



**House
Legislative
Analysis
Section**

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**EPINEPHRINE: EMERGENCY
POSSESSION/ADMINISTRATION**

House Bill 6369

Sponsor: Rep. Paul Gieleghem

Committee: Health Policy

Complete to 11-5-02

A SUMMARY OF HOUSE BILL 6369 AS INTRODUCED 9-24-02

House Bill 6369 would amend the Public Health Code to allow a pharmacist to dispense one or more pre-measured dose “Epi-pens” to eligible emergency medical service providers, as identified in the bill. As defined in the bill, an “Epi-pen” is a syringe prefilled with epinephrine and used to treat anaphylactic reactions. (The *New Penguin Dictionary of Science* defines “anaphylaxis” as “an abnormally severe immune response to a drug such as penicillin, a food such as peanuts, or an insect bite, resulting in either a localized reaction or a more general one with lowering of blood pressure and breathing difficulties.”) Under a prescription issued by a prescriber, a pharmacist could dispense one or more premeasured dose Epi-pens to eligible providers, including ambulance operations, medical first responders, emergency medical technicians, emergency medical technician specialists, and paramedics, among others.

Eligible providers would purchase, acquire, possess, and use Epi-pens as provided in a collaborative agreement with an “emergency health care provider”—i.e., a physician with emergency care knowledge and experience or a licensed hospital with an emergency department. The collaborative agreement would include a written agreement incorporating written practice protocols, policies, and procedures that ensure compliance with the bill’s requirements. Eligible providers would have to file a copy of the collaborative agreement with the Department of Consumer and Industry Services (CIS) and with the appropriate regional committee before using the Epi-pens.

In general, a person could not use an Epi-pen unless he or she had successfully completed a training course approved by the director of CIS under the department’s rules. This training requirement would not apply to either a health care practitioner licensed or registered under the Public Health Code, as long as he or she is acting within the scope of his or her practice, or an individual acting under a lawful prescription. Providers authorized to possess and use Epi-pens under the bill would be required to use, maintain, and dispose of the devices according to CIS rules. Each eligible provider that used an Epi-pen would have to immediately report the use to the emergency health care provider. Use of an Epi-pen would be considered first aid or emergency treatment for the purpose of liability statutes, and the purchase, acquisition, possession, or use of Epi-pens, as authorized in the bill, would not constitute the unlawful practice of a licensed health profession. A person otherwise authorized to sell or provide an Epi-pen could sell or provide it to a person authorized to possess and use it under the bill.

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