

HOUSE BILL No. 6369

September 24, 2002, Introduced by Reps. Gielegem, Raczkowski, Durhal, Basham, O'Neil, Woodward, Sheltroun, Whitmer, Lockwood, Garza, Godchaux, Woronchak, George, Scranton, LaSata, Adamini, Rich Brown, Neumann, Hardman, Williams, Wojno, Bernero, Stallworth, Quarles, Clark, Hansen, Newell, Rivet, Julian, Dennis, McConico, Bogardus, Daniels, Kolb, Reeves, Ehardt, Hale, Vander Veen, Bovin, Pestka, Waters, Mans, Bob Brown, Lipsey, Zelenko, Frank, Jacobs, Schauer, Thomas, Phillips, Schermesser, Minore, Jamnick, Rison, Anderson, Lemmons, Switalski and Stewart and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding sections 17750b and 20911.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 17750B. (1) PURSUANT TO A PRESCRIPTION ISSUED BY A
2 PRESCRIBER, A PHARMACIST MAY DISPENSE 1 OR MORE PREMEASURED DOSE
3 EPI-PENS TO AN ELIGIBLE PERSON, FIRM, ORGANIZATION, OR OTHER
4 ENTITY.

5 (2) AS USED IN THIS SECTION:

6 (A) "ELIGIBLE PERSON, FIRM, ORGANIZATION, OR OTHER ENTITY"
7 MEANS THAT TERM AS DEFINED IN SECTION 20911(4)(A).

8 (B) "EPI-PEN" MEANS THAT TERM AS DEFINED IN SECTION
9 20911(4)(C).

10 SEC. 20911. (1) AN ELIGIBLE PERSON, FIRM, ORGANIZATION, OR
11 OTHER ENTITY SHALL PURCHASE, ACQUIRE, POSSESS, AND USE EPI-PENS

1 PURSUANT TO A COLLABORATIVE AGREEMENT WITH AN EMERGENCY HEALTH
2 CARE PROVIDER. THE COLLABORATIVE AGREEMENT SHALL INCLUDE A WRIT-
3 TEN AGREEMENT THAT INCORPORATES WRITTEN PRACTICE PROTOCOLS, POLI-
4 CIES, AND PROCEDURES THAT ENSURE COMPLIANCE WITH THIS SECTION.
5 THE PERSON, FIRM, ORGANIZATION, OR ENTITY SHALL FILE A COPY OF
6 THE COLLABORATIVE AGREEMENT WITH THE DEPARTMENT AND WITH THE
7 APPROPRIATE REGIONAL COMMITTEE BEFORE USING THE EPI-PENS.

8 (2) THE USE OF EPI-PENS UNDER THIS SECTION IS LIMITED AS
9 FOLLOWS:

10 (A) A PERSON SHALL NOT USE EPI-PENS UNLESS HE OR SHE HAS
11 SUCCESSFULLY COMPLETED A TRAINING COURSE IN THE USE OF EPI-PENS
12 APPROVED BY THE DIRECTOR PURSUANT TO RULES OF THE DEPARTMENT.
13 THIS SUBDIVISION DOES NOT PROHIBIT THE USE OF EPI-PENS BY EITHER
14 OF THE FOLLOWING:

15 (i) A HEALTH CARE PRACTITIONER LICENSED OR REGISTERED UNDER
16 ARTICLE 15 AND ACTING WITHIN THE SCOPE OF HIS OR HER PRACTICE.

17 (ii) AN INDIVIDUAL ACTING PURSUANT TO A LAWFUL
18 PRESCRIPTION.

19 (B) EACH PERSON, FIRM, ORGANIZATION, AND ENTITY AUTHORIZED
20 TO POSSESS AND USE EPI-PENS UNDER THIS SECTION SHALL USE, MAIN-
21 TAIN, AND DISPOSE OF THE DEVICES PURSUANT TO RULES PROMULGATED BY
22 THE DEPARTMENT.

23 (C) EACH PERSON, FIRM, ORGANIZATION, AND ENTITY THAT USES AN
24 EPI-PEN PURSUANT TO THIS SECTION SHALL IMMEDIATELY REPORT THE USE
25 TO THE EMERGENCY HEALTH CARE PROVIDER.

26 (3) USE OF AN EPI-PEN PURSUANT TO THIS SECTION IS CONSIDERED
27 FIRST AID OR EMERGENCY TREATMENT FOR THE PURPOSE OF STATUTES

1 RELATING TO LIABILITY. THE PURCHASE, ACQUISITION, POSSESSION, OR
2 USE OF AN EPI-PEN PURSUANT TO THIS SECTION DOES NOT CONSTITUTE
3 THE UNLAWFUL PRACTICE OF A LICENSED HEALTH PROFESSION UNDER ARTI-
4 CLE 15. A PERSON OTHERWISE AUTHORIZED TO SELL OR PROVIDE AN
5 EPI-PEN MAY SELL OR PROVIDE IT TO A PERSON AUTHORIZED TO POSSESS
6 AND USE IT PURSUANT TO THIS SECTION.

7 (4) AS USED IN THIS SECTION:

8 (A) "ELIGIBLE PERSON, FIRM, ORGANIZATION, OR OTHER ENTITY"
9 MEANS AN AMBULANCE OPERATION, A MEDICAL FIRST RESPONDER, AN EMER-
10 GENCY MEDICAL TECHNICIAN, AN EMERGENCY MEDICAL TECHNICIAN SPE-
11 CIALIST, A PARAMEDIC, OR AN EMERGENCY MEDICAL SERVICES
12 INSTRUCTOR-COORDINATOR WHO IS EMPLOYED BY OR AN ENROLLED MEMBER,
13 PERSON, FIRM, ORGANIZATION, OR ENTITY DESIGNATED PURSUANT TO
14 RULES OF THE DIRECTOR IN CONSULTATION WITH OTHER APPROPRIATE
15 AGENCIES.

16 (B) "EMERGENCY HEALTH CARE PROVIDER" MEANS EITHER OF THE
17 FOLLOWING:

18 (i) A PHYSICIAN WITH KNOWLEDGE AND EXPERIENCE IN THE DELIV-
19 ERY OF EMERGENCY CARE.

20 (ii) A HOSPITAL LICENSED UNDER ARTICLE 17 THAT HAS AN EMER-
21 GENCY DEPARTMENT.

22 (C) "EPI-PEN" MEANS A SYRINGE PREFILLED WITH EPINEPHRINE AND
23 USED TO TREAT ANAPHYLACTIC REACTIONS.