



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 417 (Substitute S-2 as reported)
Senate Bill 418 (Substitute S-1 as reported)
Sponsor: Senator Peter J. Lucido (S.B. 417)
Senator Michael D. MacDonald (S.B. 418)
Committee: Health Policy and Human Services

CONTENT

Senate Bill 418 (S-1) would enact the "Law Enforcement and Firefighter Access to Epinephrine Act" to do the following:

- Allow a law enforcement agency or organized fire department to purchase or possess auto-injectable epinephrine and allow the entity to distribute it to law enforcement officers or firefighters in its employ.
- Require an individual to complete training on the proper administration of auto-injectable epinephrine before administering it.
- Specify that any law enforcement officer or firefighter who possessed administered, or failed to administer, auto-injectable epinephrine would be immune from civil liability for injuries, death, or damages arising out of the administration of auto-injectable epinephrine to any individual if the conduct did not constitute willful or wanton misconduct that was the proximate cause of injury, death, or damage.
- Specify that an eligible entity that purchased, possessed, or distributed auto-injectable epinephrine under the bill and any law enforcement officer or firefighter who possessed, administered, or failed to administer auto-injectable epinephrine under the bill would not be subject to criminal prosecution.
- Specify that the bill would not eliminate, limit, or reduce any other immunity or defense that could be available under the laws of the State.

Senate Bill 417 (S-2) would amend the Public Health Code to do the following:

- Allow a prescriber to issue a prescription for and a dispensing prescriber or pharmacist to dispense auto-injectable epinephrine to an eligible entity authorized to purchase, possess, and distribute auto-injectable epinephrine under the proposed Law Enforcement and Firefighter Access to Epinephrine Act.
- Exempt a law enforcement agency or organized fire department that was prescribed auto-injectable epinephrine, and a law enforcement officer or firefighter of that entity, from civil liability for injury, death, or damages that result from the administration or self-administration of auto-injectable epinephrine, the failure to administer, or any other act or omission taken pursuant to the bill, so long as the conduct did not constitute gross negligence or willful or wanton misconduct.
- Exempt a law enforcement agency or organized fire department that was prescribed auto-injectable epinephrine, and a law enforcement officer or firefighter of that entity, from criminal prosecution for purchasing, possessing, or distributing auto-injectable epinephrine, the administration or self-administration of auto-injectable epinephrine, the failure to administer, or any other act or omission pursuant to the bill.

FISCAL IMPACT

Senate Bill 417 (S-2) would have no fiscal impact on State or local government.

Senate Bill 418 (S-1) would have an indeterminate fiscal impact on fire departments and law enforcement agencies, as they would have the choice under the bill whether to possess auto-injectable epinephrine and train staff in its proper use. The purchases and training would involve costs that cannot be determined at this time.

Date Completed: 3-9-20

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