

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 641

S.P. 203

In Senate, February 7, 2019

**An Act To Save Lives through Epinephrine Autoinjector
Accessibility**

Reference to the Committee on Health Coverage, Insurance and Financial Services
suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BELLOWS of Kennebec.
Cosponsored by Representative ACKLEY of Monmouth and
Senators: CARPENTER of Aroostook, CLAXTON of Androscoggin, HERBIG of Waldo,
MIRAMANT of Knox, Representatives: FAY of Raymond, HARNETT of Gardiner,
HICKMAN of Winthrop, MAXMIN of Nobleboro.

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

2 **Sec. 1. 22 MRSA §2150-F, sub-§5** is enacted to read:

3 **5. Pharmacist.** "Pharmacist" has the same meaning as in Title 32, section 13702-A,
4 subsection 22.

5 **Sec. 2. 22 MRSA §2150-G, sub-§1-A** is enacted to read:

6 **1-A. Prescribing epinephrine autoinjectors permitted.** A pharmacist may
7 prescribe and dispense epinephrine autoinjectors at no cost to:

8 A. A person of any age who the pharmacist reasonably believes is at risk of severe
9 allergic reactions, including anaphylaxis; and

10 B. A person of any age who the pharmacist reasonably believes is in a position to
11 assist a person at risk of severe allergic reactions, including anaphylaxis.

12 **Sec. 3. 22 MRSA §2150-G, sub-§5, ¶¶D and E,** as enacted by PL 2015, c. 231,
13 §1, are amended to read:

14 D. An employee or agent of an authorized entity who has completed the training
15 required by subsection 4 who provides an epinephrine autoinjector to a person
16 pursuant to subsection 3, paragraph A or who administers an epinephrine autoinjector
17 to a person in accordance with subsection 3, paragraph B; and

18 E. An individual or entity that conducts training in accordance with subsection 4-;
19 and

20 **Sec. 4. 22 MRSA §2150-G, sub-§5, ¶F** is enacted to read:

21 F. A pharmacist that prescribes and dispenses epinephrine autoinjectors in
22 accordance with subsection 1-A.

23 **Sec. 5. 22 MRSA §2150-H** is enacted to read:

24 **§2150-H. Epinephrine Autoinjector Fund**

25 **1. Fund established.** The Epinephrine Autoinjector Fund, referred to in this section
26 as "the fund," is established as a nonlapsing fund in the department for the purposes
27 specified in this section.

28 **2. Source of funds.** The State Controller shall credit to the fund any funds
29 appropriated or allocated to the fund.

30 **3. Uses of fund.** The fund must be used for expenses of the department to reimburse
31 a pharmacist who has prescribed and dispensed an epinephrine autoinjector pursuant to
32 section 2150-G, subsection 1-A.

33 **4. Rulemaking.** The department shall adopt rules to implement this section. Rules
34 adopted pursuant to this subsection are routine technical rules as defined in Title 5,
35 chapter 375, subchapter 2-A.

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Sec. 6. 32 MRSA §13815, sub-§3 is enacted to read:

3. Rules for prescribing and dispensing epinephrine autoinjector. The board by rule shall establish standards for authorizing pharmacists to prescribe and dispense an epinephrine autoinjector in accordance with Title 22, section 2150-G, subsection 1-A. The rules must establish adequate training requirements and protocols for prescribing and dispensing an epinephrine autoinjector when there is no prescription drug order, standing order or collaborative practice agreement authorizing an epinephrine autoinjector to be dispensed to the intended recipient. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. A pharmacist authorized by the board pursuant to this subsection to prescribe and dispense an epinephrine autoinjector may prescribe and dispense an epinephrine autoinjector in accordance with Title 22, section 2150-G, subsection 1-A.

Sec. 7. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 32, chapter 117, subchapter 11-A, in the subchapter headnote, the words "prescribing and dispensing of naloxone hydrochloride" are amended to read "prescribing and dispensing of naloxone hydrochloride and epinephrine autoinjectors" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

SUMMARY

This bill authorizes pharmacists to prescribe and dispense epinephrine autoinjectors at no cost to a person of any age who the pharmacist reasonably believes is at risk of experiencing severe allergic reactions, including anaphylaxis, or to a person who is in a position to assist the other person if the other person is at risk of experiencing severe allergic reactions, including anaphylaxis. It creates a fund within the Department of Health and Human Services to reimburse a pharmacist who has prescribed and dispensed an epinephrine autoinjector and directs the department to adopt routine technical rules to implement the fund.