

2021 SENATE HUMAN SERVICES

SB 2248

2021 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Sakakawea Room, State Capitol

SB 2248
1/25/2021 AM

A BILL for an Act to amend and reenact section 23-01-05.2 of the North Dakota Century Code, relating to administration of epinephrine.
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Madam Chair Lee opened the hearing on SB 2248 at 11:02. All members present: Senator Lee, Senator K. Roers, Senator Hogan, Senator Clemens, Senator Anderson, Senator O. Larsen.

Discussion Topics:

- Department of Health feedback
- Epinephrine administration training

[11:03] Senator Jessica Bell, District 33. Introduced SB 2248 and provided amendment #21.0506.01001 (testimony #2987).

Additional written testimony: N/A

Madam Chair Lee closed the hearing on SB 2248 at 11:14 a.m.

Justin Velez, Committee Clerk

January 21, 2021

PROPOSED AMENDMENTS TO SENATE BILL NO. 2248

Page 1, line 7, overstrike "a"

Page 1, line 7, after "~~layperson~~" insert "any"

Page 1, after line 16, insert:

- "4. Rules adopted under this section may not:
- a. Limit the individuals authorized to administer epinephrine to teachers, camp counselors, day counselors, day care operators, and security personnel;
 - b. Require training by a physician licensed by the North Dakota state board of medical examiners or the physician's designee to administer epinephrine; or
 - c. Require a prescription to obtain a disposable device to administer epinephrine."

Renumber accordingly

ARTICLE 33-37 EPINEPHRINE ADMINISTRATION

Chapter
33-37-01

Epinephrine Administration

CHAPTER 33-37-01 EPINEPHRINE ADMINISTRATION

Section

33-37-01-01	Persons Eligible to Administer Epinephrine
33-37-01-02	Training Requirements
33-37-01-03	Administration Devices

33-37-01-01. Persons eligible to administer epinephrine.

A person whose employment creates a reasonable expectation to care for the health and safety of others may administer epinephrine to persons suffering from an anaphylactic reaction. A person who is deemed to have a reasonable expectation to care for the health and safety of others includes a teacher, camp counselor, day care operator, and security person. Prehospital emergency medical services personnel must meet the requirements specified in chapter 33-36-01.

History: Effective December 1, 1996.

General Authority: NDCC 23-01-05.2

Law Implemented: NDCC 23-01-05.2

33-37-01-02. Training requirements.

A person authorized to administer epinephrine under this chapter shall complete training by a physician licensed by the North Dakota state board of medical examiners or the physician's designee. The physician shall determine the training content, criteria for satisfactory completion, and frequency. The physician shall maintain a record of the training which identifies the individuals trained, the training content, and the date of the training. The physician shall make training records available to the state department of health upon request.

History: Effective December 1, 1996.

General Authority: NDCC 23-01-05.2

Law Implemented: NDCC 23-01-05.2

33-37-01-03. Administration devices.

A person authorized to administer epinephrine shall utilize a single use disposable device that automatically injects a premeasured dose. The device may be obtained by a trained person from a pharmacy upon the request of a licensed physician. The device must be stored and maintained where trained staff are present.

History: Effective December 1, 1996.

General Authority: NDCC 23-01-05.2

Law Implemented: NDCC 23-01-05.2

2021 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Sakakawea Room, State Capitol

SB 2248
1/25/2021 PM

A BILL for an Act to amend and reenact section 23-01-05.2 of the North Dakota Century Code, relating to administration of epinephrine.

Madam Chair Lee opened the discussion on SB 2248 at 3:24 p.m. Members present: Lee, K. Roers, Hogan, Anderson, Clemens. Absent: O. Larsen.

Discussion Topics:

- North Dakota Department of Health approval of Amendment 21.0506.01001

Senator K. Roers moves to **ADOPT AMENDMENT 21.0506.01001**

Senator Hogan seconded.

Voice vote – motion passed

Senator K. Roers moves **DO PASS, AS AMENDED.**

Senator Clemens seconded.

Senators	Vote
Senator Judy Lee	Y
Senator Kristin Roers	Y
Senator Howard C. Anderson, Jr.	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Oley Larsen	Absent

The motion passed 5-0-1

Senator K. Roers will carry SB 2248.

Additional written testimony: N/A

Madam Chair Lee closed the discussion on SB 2248 at 3:28 p.m.

Justin Velez, Committee Clerk

January 21, 2021

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PROPOSED AMENDMENTS TO SENATE BILL NO. 2248

Page 1, line 7, overstrike "state"

Page 1, line 7, overstrike "officer" and insert immediately thereafter "council"

Page 1, line 7, overstrike "a"

Page 1, line 7, after "~~layperson~~" insert "any"

Page 1, after line 16, insert:

"4. Rules adopted under this section may not:

- a. Limit the individuals authorized to administer epinephrine to teachers, camp counselors, day counselors, day care operators, and security personnel;
- b. Require training by a physician licensed by the North Dakota board medicine or the physician's designee to administer epinephrine; or
- c. Require a prescription to obtain a disposable device to administer epinephrine."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2248: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2248 was placed on the Sixth order on the calendar.

Page 1, line 7, overstrike "state"

Page 1, line 7, overstrike "officer" and insert immediately thereafter "council"

Page 1, line 7, overstrike "a"

Page 1, line 7, after "~~lay~~person" insert "any"

Page 1, after line 16, insert:

- "4. Rules adopted under this section may not:
- a. Limit the individuals authorized to administer epinephrine to teachers, camp counselors, day counselors, day care operators, and security personnel;
 - b. Require training by a physician licensed by the North Dakota board of medicine or the physician's designee to administer epinephrine; or
 - c. Require a prescription to obtain a disposable device to administer epinephrine."

Renumber accordingly

2021 HOUSE HUMAN SERVICES

SB 2248

2021 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2248
3/3/2021

Relating to administration of epinephrine

Chairman Weisz called the hearing to order at 2:00 p.m.

Representatives	Attendance
Representative Robin Weisz	P
Representative Karen M. Rohr	P
Representative Mike Beltz	P
Representative Chuck Damschen	P
Representative Bill Devlin	P
Representative Gretchen Dobervich	P
Representative Clayton Fegley	P
Representative Dwight Kiefert	P
Representative Todd Porter	P
Representative Matthew Ruby	P
Representative Mary Schneider	P
Representative Kathy Skroch	P
Representative Bill Tveit	P
Representative Greg Westlind	P

Discussion Topics:

- Liability
- Gross negligence

Sen. Jessica Unruh Bell, District 33 (2:00) introduced bill.

Chairman Weisz adjourned at 2:18 p.m.

Tamara Krause, Committee Clerk

2021 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2248
3/16/2021

Relating to administration of epinephrine

Chairman Weisz opened the committee meeting at 10:01 a.m.

Representatives	Attendance
Representative Robin Weisz	P
Representative Karen M. Rohr	P
Representative Mike Beltz	P
Representative Chuck Damschen	P
Representative Bill Devlin	P
Representative Gretchen Dobervich	P
Representative Clayton Fegley	P
Representative Dwight Kiefert	P
Representative Todd Porter	P
Representative Matthew Ruby	P
Representative Mary Schneider	P
Representative Kathy Skroch	P
Representative Bill Tveit	P
Representative Greg Westlind	P

Discussion Topics:

- First responders
- Basic life support ambulance services
- Parent administration ability
- Anaphylactic reactions

Rep. Todd Porter (10:02) proposed Amendment 21.0506.02002 - #9509.

Rep. Karen Rohr (10:19) moved to adopt Amendment 21.0506.02002.

Rep. Mary Schneider (10:19) second

Voice Vote – Motion Carried

Rep. Mary Schneider (10:20) moved **Do Pass As Amended**

Rep. Karen Rohr (10:20) second

Representatives	Vote
Representative Robin Weisz	Y
Representative Karen M. Rohr	Y
Representative Mike Beltz	Y

Representative Chuck Damschen	Y
Representative Bill Devlin	Y
Representative Gretchen Dobervich	Y
Representative Clayton Fegley	Y
Representative Dwight Kiefert	Y
Representative Todd Porter	Y
Representative Matthew Ruby	Y
Representative Mary Schneider	Y
Representative Kathy Skroch	Y
Representative Bill Tveit	Y
Representative Greg Westlind	Y

Motion Carried Do Pass As Amended 14-0-0

Bill Carrier: Rep. Mike Beltz

Chairman Weisz adjourned at 10:22 a.m.

Tamara Krause, Committee Clerk

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2248

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 23-01-05.2 of the North Dakota Century Code, relating to epinephrine prescription, distribution, possession, or use and immunity from liability.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 23-01-05.2 of the North Dakota Century Code is amended and reenacted as follows:

23-01-05.2. Administration of epinephrine—Liability
Epinephrine prescription, distribution, possession, or use - Immunity from liability.

1. ~~The state health officer shall adopt rules to authorize a layperson to administer epinephrine to an individual who has a severe allergic reaction.~~
2. ~~An individual authorized to administer epinephrine by the state health officer may obtain premeasured doses of epinephrine and the necessary paraphernalia for epinephrine administration from any licensed physician or pharmacist.~~
3. ~~An individual authorized to administer epinephrine by the state health officer, and the employer of such an individual, is not civilly or criminally liable for any act or omission of that individual when acting in good faith while rendering emergency treatment to an individual who has a severe adverse reaction, except when the conduct amounts to gross negligence.~~ As used in this section:
 - a. "Epinephrine" means a single-use disposable device that automatically injects a premeasured dose of epinephrine.
 - b. "Health care professional" means a licensed or certified health care professional who is working within the scope of practice for that profession. The term may include a physician, physician assistant, advanced practice registered nurse, and pharmacist acting in the professional's scope of practice.
2. A health care professional acting in good faith may directly or by standing order prescribe, distribute, or dispense epinephrine, if the health care professional provides training to:
 - a. An individual at risk of experiencing a severe allergic reaction; or
 - b. A family member, friend, or other person in a position to assist an individual at risk of experiencing a severe allergic reaction.
3. A person acting in good faith may receive or possess epinephrine if that person is:

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2 of 2

- a. An individual at risk of experiencing a severe allergic reaction; or
- b. A family member, friend, or other person in a position to assist an individual at risk of experiencing a severe allergic reaction.
4. An individual acting in good faith may self-administer epinephrine or administer epinephrine to another individual who the administering individual suspects is at risk of experiencing a severe allergic reaction.
5. A person may receive, possess, or administer epinephrine under subsection 3 or 4, regardless of whether the person is the individual for or the person to which the epinephrine is prescribed, distributed, or dispensed. A person in possession of epinephrine which is acting in good faith may provide training on how to use epinephrine.
6. A health care professional who prescribes, distributes, trains on the use of, or dispenses epinephrine as authorized under this section is not subject to professional discipline for such action. This section does not expand the scope of practice of a health care professional.
7. A person that prescribes, distributes, dispenses, receives, possesses, trains in the use of, or administers epinephrine as authorized under this section is immune from civil and criminal liability for such action. This subsection provides immunity to the person responsible for the site on which the epinephrine is located. Immunity from liability or discipline under this subsection does not apply if the person's actions constitute recklessness, gross negligence, or intentional misconduct."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2248, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2248 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 23-01-05.2 of the North Dakota Century Code, relating to epinephrine prescription, distribution, possession, or use and immunity from liability.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 23-01-05.2 of the North Dakota Century Code is amended and reenacted as follows:

23-01-05.2. Administration of epinephrine -- Liability
Epinephrine
prescription, distribution, possession, or use - Immunity from liability.

1. ~~The state health officer shall adopt rules to authorize a layperson to administer epinephrine to an individual who has a severe allergic reaction.~~
2. ~~An individual authorized to administer epinephrine by the state health officer may obtain premeasured doses of epinephrine and the necessary paraphernalia for epinephrine administration from any licensed physician or pharmacist.~~
3. ~~An individual authorized to administer epinephrine by the state health officer, and the employer of such an individual, is not civilly or criminally liable for any act or omission of that individual when acting in good faith while rendering emergency treatment to an individual who has a severe adverse reaction, except when the conduct amounts to gross negligence.~~As used in this section:
 - a. "Epinephrine" means a single-use disposable device that automatically injects a premeasured dose of epinephrine.
 - b. "Health care professional" means a licensed or certified health care professional who is working within the scope of practice for that profession. The term may include a physician, physician assistant, advanced practice registered nurse, and pharmacist acting in the professional's scope of practice.
2. A health care professional acting in good faith may directly or by standing order prescribe, distribute, or dispense epinephrine, if the health care professional provides training to:
 - a. An individual at risk of experiencing a severe allergic reaction; or
 - b. A family member, friend, or other person in a position to assist an individual at risk of experiencing a severe allergic reaction.
3. A person acting in good faith may receive or possess epinephrine if that person is:
 - a. An individual at risk of experiencing a severe allergic reaction; or
 - b. A family member, friend, or other person in a position to assist an individual at risk of experiencing a severe allergic reaction.

4. An individual acting in good faith may self-administer epinephrine or administer epinephrine to another individual who the administering individual suspects is at risk of experiencing a severe allergic reaction.
5. A person may receive, possess, or administer epinephrine under subsection 3 or 4, regardless of whether the person is the individual for or the person to which the epinephrine is prescribed, distributed, or dispensed. A person in possession of epinephrine which is acting in good faith may provide training on how to use epinephrine.
6. A health care professional who prescribes, distributes, trains on the use of, or dispenses epinephrine as authorized under this section is not subject to professional discipline for such action. This section does not expand the scope of practice of a health care professional.
7. A person that prescribes, distributes, dispenses, receives, possesses, trains in the use of, or administers epinephrine as authorized under this section is immune from civil and criminal liability for such action. This subsection provides immunity to the person responsible for the site on which the epinephrine is located. Immunity from liability or discipline under this subsection does not apply if the person's actions constitute recklessness, gross negligence, or intentional misconduct."

Renumber accordingly

21.0506.02002
Title.

Prepared by the Legislative Council staff for
Representative Porter
March 11, 2021

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2248

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 23-01-05.2 of the North Dakota Century Code, relating to epinephrine prescription, distribution, possession, or use and immunity from liability.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 23-01-05.2 of the North Dakota Century Code is amended and reenacted as follows:

23-01-05.2. Administration of epinephrine -- Liability
Epinephrine prescription, distribution, possession, or use - Immunity from liability.

1. ~~The state health officer shall adopt rules to authorize a layperson to administer epinephrine to an individual who has a severe allergic reaction.~~
2. ~~An individual authorized to administer epinephrine by the state health officer may obtain premeasured doses of epinephrine and the necessary paraphernalia for epinephrine administration from any licensed physician or pharmacist.~~
3. ~~An individual authorized to administer epinephrine by the state health officer, and the employer of such an individual, is not civilly or criminally liable for any act or omission of that individual when acting in good faith while rendering emergency treatment to an individual who has a severe adverse reaction, except when the conduct amounts to gross negligence.~~ As used in this section:
 - a. "Epinephrine" means a single-use disposable device that automatically injects a premeasured dose of epinephrine.
 - b. "Health care professional" means a licensed or certified health care professional who is working within the scope of practice for that profession. The term may include a physician, physician assistant, advanced practice registered nurse, and pharmacist acting in the professional's scope of practice.
2. A health care professional acting in good faith may directly or by standing order prescribe, distribute, or dispense epinephrine, if the health care professional provides training to:
 - a. An individual at risk of experiencing a severe allergic reaction; or
 - b. A family member, friend, or other person in a position to assist an individual at risk of experiencing a severe allergic reaction.
3. A person acting in good faith may receive or possess epinephrine if that person is:

- a. An individual at risk of experiencing a severe allergic reaction; or
- b. A family member, friend, or other person in a position to assist an individual at risk of experiencing a severe allergic reaction.
- 4. An individual acting in good faith may self-administer epinephrine or administer epinephrine to another individual who the administering individual suspects is at risk of experiencing a severe allergic reaction.
- 5. A person may receive, possess, or administer epinephrine under subsection 3 or 4, regardless of whether the person is the individual for or the person to which the epinephrine is prescribed, distributed, or dispensed. A person in possession of epinephrine which is acting in good faith may provide training on how to use epinephrine.
- 6. A health care professional who prescribes, distributes, trains on the use of, or dispenses epinephrine as authorized under this section is not subject to professional discipline for such action. This section does not expand the scope of practice of a health care professional.
- 7. A person that prescribes, distributes, dispenses, receives, possesses, trains in the use of, or administers epinephrine as authorized under this section is immune from civil and criminal liability for such action. This subsection provides immunity to the person responsible for the site on which the epinephrine is located. Immunity from liability or discipline under this subsection does not apply if the person's actions constitute recklessness, gross negligence, or intentional misconduct."

Renumber accordingly

2021 CONFERENCE COMMITTEE

SB 2248

2021 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Sakakawea Room, State Capitol

SB 2248
4/14/2021
Conference Committee

A BILL for an Act to amend and reenact section 23-01-05.2 of the North Dakota Century Code, relating to epinephrine prescription, distribution, possession, or use and immunity from liability.

Madam Chair K. Roers opened the conference committee on SB 2248 at 3:02 p.m.
Members present: Senator K. Roers, Clemens, Hogan, Representative Rohr, Skroch, Schneider.

Discussion Topics:

- Narcan addition
- House actions
- Emergency clause

Senator Hogan moves the **HOUSE RECEDE FROM HOUSE AMENDMENTS AND AMEND AS FOLLOWS: 21.0506.02003**

Senator Clemens seconded.

Motion passed 6-0-0.

Senator K. Roers and **Representative Beltz** will carry SB 2248.

Additional written testimony: N/A

Madam Chair K. Roers adjourned the conference committee on SB 2248 at 3:11 p.m.

Justin Velez, Committee Clerk

April 14, 2021

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1 of 2

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2248

That the House recede from its amendments as printed on pages 974 and 975 of the Senate Journal and pages 1186 and 1187 of the House Journal and that Engrossed Senate Bill No. 2248 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 23-01-05.2 of the North Dakota Century Code, relating to epinephrine prescription, distribution, possession, or use and immunity from liability; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 23-01-05.2 of the North Dakota Century Code is amended and reenacted as follows:

23-01-05.2. Administration of epinephrine -- Liability
Epinephrine prescription, distribution, possession, or use - Immunity from liability.

1. ~~The state health officer shall adopt rules to authorize a layperson to administer epinephrine to an individual who has a severe allergic reaction.~~
2. ~~An individual authorized to administer epinephrine by the state health officer may obtain premeasured doses of epinephrine and the necessary paraphernalia for epinephrine administration from any licensed physician or pharmacist.~~
3. ~~An individual authorized to administer epinephrine by the state health officer, and the employer of such an individual, is not civilly or criminally liable for any act or omission of that individual when acting in good faith while rendering emergency treatment to an individual who has a severe adverse reaction, except when the conduct amounts to gross negligence. As used in this section:~~
 - a. "Epinephrine" means a single-use disposable device that automatically injects a premeasured dose of epinephrine.
 - b. "Health care professional" means a licensed or certified health care professional who is working within the scope of practice for that profession. The term may include a physician, physician assistant, advanced practice registered nurse, and pharmacist acting in the professional's scope of practice.
2. A health care professional acting in good faith may directly or by standing order prescribe, distribute, or dispense epinephrine, if the health care professional provides training to:
 - a. An individual at risk of experiencing a severe allergic reaction; or

C-3
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- b. A family member, friend, or other person in a position to assist an individual at risk of experiencing a severe allergic reaction.
- 3. A person acting in good faith may receive or possess epinephrine if that person is:
 - a. An individual at risk of experiencing a severe allergic reaction; or
 - b. A family member, friend, or other person in a position to assist an individual at risk of experiencing a severe allergic reaction.
- 4. An individual acting in good faith may self-administer epinephrine or administer epinephrine to another individual who the administering individual suspects is at risk of experiencing a severe allergic reaction.
- 5. A person may receive, possess, or administer epinephrine under subsection 3 or 4, regardless of whether the person is the individual for or the person to which the epinephrine is prescribed, distributed, or dispensed. A person in possession of epinephrine which is acting in good faith may provide training on how to use epinephrine.
- 6. A health care professional who prescribes, distributes, trains on the use of, or dispenses epinephrine as authorized under this section is not subject to professional discipline for such action. This section does not expand the scope of practice of a health care professional.
- 7. A person that prescribes, distributes, dispenses, receives, possesses, trains in the use of, or administers epinephrine as authorized under this section is immune from civil and criminal liability for such action. This subsection provides immunity to the person responsible for the site on which the epinephrine is located. Immunity from liability or discipline under this subsection does not apply if the person's actions constitute recklessness, gross negligence, or intentional misconduct.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

**2021 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. SB 2248 as (re) engrossed

Senate Human Services Committee

- Action Taken** ☐ **SENATE accede to House Amendments**
☐ **SENATE accede to House Amendments and further amend**
☐ **HOUSE recede from House amendments**
☒ **HOUSE recede from House amendments and amend as follows**
- ☐ **Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Senator Hogan Seconded by: Senator Clemens

Senators				Yes	No		Representatives				Yes	No
Senator K. Roers				X			Representative Rohr				X	
Senator Hogan				X			Representative Skroch				X	
Senator Clemens				X			Representative Schenider				X	
Total Senate Vote				3			Total Rep. Vote				3	

Vote Count Yes: 6 No: 0 Absent: 0

Senate Carrier Senator K. Roers House Carrier Representative Beltz

LC Number 21.0506 . 02003 of amendment

LC Number 21.0506 . 04000 of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Insert LC: 21.0506.02003
Senate Carrier: K. Roers
House Carrier: Beltz

REPORT OF CONFERENCE COMMITTEE

SB 2248, as engrossed: Your conference committee (Sens. K. Roers, Clemens, Hogan and Reps. Rohr, Skroch, Schneider) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 974-975, adopt amendments as follows, and place SB 2248 on the Seventh order:

That the House recede from its amendments as printed on pages 974 and 975 of the Senate Journal and pages 1186 and 1187 of the House Journal and that Engrossed Senate Bill No. 2248 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 23-01-05.2 of the North Dakota Century Code, relating to epinephrine prescription, distribution, possession, or use and immunity from liability; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 23-01-05.2 of the North Dakota Century Code is amended and reenacted as follows:

23-01-05.2. Administration of epinephrine -- Liability
Epinephrine prescription, distribution, possession, or use - Immunity from liability.

1. ~~The state health officer shall adopt rules to authorize a layperson to administer epinephrine to an individual who has a severe allergic reaction.~~
2. ~~An individual authorized to administer epinephrine by the state health officer may obtain premeasured doses of epinephrine and the necessary paraphernalia for epinephrine administration from any licensed physician or pharmacist.~~
3. ~~An individual authorized to administer epinephrine by the state health officer, and the employer of such an individual, is not civilly or criminally liable for any act or omission of that individual when acting in good faith while rendering emergency treatment to an individual who has a severe adverse reaction, except when the conduct amounts to gross negligence. As used in this section:~~
 - a. "Epinephrine" means a single-use disposable device that automatically injects a premeasured dose of epinephrine.
 - b. "Health care professional" means a licensed or certified health care professional who is working within the scope of practice for that profession. The term may include a physician, physician assistant, advanced practice registered nurse, and pharmacist acting in the professional's scope of practice.
2. A health care professional acting in good faith may directly or by standing order prescribe, distribute, or dispense epinephrine, if the health care professional provides training to:
 - a. An individual at risk of experiencing a severe allergic reaction; or
 - b. A family member, friend, or other person in a position to assist an individual at risk of experiencing a severe allergic reaction.
3. A person acting in good faith may receive or possess epinephrine if that person is:

Insert LC: 21.0506.02003
Senate Carrier: K. Roers
House Carrier: Beltz

- a. An individual at risk of experiencing a severe allergic reaction; or
- b. A family member, friend, or other person in a position to assist an individual at risk of experiencing a severe allergic reaction.
- 4. An individual acting in good faith may self-administer epinephrine or administer epinephrine to another individual who the administering individual suspects is at risk of experiencing a severe allergic reaction.
- 5. A person may receive, possess, or administer epinephrine under subsection 3 or 4, regardless of whether the person is the individual for or the person to which the epinephrine is prescribed, distributed, or dispensed. A person in possession of epinephrine which is acting in good faith may provide training on how to use epinephrine.
- 6. A health care professional who prescribes, distributes, trains on the use of, or dispenses epinephrine as authorized under this section is not subject to professional discipline for such action. This section does not expand the scope of practice of a health care professional.
- 7. A person that prescribes, distributes, dispenses, receives, possesses, trains in the use of, or administers epinephrine as authorized under this section is immune from civil and criminal liability for such action. This subsection provides immunity to the person responsible for the site on which the epinephrine is located. Immunity from liability or discipline under this subsection does not apply if the person's actions constitute recklessness, gross negligence, or intentional misconduct.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed SB 2248 was placed on the Seventh order of business on the calendar.