



HOUSE BILL No. 6096

September 18, 1996, Introduced by Reps. Schroer, Anthony, Gubow, Kaza, Brater, LaForge, Baird and Scott and referred to the Committee on Health Policy.

A bill to amend section 16171 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," as amended by Act No. 82 of the Public Acts of 1985, being section 333.16171 of the Michigan Compiled Laws; and to add part 56a and section 17749a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 16171 of Act No. 368 of the Public Acts
2 of 1978, as amended by Act No. 82 of the Public Acts of 1985,
3 being section 333.16171 of the Michigan Compiled Laws, is amended
4 and part 56a and section 17749a are added to read as follows:

PART 56A.

INSECT STING EMERGENCIES

SEC. 5651. THIS PART SHALL BE KNOWN AND MAY BE CITED AS THE "INSECT STING EMERGENCY TREATMENT ACT".

SEC. 5652. (1) THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

(A) PROMULGATE RULES FOR THE ADMINISTRATION OF THIS PART.

(B) DEVELOP AND CONDUCT TRAINING PROGRAMS FOR THE CERTIFICATION OF INDIVIDUALS UNDER THIS PART.

(C) COLLECT THE FEES IMPOSED UNDER THIS PART.

(2) THE DEPARTMENT SHALL INCLUDE, AT A MINIMUM, ALL OF THE FOLLOWING INFORMATION IN A TRAINING PROGRAM DEVELOPED UNDER SUBSECTION (1)(B):

(A) THE SYMPTOMS OF AN ADVERSE SYSTEMIC REACTION TO AN INSECT STING AND THE RECOGNITION OF THOSE SYMPTOMS.

(B) THE PROPER TECHNIQUE FOR THE ADMINISTRATION OF A SUBCUTANEOUS INJECTION OF EPINEPHRINE.

(3) THE DEPARTMENT SHALL REQUIRE THAT A TRAINING PROGRAM DEVELOPED UNDER SUBSECTION (1)(B) BE CONDUCTED BY AN ALLOPATHIC OR OSTEOPATHIC PHYSICIAN LICENSED UNDER PART 170 OR 175 OF ARTICLE 15.

SEC. 5653. (1) AN INDIVIDUAL WHO MEETS ALL OF THE FOLLOWING REQUIREMENTS IS ELIGIBLE TO ATTEND A TRAINING PROGRAM DEVELOPED AND CONDUCTED UNDER SECTION 5652:

(A) IS 18 YEARS OF AGE OR OLDER.

1 (B) HAS, AS A FAMILY MEMBER, AS A VOLUNTEER, OR AS PART OF
2 HIS OR HER EMPLOYMENT, RESPONSIBILITY FOR THE HEALTH AND WELFARE
3 OF ANOTHER INDIVIDUAL.

4 (C) HAS PAID A FEE OF \$25.00 TO THE DEPARTMENT.

5 (D) MEETS OTHER REQUIREMENTS AS PRESCRIBED BY RULE OF THE
6 DEPARTMENT.

7 (2) THE DEPARTMENT SHALL ISSUE A CERTIFICATE TO AN INDIVID-
8 UAL WHO SUCCESSFULLY COMPLETES A TRAINING PROGRAM DEVELOPED AND
9 CONDUCTED UNDER SECTION 5652.

10 SEC. 5654. (1) AN INDIVIDUAL WHO HOLDS A CERTIFICATE ISSUED
11 UNDER THIS PART MAY DO ALL OF THE FOLLOWING:

12 (A) REQUEST AND RECEIVE FROM A PHYSICIAN LICENSED UNDER PART
13 170 OR 175 OF ARTICLE 15 A PRESCRIPTION FOR 1 OR MORE PREMEASURED
14 DOSES OF EPINEPHRINE AND THE PARAPHERNALIA NECESSARY FOR THE
15 ADMINISTRATION OF THE EPINEPHRINE.

16 (B) FILL THE PRESCRIPTION AND POSSESS THE EPINEPHRINE AND
17 PARAPHERNALIA DESCRIBED IN SUBDIVISION (A).

18 (C) ADMINISTER A DOSE OF THE EPINEPHRINE OBTAINED UNDER SUB-
19 DIVISIONS (A) AND (B) TO AN INDIVIDUAL IF ALL OF THE FOLLOWING
20 CIRCUMSTANCES EXIST:

21 (i) THE CERTIFICATE HOLDER REASONABLY BELIEVES THAT THERE IS
22 AN EMERGENCY CONSISTING OF ANOTHER INDIVIDUAL SUFFERING A SEVERE,
23 ADVERSE REACTION TO AN INSECT STING.

24 (ii) A PHYSICIAN OR OTHER HEALTH PROFESSIONAL QUALIFIED TO
25 ADMINISTER EPINEPHRINE IS NOT IMMEDIATELY AVAILABLE TO ASSIST THE
26 INDIVIDUAL DESCRIBED IN SUBPARAGRAPH (i).

1 (2) A CERTIFICATE HOLDER UNDER THIS PART WHO IN GOOD FAITH
2 ADMINISTERS EPINEPHRINE TO ANOTHER INDIVIDUAL IN AN EMERGENCY AS
3 DESCRIBED IN SUBSECTION (1)(C) IS IMMUNE FROM CIVIL AND CRIMINAL
4 LIABILITY ARISING FROM THE ADMINISTRATION OF THE EPINEPHRINE
5 UNLESS THE CERTIFICATE HOLDER'S CONDUCT IS GROSSLY NEGLIGENT OR
6 IS WILLFUL AND WANTON.

7 (3) AN INDIVIDUAL WHO ADMINISTERS EPINEPHRINE TO ANOTHER WHO
8 IS IN LAWFUL POSSESSION OF THE EPINEPHRINE AND WHO THE ADMINIS-
9 TERING INDIVIDUAL REASONABLY BELIEVES IS IN NEED OF EMERGENCY
10 TREATMENT IS IMMUNE FROM CIVIL AND CRIMINAL LIABILITY ARISING
11 FROM THE ADMINISTRATION OF THE EPINEPHRINE, UNLESS THE ADMINIS-
12 TERING INDIVIDUAL'S CONDUCT IS GROSSLY NEGLIGENT OR IS WILLFUL
13 AND WANTON.

14 Sec. 16171. Under the circumstances and subject to the lim-
15 itations stated in each case, the following individuals are not
16 required to have a license issued under this article for THE
17 practice of a health profession in this state:

18 (a) A student in a health profession training program ~~which~~
19 ~~which~~ THAT has been approved by the appropriate board, while
20 performing the duties assigned in the course of training.

21 (b) An individual practicing a health profession in the dis-
22 charge of official duties while in the military service of the
23 United States, the United States public health service, the
24 United States department of agriculture, or the United States
25 veterans administration. The institution in which the individual
26 practices shall report the name and address of the individual to

1 the appropriate board within 30 days after the date of
2 employment.

3 (c) An individual who by education, training, or experience
4 substantially meets the requirements of this article for licen-
5 sure while rendering medical care in a time of disaster or to an
6 ill or injured individual at the scene of an emergency.

7 (d) An individual who provides nonmedical nursing or similar
8 services in the care of the ill or suffering or an individual who
9 in good faith ministers to the ill or suffering by spiritual
10 means alone, through prayer, in the exercise of a religious free-
11 dom, and who does not hold himself or herself out to be a health
12 professional.

13 (e) An individual residing in another state or country and
14 authorized to practice a health profession in that state or coun-
15 try who, in an exceptional circumstance, is called in for consul-
16 tation or treatment by a health professional in this state.

17 (f) An individual residing in another state or country and
18 authorized to practice a health profession in that state or coun-
19 try, when attending meetings or conducting lectures, seminars, or
20 demonstrations under the auspices of professional associations or
21 training institutions in this state, if the individual does not
22 maintain an office or designate a place to meet patients or
23 receive calls in this state.

24 (g) An individual authorized in another country to practice
25 a health profession and who is employed by the United States
26 public health service or the government of another country for
27 the exclusive use of members of its merchant marine and members

1 of its counsel and diplomatic corps, while caring for those
2 members in the performance of his or her official duties.

3 (h) An individual residing adjacent to the land border
4 between this state and an adjoining state who is authorized under
5 the laws of that state to practice a health profession and whose
6 practice may extend into this state, but who does not maintain an
7 office or designate a place to meet patients or receive calls in
8 this state.

9 (i) An individual authorized to practice a health profession
10 in another state or territory of the United States who has been
11 appointed by the United States olympic committee to provide
12 health services exclusively to team personnel and athletes regis-
13 tered to train and compete at a training site in this state
14 approved by the United States olympic committee or at an event
15 conducted under the sanction of the United States olympic
16 committee. The exemption granted by this subdivision ~~shall~~
17 ~~apply~~ APPLIES to the individual while performing the duties
18 assigned in the course of the sanctioned training program or
19 event and for the time period specified by the United States
20 olympic committee.

21 (J) AN INDIVIDUAL WHO HOLDS A CERTIFICATE ISSUED UNDER PART
22 56A, BUT ONLY WHILE ADMINISTERING A PREMEASURED DOSE OF EPINEPH-
23 RINE TO ANOTHER INDIVIDUAL WHO IS SUFFERING A SEVERE, ADVERSE
24 REACTION TO AN INSECT STING.

25 SEC. 17749A. PURSUANT TO A PRESCRIPTION ISSUED BY A PRE-
26 SCRIBER, A PHARMACIST MAY DISPENSE 1 OR MORE PREMEASURED DOSES OF
27 EPINEPHRINE TO THE HOLDER OF A CERTIFICATE ISSUED UNDER PART 56A

1 FOR SUBSEQUENT ADMINISTRATION TO ANOTHER UNDER THE CIRCUMSTANCES
2 PRESCRIBED IN PART 56A.