

MAINE STATE LEGISLATURE

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L.D. 52

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DATE: 4/29/5

(Filing No. H-237)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 48, L.D. 52, Bill, "An Act To Authorize Certain Campers To Carry Asthma Inhalers and Epinephrine Pens on Their Persons"

Amend the bill by striking out the title and substituting the following:

'An Act To Authorize Certain Campers To Self-administer Emergency Medication'

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

'Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there are 225 children's camps in Maine serving more than 65,000 children; and

Whereas, ready access to certain emergency medications can save the lives of children with asthma, severe allergies and other medical conditions; and

Whereas, immediate enactment of this law is necessary to ensure that policies are in place for the summer camp season beginning June 2005; and

COMMITTEE AMENDMENT

R. 6/5.

2 **Whereas**, in the judgment of the Legislature, these facts
3 create an emergency within the meaning of the Constitution of
4 Maine and require the following legislation as immediately
5 necessary for the preservation of the public peace, health and
6 safety; now, therefore,

7 **Be it enacted by the People of the State of Maine as follows:**

8 **Sec. 1. 22 MRSA §2496**, as amended by PL 1999, c. 727, §1, is
9 repealed and the following enacted in its place:

10 **§2496. Rules and policies**

11 **1. Department rulemaking.** The department is authorized and
12 empowered to make and enforce all necessary rules and regulations
13 for the administration of this chapter, and may rescind or modify
14 such rules and regulations from time to time as may be in the
15 public interest, insofar as such action is not in conflict with
16 any of the provisions of this chapter. Rules adopted pursuant to
17 this subsection are routine technical rules as defined in Title
18 5, chapter 375, subchapter 2-A.

19 **2. Recreational camps for children; emergency medication.** A
20 recreational camp for boys or girls must have a written policy
21 authorizing campers to self-administer emergency medication,
22 including, but not limited to, an asthma inhaler or an
23 epinephrine pen. The written policy must include the following
24 requirements:

25 **A.** A camper who self-administers emergency medication must
26 have the prior written approval of the camper's primary
27 health care provider and the camper's parent or guardian;

28 **B.** The camper's parent or guardian must submit written
29 verification to the camp from the camper's primary health
30 care provider confirming that the camper has the knowledge
31 and the skills to safely self-administer the emergency
32 medication in camp;

33 **C.** The camp health staff must evaluate the camper's
34 technique to ensure proper and effective use of the
35 emergency medication in camp; and

36 **D.** The emergency medication must be readily available to
37 the camper.

38 **Emergency clause.** In view of the emergency cited in the
39 preamble, this Act takes effect when approved.'

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COMMITTEE AMENDMENT "A" to H.P. 48, L.D. 52

SUMMARY

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This amendment strikes and replaces the bill. It broadens the application of the bill to emergency medications rather than only asthma inhalers and epinephrine pens. The amendment deletes the provision of the bill that would require camps to allow children to possess certain emergency medications and replaces it with a requirement that the emergency medication be readily available to the camper. The amendment also adds an emergency preamble and clause to the bill so that it takes effect upon approval. The amendment repeals and reenacts the authority of the Department of Health and Human Services to adopt routine technical rules.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



Approved: 02/07/05 *MBC*

122nd MAINE LEGISLATURE

LD 52

LR 0152(02)

**An Act To Authorize Certain Campers To Carry Asthma Inhalers and Epinephrine Pens on Their
Persons**

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services in implementing this bill can be absorbed by the department utilizing existing resources.