: ~~Delegate Johnson~~ **Delegates Johnson, Pendergrass, Pena-Melnyk, Bagnall, Belcastro, Bhandari, Carr, Chisholm, Cullison, Hill, Kaiser, Kelly, Kerr, Kipke, Krebs, Landis, R. Lewis, Morgan, Reilly, Rosenberg, Saab, Sample-Hughes, Szeliga, and K. Young**

Requested: October 28, 2021

Introduced and read first time: January 12, 2022

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 25, 2022

CHAPTER _____

1 AN ACT concerning

2 **Public Health – Emergency and Allergy Treatment Program – Nurse**
3 **Practitioners**

4 FOR the purpose of authorizing certain nurse practitioners to prescribe and dispense
5 auto-injectable epinephrine to certain certificate holders who operate youth camps;
6 and generally relating to nurse practitioners and the Emergency and Allergy
7 Treatment Program.

8 BY repealing and reenacting, with amendments,
9 Article – Health – General
10 Section 13–701, 13–702, 13–705, and 13–707
11 Annotated Code of Maryland
12 (2019 Replacement Volume and 2021 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
14 That the Laws of Maryland read as follows:

15 **Article – Health – General**

16 13–701.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 The Emergency and Allergy Treatment Program is a program in the Department for
 2 the purpose of providing a means of authorizing certain individuals to administer
 3 life-saving treatment to individuals who have severe adverse reactions to allergens or
 4 insect stings when physician [services], REGISTERED NURSE PRACTITIONER, or
 5 emergency medical services are not immediately available in a youth camp.

6 13-702.

7 (a) In this subtitle the following words have the meanings indicated.

8 (b) “Agent” means an individual who:

9 (1) Is at least 18 years of age;

10 (2) Has successfully completed, at the expense of an applicant, an
 11 educational training program approved by the Department; and

12 (3) Is appointed by a certificate holder to administer auto-injectable
 13 epinephrine in accordance with the provisions of this subtitle.

14 (c) “Anaphylaxis” means a sudden, severe, and potentially life-threatening
 15 allergic reaction that occurs when an individual is exposed to an allergen.

16 (d) “Auto-injectable epinephrine” means a portable, disposable drug delivery
 17 device that contains a premeasured single dose of epinephrine that is used to treat
 18 anaphylaxis in an emergency situation.

19 (e) “Certificate” means a certificate or an endorsement on the operating
 20 certificate of a youth camp issued by the Department to an individual who operates a youth
 21 camp under Title 14, Subtitle 4 of this article to obtain, store, and administer
 22 auto-injectable epinephrine.

23 (f) “Certificate holder” means an individual who is authorized by the Department
 24 to obtain, store, and administer auto-injectable epinephrine to be used in an emergency
 25 situation.

26 ~~(G) “NURSE PRACTITIONER” MEANS AN INDIVIDUAL LICENSED TO~~
 27 ~~PRACTICE REGISTERED NURSING IN THE STATE AND WHO IS CERTIFIED AS A NURSE~~
 28 ~~PRACTITIONER BY THE STATE BOARD OF NURSING UNDER TITLE 8 OF THE HEALTH~~
 29 ~~OCCUPATIONS ARTICLE.~~

30 ~~{(g)}~~ ~~(H)~~ “Program” means the Emergency and Allergy Treatment Program.

31 (H) “REGISTERED NURSE PRACTITIONER” HAS THE MEANING STATED IN §
 32 8-101 OF THE HEALTH OCCUPATIONS ARTICLE.

1 **[(h)] (I)** “Youth camp” has the meaning stated in § 14–401 of this article.
2 13–705.

3 (a) (1) A **REGISTERED NURSE PRACTITIONER OR A** physician licensed to
4 practice medicine in the State may prescribe auto–injectable epinephrine in the name of a
5 certificate holder.

6 (2) A **REGISTERED NURSE PRACTITIONER,** A pharmacist licensed to
7 practice pharmacy in the State, or a physician may dispense auto–injectable epinephrine
8 under a prescription issued to a certificate holder.

9 (b) A certificate holder may:

10 (1) On presentment of a certificate, receive from any **REGISTERED NURSE**
11 **PRACTITIONER OR ANY** physician licensed to practice medicine in the State a prescription
12 for auto–injectable epinephrine and the necessary paraphernalia for the administration of
13 auto–injectable epinephrine; and

14 (2) Possess and store prescribed auto–injectable epinephrine and the
15 necessary paraphernalia for the administration of auto–injectable epinephrine.

16 (c) In an emergency situation when **REGISTERED NURSE PRACTITIONER,**
17 physician, or emergency medical services are not immediately available, a certificate holder
18 or agent may administer auto–injectable epinephrine to an individual who is experiencing
19 or believed in good faith by the certificate holder or agent to be experiencing anaphylaxis.

20 13–707.

21 (a) A cause of action may not arise against a certificate holder or agent authorized
22 under this subtitle for any act or omission when the certificate holder or agent is acting in
23 good faith while administering auto–injectable epinephrine to an individual experiencing
24 or believed by the certificate holder or agent to be experiencing anaphylaxis, except where
25 the conduct of the certificate holder or agent amounts to gross negligence, willful or wanton
26 misconduct, or intentionally tortious conduct.

27 (b) (1) A cause of action may not arise against any physician for any act or
28 omission when the physician in good faith prescribes or dispenses auto–injectable
29 epinephrine and the necessary paraphernalia for the administration of auto–injectable
30 epinephrine to a person certified by the Department under this subtitle.

31 (2) A cause of action may not arise against any pharmacist for any act or
32 omission when the pharmacist in good faith dispenses auto–injectable epinephrine and the
33 necessary paraphernalia for the administration of auto–injectable epinephrine to a person
34 certified by the Department under this subtitle.

1 **(3) A CAUSE OF ACTION MAY NOT ARISE AGAINST ANY NURSE**
2 **PRACTITIONER FOR ANY ACT OR OMISSION WHEN THE NURSE PRACTITIONER IN**
3 **GOOD FAITH PRESCRIBES OR DISPENSES AUTO-INJECTABLE EPINEPHRINE AND THE**
4 **NECESSARY PARAPHERNALIA FOR THE ADMINISTRATION OF AUTO-INJECTABLE**
5 **EPINEPHRINE TO A PERSON CERTIFIED BY THE DEPARTMENT UNDER THIS**
6 **SUBTITLE.**

7 (c) This section does not affect, and may not be construed as affecting, any
8 immunities from civil liability or defenses established by any other provision of the Code or
9 by common law to which a volunteer, **REGISTERED NURSE PRACTITIONER**, physician, or
10 pharmacist may be entitled.

11 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2024,
12 the Maryland Department of Health shall report to the Senate Finance Committee, the
13 Senate Judicial Proceedings Committee, and the House Health and Government
14 Operations Committee, in accordance with § 2-1257 of the State Government Article, on
15 the implementation of this Act.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2022.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.