

2011 HOUSE HUMAN SERVICES

HB 1159

2011 HOUSE STANDING COMMITTEE MINUTES

House Human Services Committee
Fort Union Room, State Capitol

HB 1159
January 17, 2011
Job # 12928

Conference Committee

Committee Clerk Signature

Vicky Crabtree

Explanation or reason for introduction of bill/resolution:

To expand State law which already covers insect bites to cover allergic emergencies with food allergies in the same way.

Minutes:

Chairman Weisz: Opened the hearing on HB 1159.

Rep. Lois Delmore: Represents district 43 in Grand Forks. Introduced and testified in support of the bill. As an allergic emergency is a serious allergic reaction which is rapid in onset, may cause death. In 2006 nearly one million emergency room visits were allergy related. That is more than 2700 a day. Many individuals do not know they are at risk and unprepared to respond. Those that know they are at risk and think they can handle the situation, but don't always think they need to be prepared. They assume they won't be exposed to things. Too often they have no epinephrine to help. I have a handout which shows the laws in other states. (See handout #1.) Also have a handout about a tragic story of a young woman who is a victim in the Chicago school. (See handout #2.) I ask for the committee's favorable consideration of this.

Chairman Weisz: Who will be authorized to administer the epinephrine?

Rep. Delmore: It is my understanding the way the bill is written, that if you are 18 years of age or older and had training like you would for CPR. This would include family members, school nurses and people who could be restaurant workers.

Chairman Weisz: Thank you. Anymore support? Any opposition? Any information on HB 1159?

Tim Wiedrich: Section Chief of the Emergency Preparedness Response Section. There is currently a statute in place that allows the State Health Department's State Health Officer to create administrative rule which we did in 1996. The administrative rules do permit the administration of epinephrine for a wide variety of circumstances. It basically places the responsibility on a physician to issue the prescription, say to a school, and the physician determines the level of training necessary to administer the epinephrine.

Rep. Porter: The old part of the codes seems to be the reason for the administrative rules. Were the administrative rules limited to insect stings or was it broadened in the rules to include any suspected allergic reaction?

T. Wiedrich: It is broad. It does not use the words insect bite.

Rep. Porter: This bill brings the Century Code up to speed with your rule.

T. Wiedrich: That is correct

Rep. Hofstad: I'm confused. Do we have a provision for people to carry a syringe? Do they get authorization from a physician or is that an over the counter issue?

T. Wiedrich: Two avenues this falls in. The physician may give a prescription and I can carry that on my person. This law and administrative rule does not cover that area. This bill is involved with people who provide daycare or schools and someone undiagnosed has an allergic reaction and can't breathe. This is not available over the counter. There does have to be a physician's prescription to obtain access to this drug.

Rep. Porter: Would you see at a point in time that a pro-active facility that has an automatic defibrillator on the premise and a locked alarm box would also put an epinephrine in there just in case because of large crowds that would come and go out of that facility?

T. Wiedrich: It would be prudent.

Rep. Hofstad: What are the consequences of misadministering this drug?

T. Wiedrich: There is a downside to this too. People could have increased heart rate and other things.

Rep. Hawken: Spoke in support of the bill. Believes the positives outweigh the negatives.

Rep. Anderson: Rep. Porter, do you have wear an ID band if you have allergies?

Rep. Porter: They are not required, but there are commercially available medical alert tags.

Rep. Hawken: Two things we heard in result in bringing this bill forward were, you actually have to carry the epinephrine and that men tend to put in a locker if playing a sport. You don't know who has the allergy and then it happens. This would solve that problem.

Chairman Weisz: Closed the hearing on HB 1159

Chairman Weisz: We have motion for a Do Pass from Rep. Conklin and a second from Rep. Schmidt.

Rep. Hofstad: Not sure where Rep. Porter was going with that question. Was he suggesting that maybe that we expand and look at this?

Chairman Weisz: I was think that maybe Rep. Porter was thinking that down the road that we will probably have a point where those defibs are at, there will be an epinephrine sitting in there too. I don't think they are ready to go there yet.

Vote: 11 yeas, 0 nays, 2 absent – Rep. Holman and Rep. Porter. DO PASS

Carrier: Rep. Paur

Date: 1-17-11
Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1159

House HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Conklin Seconded By Rep. Schmidt

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN WEISZ	✓		REP. CONKLIN	✓	
VICE-CHAIR PIETSCH	✓		REP. HOLMAN	A	
REP. ANDERSON	✓		REP. KILICHOWSKI	✓	
REP. DAMSCHEN	✓				
REP. DEVLIN	✓				
REP. HOFSTAD	✓				
REP. LOUSER	✓				
REP. PAUR	✓				
REP. PORTER	A				
REP. SCHMIDT	✓				

Total (Yes) 11 No 0

Absent 2

Floor Assignment Rep. Paur

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1159: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS**
(11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1159 was placed on the
Eleventh order on the calendar.

2011 SENATE HUMAN SERVICES

HB 1159

2011 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee
Red River Room, State Capitol

HB 1159
3-9-2011
Job Number 15218

Conference Committee

Committee Clerk Signature

R. Monson

Explanation or reason for introduction of bill/resolution:

Relating to administration of epinephrine.

Minutes:

Attachments.

Senator Judy Lee opened the hearing on HB 1159.

Rep. Lois Delmore (District 43) introduced HB 1159. It expands state law, which already covers insect bites, to cover allergic emergencies particularly for people with food allergies in the same way. She provided information on laws in other states – Attachment #1. She also provided an article about the tragic story of a young woman in Chicago – Attachment #2

Senator Spencer Berry asked how a person becomes authorized.

Rep. Delmore responded that they already do that type of training for insect bites similar to CPR training etc. It would not be a major cost factor.

Rep. Kathy Hawken (District 46) testified that an important piece of this is that a person could have a pen for a friend or someone else with the appropriate training. Changing from just the insect is extremely important.

There was no opposing testimony.

Tim Wiedrich (Department of Health) made comments in response to the earlier question by Sen. Berry. In 1996 administrative rules were passed that dealt with the issues about how they actually enact the legislation that was passed in 1995. Those rules have three components to them: 1. They define who it is they are speaking about. At that time they did not restrict it to bee stings. 2. How the training happens and who maintains the records. They pass that responsibility on to physicians. 3. They specify a single use device.

Senator Gerald Uglem asked if there is an expiration date on an epipen or can it be carried indefinitely.

Mr. Wiedrich replied that expiration dates are associated with the medications and there are temperature ranges in which the medication needs to be maintained and that's all disclosed on the label.

Senator Spencer Berry asked if they recommend carrying a pediatric size and an adult.

Mr. Wiedrich said it would depend on what the physician's determination is about who the likely individuals are that are carrying the pen and the likely people they are going to be encountering.

Senator Spencer Berry asked if this can be anybody.

Mr. Wiedrich said the situation this is trying to fill would be those situations in which there isn't that direct custodial care.

Senator Judy Lee asked if they would be better off looking at using at a more generic description of who should be able to do this.

Mr. Wiedrich felt they could come back and make modifications to use more expansive language. It could be done in rule.

Senator Judy Lee was surprised that food allergies weren't a part of this in the beginning.

There was discussion on legislation from 2005 regarding, in a school situation inhalers for asthma and epipens, relieving liability as long as the student has an approved plan from their health care provider and whether it is consistent with this.

The hearing on HB 1159 was closed.

Senator Gerald Uglen moved a **Do Pass**.

Seconded by **Senator Spencer Berry**.

Roll call vote 5-0-0 – **motion carried**.

Carrier is **Senator Gerald Uglen**.

Date: 3-9-2011

Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1159

Senate HUMAN SERVICES

Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment

Rerefer to Appropriations Reconsider

Motion Made By Sen. Uglem Seconded By Sen. Berry

Senators	Yes	No	Senators	Yes	No
Sen. Judy Lee, Chairman	✓		Sen. Tim Mathern	✓	
Sen. Dick Dever	✓				
Sen. Gerald Uglem, V. Chair	✓				
Sen. Spencer Berry	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment Sen. Uglem

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1159: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS**
(5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1159 was placed on the
Fourteenth order on the calendar.

2011 TESTIMONY

HB 1159

#1

Overview of Selected State Laws Regarding Emergency Access to Epinephrine

State	Summary of Law
Alaska	Permits <u>any individual</u> \geq 18 yrs. to obtain a prescription, purchase, and be held harmless for administering epinephrine to another if the individual has completed a state-approved training program on how to recognize symptoms of severe asthmatic or allergic reactions, the standards for storing and administering epinephrine, and emergency follow-up procedures. <i>Alaska Stat. §17.22 et. seq.</i>
Arkansas	Allows <u>individuals</u> \geq 18 yrs. with <u>responsibility for at least one other person</u> to obtain a certificate that allows them to receive a prescription from a physician for premeasured doses of epinephrine and the necessary paraphernalia for administration, and to administer epinephrine to persons suffering a severe adverse reaction to an insect sting or other allergic reaction when a physician is not immediately available. <i>Ark. Code §§ 20-13-402 – 20-13-407</i>
California	Permits <u>pharmacies to furnish epinephrine auto-injectors to a school district or county office of education</u> pursuant to a written order from a physician and surgeon. Elementary and secondary schools may determine whether or not to make epinephrine auto-injectors and trained personnel available; also permits school nurses or other trained individuals to obtain a prescription for epinephrine auto-injectors from a designated physician. <i>Cal. BP Code § 4119.2</i>
District of Columbia	Authorizes <u>schools to procure medication</u> for the treatment of asthma, anaphylaxis, or other illness <u>for use in emergency circumstances</u> . Trained school personnel may administer the medication to any student in an emergency (the student is not required to have a known diagnosis or a medication action plan to receive treatment in emergency circumstances). <i>DC Code § 38-651.06</i>
Florida	Authorizes trained individuals over 18 who have responsibility for another person to possess and administer epinephrine to individuals who have severe allergic reactions to <u>insect stings</u> . <i>Fla. Stat. § 381.88</i>
Kansas	Allows for any person to administer epinephrine to a student or staff member believed to be exhibiting signs and symptoms of an anaphylactic reaction. Also permits schools to maintain a stock supply of epinephrine with physician and pharmacist oversight. <i>Kan. Stat. § 65-2872b</i>
Maryland	Allows anyone \geq 18 yrs. of good moral character, with responsibility for other person as a result of their occupation or volunteer status, who has successfully completed an educational training program approved by the Department of Health and Mental Hygiene to obtain a prescription for a pre-measured dose of epinephrine and be permitted to administer to a person believed to be suffering from a severe adverse reaction to an <u>insect sting</u> . Training must be renewed annually. <i>MD Code Health – Gen. §§ 13-701 to 13-709</i>

State	Summary of Law
Missouri	<p>School boards may authorize a <u>school nurse</u> to maintain an adequate supply of prefilled auto syringes of epinephrine with at the school. The nurse has discretion to use the epinephrine on any student believed to be experiencing a life-threatening anaphylactic reaction.</p> <p>MO Rev. Stat. 167.630</p>
New York	<p>Permits prescription, purchase, and administration of emergency epinephrine by all classes of emergency medical technicians, camps, and other entities at the discretion of the Commissioner of Health. January 2010 New York State Department of Health regulation further requires that all ambulances be equipped with epinephrine auto-injectors.</p> <p>New York Public Health Law § 3000-c</p>
North Dakota	<p>Provides that the state health officer may adopt rules to authorize lay persons to administer epinephrine to person having a severe allergic reaction to <u>insect stings</u>.</p> <p>ND Cent. Code § 23-01-05.2</p>
Oregon	<p>Permits a person ≥ 21 years of age who has completed training regarding responses to severe allergic response to insect stings and other specific allergens to obtain a prescription for premeasured doses of epinephrine and necessary administration paraphernalia and to administer the prescribed epinephrine to any person suffering from a severe allergic response when a licensed healthcare professional is not immediately available. Applicants must have responsibility for or contact with at least one other person through their occupational or volunteer status.</p> <p>Or. Rev. Stat. § 433.800-.830</p>
South Carolina	<p>Authorizes the Department of Health and Environmental Control to establish a program for training and certifying individuals with responsibility for at least one other person because of occupational or volunteer status – to administer treatment, including prescribed epinephrine, in an emergency situation to persons suffering an adverse reaction to an <u>insect sting</u>.</p> <p>SC Code Ann. § 44-99-10</p>
Utah	<p>Permits persons ≥ 18 years of age who complete specified training and meet certain criteria to obtain a prescription for, possess, and use an epinephrine auto-injector to treat life-threatening cases of anaphylaxis. Each primary and secondary school, public and private, must provide initial and annual refresher training and make at least one epinephrine auto-injector available to any teacher or school employee who volunteers to become a qualified person. Other qualified adults who are not school employees (<i>i.e., camp counselors, tour guides, forest rangers</i>) may become qualified persons if they can demonstrate occupational or family need.</p> <p>Utah Code § 26-41 et. seq.</p>

www.chicagotribune.com/news/local/ct-met-allergic-death-cps-1221-20101220,0,6938627.story

chicagotribune.com

Seventh-grader dies of food allergy at Chicago school

By Noreen S. Ahmed-Ullah, Tribune reporter

8:26 PM CST, December 20, 2010

Chicago Public Schools sent grief counselors to Edison Regional Gifted Center on Monday after the death of a seventh-grader who had an allergic reaction to food she ate at school.

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Katelyn Carlson, 13, of the Sauganash neighborhood, was rushed from the Albany Park school at 4929 N. Sawyer Ave. to Swedish Covenant Hospital on Friday afternoon and transferred to Children's Memorial Hospital, where she died of anaphylaxis, a severe reaction to a food allergy, according to Fire Department officials and the Cook County medical examiner's office.

CPS officials said they were conducting an investigation and could not provide details. Two parents of other students said they had been told school officials that Katelyn had a severe allergic reaction to peanut from Chinese food ordered from a restaurant for a class party.

Matthew Akinrinade, whose daughter was a classmate and close friend of Katelyn's since kindergarten, said his daughter also has a peanut allergy and assured him earlier last week that a teacher had called the restaurant several times to make sure peanuts would not be used in the food. Akinrinade said his daughter did not have a reaction to the food Friday, but she saw that Katelyn was having trouble breathing.

According to the American Academy of Pediatrics, food allergies affect approximately 1 in 25 school-aged children, and 16 percent to 18 percent of children with these allergies have had a reaction in school.

Several Edison parents Monday called for schools to ban peanuts in any form and for classrooms to be equipped with EpiPens, the medical device used to inject a dose of epinephrine to treat allergic reactions.

CPS spokeswoman Monique Bond said the school system relies on individual student health profiles that contain information about a student's health issues and their prescribed medications to determine a course of action during a medical emergency. Students can be injected with EpiPens only if it is prescribed in their name and shows up on their individual student health profile, she said.

Jill Martensen, a former parent at Edison whose son was in Katelyn's class last year, said school policies need to be changed so that schools are equipped with EpiPens and they are administered to students in an emergency, regardless of what is on a student's health profile.

"In terms of saving lives, we need to change the policy," she said. "Schools' hands are tied. All they can do is call 911."

Funeral directors at Smith-Corcoran funeral home, where a wake was being held for Katelyn on Monday, said she was an honor student with a second-degree black belt in tae kwon do. She also loved playing basketball, soccer and fishing.

Mari Monroy-Espinoza said her 7-year-old son, Cesar, was paired with Katelyn in a school buddy program and had just exchanged holiday gifts with her last week.

was very sweet, very friendly," Monroy-Espinoza said.

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