

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2054 - SB 1989

February 23, 2016

SUMMARY OF ORIGINAL BILL: Authorizes a licensed pharmacist, medical doctor, doctor of osteopathic medicine, nurse practitioner, physician assistant, to prescribe epinephrine auto-injectors to any entity or organization at which allergens capable of causing anaphylaxis may be present; however, this shall not pertain to any public or nonpublic school that is authorized to maintain and administer an epinephrine auto-injector on school premises.

Authorizes any such entity or organization to acquire and stock a supply of epinephrine auto-injectors. Establishes requirements for storage, maintenance, control and general supervision for an organization or entity that stocks epinephrine. Requires that one or more employees of an entity or organization to initially and biennially thereafter complete an anaphylaxis training program conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment, an entity or person approved by the Department of Health (DOH), or as part of a class approved by the DOH.

Authorizes the DOH to create or approve a form which an instructor or instructing entity may use to issue certificates of completion to individuals who have successfully completed any anaphylaxis training program. Grants immunity from civil liability to certain entities and individuals in the absence of gross negligence or for any failure to take action in response to an episode of anaphylaxis. Requires any entity that possesses and makes available epinephrine auto-injectors to submit to the DOH a report of each incident on the premises of an authorized entity involving the administration or provision of an epinephrine auto-injector.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (012792): Adds language to the original bill requiring any rule promulgated to implement the provisions of this legislation be provided by the Secretary of State to the chairs of the Health Committee of the House of Representatives and the Health and Welfare Committee of the Senate, after approval of the Attorney General, and at the same time the text of the rule is made available to the Government Operations Committees of the House of Representative and the Senate, respectively, for the purposes of conducting the review provided in Tenn. Code Ann. § 4-5-226, and affording the Health Committee of the House of Representatives and the Health and Welfare Committee of the Senate the opportunity to comment on the rule.

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FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

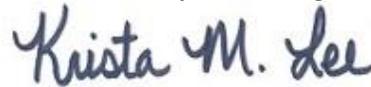
Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- According to the DOH, the department can approve appropriate training guidelines, provide certificates for successful completion of an approved training program, and compile a list of entities which possess and make available epinephrine auto-injectors utilizing existing staff and resources during normal work hours.
- This legislation exempts public or private schools because schools are currently authorized to maintain and administer epinephrine auto-injectors pursuant to Public Chapter 294 of the Public Acts 2013.
- Based on information from Tennessee Higher Education Commission, it is assumed that a majority of campuses currently maintain epinephrine auto-injectors in their on-campus clinics and would be in compliance with the requirements of this legislation.
- This legislation will apply mostly to private entities including, but not limited to: recreational camps, places of worship, youth sports leagues, amusement parks, restaurants, places of employment, and sports arenas. There will be no significant fiscal impact to the state in authorizing such entities to possess and maintain epinephrine auto-injectors.
- The Secretary of State and Attorney General can perform any functions required in amendment 012792 within existing resources.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

/jdb