



Substitute Senate Bill No. 706

Public Act No. 19-19

AN ACT CONCERNING EPINEPHRINE AUTO INJECTORS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective from passage*) (a) As used in this section:

(1) "Epinephrine cartridge injector" means an automatic prefilled cartridge injector or similar automatic injectable equipment used to deliver epinephrine in a standard dose for an emergency first aid response to allergic reactions;

(2) "Person with training" means a person who (A) (i) has completed a course in first aid that includes training in recognizing the signs and symptoms of anaphylaxis, administering epinephrine and following emergency protocol, approved by a prescribing practitioner pursuant to a medical protocol established in accordance with subsection (b) of this section, which course may be offered by the American Red Cross, the American Heart Association, the National Ski Patrol, the Department of Public Health or any director of health, and (ii) is certified by said organizations, department or director of health offering the course, or (B) who has received training in the recognition of the signs and symptoms of anaphylaxis, the use of an epinephrine cartridge injector and emergency protocol by a licensed physician, physician assistant, advanced practice registered nurse or emergency

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medical services personnel;

(3) "Documentation evidencing training" includes a certificate issued by the American Red Cross, the American Heart Association, the National Ski Patrol, the Department of Public Health or any director of health or a written statement of acknowledgment of training signed by a licensed physician, physician assistant, advanced practice registered nurse or emergency medical services personnel; and

(4) "Authorized entity" means any for-profit or nonprofit entity or organization that employs at least one person with training. "Authorized entity" does not include the state or any political subdivision thereof authorized to purchase epinephrine pursuant to subsection (h) of section 21a-70 of the general statutes, as amended by this act, a local or regional board of education required to maintain epinephrine cartridge injectors pursuant to subdivision (2) of subsection (d) of section 10-212a of the general statutes or a licensed or a certified ambulance service required to be equipped with epinephrine cartridge injectors pursuant to subsection (b) of section 19a-197a of the general statutes.

(b) An authorized entity and a prescribing practitioner, as defined in section 20-14c of the general statutes, who is authorized to prescribe an epinephrine cartridge injector, may establish a medical protocol regarding the administration of an epinephrine cartridge injector by a person with training who is employed by or an agent of an authorized entity for the purpose of rendering emergency care in accordance with subsection (d) of this section. Such medical protocol shall include, but need not be limited to, (1) any training required, in addition to the training required under subdivision (2) of section 1 of this act, for an employee or agent of an authorized entity to be designated as a person with training, (2) the records to be maintained in accordance with this subsection and subsections (c) and (e) of this section, (3) the proper

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storage and maintenance of epinephrine cartridge injectors, and (4) the procedure for handling emergency medical situations involving anaphylactic allergic reactions at the authorized entity's place of business. Any such medical protocol shall be deemed established for a legitimate medical purpose in the usual course of the prescribing practitioner's professional practice. An authorized entity shall maintain a copy of such medical protocol established under this section at the place of business to which it applies and, not less than annually, review such medical protocol with the designated persons with training and the prescribing practitioner.

(c) An authorized entity that has established a medical protocol with a prescribing practitioner pursuant to subsection (b) of this section may acquire and maintain a supply of epinephrine cartridge injectors from a wholesaler, as defined in section 21a-70 of the general statutes, as amended by this act. The epinephrine cartridge injectors shall be stored in a location readily accessible in an emergency, in accordance with the instructions for use included with such epinephrine cartridge injectors and the established medical protocol. An authorized entity shall designate a person or persons with training who are employees or agents of the authorized entity to be responsible for the storage, maintenance and control of the epinephrine cartridge injectors. An authorized entity shall maintain documentation (1) of all epinephrine cartridge injectors acquired by such authorized entity, and (2) evidencing the training acquired by each such designated person with training.

(d) A person with training who is an employee or agent of an authorized entity that acquires and maintains a supply of epinephrine cartridge injectors pursuant to subsection (c) of this section may, in accordance with the established medical protocol, (1) provide an epinephrine cartridge injector to an individual or to the parent, guardian or caregiver of an individual, whom the person with training

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believes in good faith is experiencing anaphylaxis, regardless of whether the individual has a prescription for an epinephrine cartridge injector or a prior medical diagnosis of an allergic condition, for the purpose of immediate administration of such epinephrine cartridge injector by such individual, parent, guardian or caregiver, or (2) administer an epinephrine cartridge injector to an individual whom the person with training believes in good faith is experiencing anaphylaxis, regardless of whether the individual has a prescription for an epinephrine cartridge injector or a prior medical diagnosis of an allergic condition. The person with training or any other employee or agent of the authorized entity shall promptly notify a local emergency medical services organization after any administration of an epinephrine cartridge injector acquired and maintained by the authorized entity.

(e) Each authorized entity shall report to the prescribing practitioner with whom it has established a medical protocol any incident that involves the administration of an epinephrine cartridge injector acquired and maintained by the authorized entity under this section not later than thirty days after the date of such incident and shall maintain a record of such incident.

(f) (1) A prescribing practitioner who is authorized to prescribe epinephrine may establish a medical protocol with an authorized entity in accordance with this section without being liable for damages in a civil action or subject to criminal prosecution for establishing such medical protocol or for any subsequent use of an epinephrine cartridge injector acquired and maintained by the authorized entity under this section. A prescribing practitioner who has established a medical protocol with an authorized entity in accordance with the provisions of this section shall be deemed not to have violated the standard of care for such licensed health care provider.

(2) A person with training or an authorized entity that employs or

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has an agent who is a person with training who provides or administers an epinephrine cartridge injector to an individual whom the person with training believes in good faith is experiencing anaphylaxis in accordance with the provisions of this section shall not be liable to such individual for civil damages or subject to criminal prosecution for any personal injuries that result from acts or omissions by such person with training in using an epinephrine cartridge injector, which may constitute ordinary negligence. The immunity provided in this subsection shall not apply to wilful or wanton misconduct or acts or omissions constituting gross negligence.

(g) The Commissioners of Consumer Protection or Public Health may adopt regulations, in accordance with chapter 54 of the general statutes, to implement the provisions of this section.

Sec. 2. Subsection (h) of section 21a-70 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(h) No wholesaler or manufacturer shall sell any drugs except to the state or any political subdivision thereof, to another manufacturer or wholesaler, to any hospital recognized by the state as a general or specialty hospital, to any institution having a full-time pharmacist who is actively engaged in the practice of pharmacy in such institution not less than thirty-five hours a week, to a chronic and convalescent nursing home having a pharmacist actively engaged in the practice of pharmacy based upon the ratio of one-tenth of one hour per patient per week but not less than twelve hours per week, to a practicing physician, podiatrist, dentist, optometrist or veterinarian, [or] to a licensed pharmacy or a store to which a permit to sell nonlegend drugs has been issued as provided in section 20-624 or to an authorized entity that has established a medical protocol with a prescribing practitioner pursuant to section 1 of this act, provided drugs sold to an authorized entity shall be limited to epinephrine cartridge injectors.

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The commissioner may adopt such regulations as are necessary to administer and enforce the provisions of this section.

Sec. 3. (NEW) (*Effective from passage*) (a) A person (1) employed to work for the state or any political subdivision thereof that has acquired and maintains a supply of epinephrine cartridge injectors, (2) who is trained in the use of an epinephrine cartridge injector in accordance with subdivision (2) of subsection (a) of section 1 of this act, and (3) provides or administers an epinephrine cartridge injector to an individual whom the person believes in good faith is experiencing anaphylaxis during the course of such person's employment, shall not be liable to such individual for civil damages or subject to criminal prosecution for any personal injuries that result from acts or omissions by such person in using an epinephrine cartridge injector, which may constitute ordinary negligence. The immunity provided in this subsection shall not apply to wilful or wanton misconduct or acts or omissions constituting gross negligence.

(b) The state or any political subdivision thereof that (1) has acquired and maintains a supply of epinephrine cartridge injectors, and (2) employs a person who (A) is trained in the use of an epinephrine cartridge injector in accordance with subdivision (2) of subsection (a) of section 1 of this act, and (B) provides or administers an epinephrine cartridge injector to an individual whom the person believes in good faith is experiencing anaphylaxis during the course of such person's employment, shall not be liable to such individual for civil damages for any personal injuries that result from acts or omissions by such person in using an epinephrine cartridge injector, which may constitute ordinary negligence. The immunity provided in this subsection shall not apply to wilful or wanton misconduct or acts or omissions constituting gross negligence.