

ALLOW INHALER/EPINEPHRINE AT CAMPS

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 335 (Substitute S-2)

Sponsor: Sen. Gilda Z. Jacobs

House Committee: Health Policy

Senate Committee: Health Policy

Complete to 6-24-05

A SUMMARY OF SENATE BILL 335 AS PASSED BY THE SENATE 6-9-05

The bill would amend the child care licensing act (Public Act 116 of 1973) to allow a minor child to possess and use a metered dose or dry powder inhaler or an epinephrine auto-injector or inhaler at a children's camp.

Under the bill, if certain conditions (described below) were met, notwithstanding any children's camp policy to the contrary, a minor child could possess and use any of the following at the camp, on camp-sponsored transportation, or at any activity, event, or program sponsored by the camp or in which the child was participating:

- A metered dose inhaler or a dry powder inhaler to alleviate asthmatic symptoms or for use before exercise to prevent the onset of asthmatic symptoms.
- An epinephrine auto-injector (e.g., EpiPen) or epinephrine inhaler to treat anaphylaxis.

A minor child could possess and use the devices only if all of the following conditions were met:

- The child had written approval to possess and use the inhaler or auto-injector from his or her physician or other health care provider authorized by law to prescribe an inhaler or epinephrine auto-injector and from the child's parent or legal guardian.
- The director or other chief administrator of the camp had received a copy of the written approval.
- There was on file at the camp a written emergency care plan that contained specific instructions for the child's needs, that was prepared by a Michigan-licensed physician in collaboration with the child and his or her parent or legal guardian, and that was updated as necessary for changing circumstances.

A children's camp or an owner, director, or employee would not be liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from either of the following:

**** A camp employee's having prohibited a child from using an inhaler or auto-injector because the specified conditions had not been satisfied.**

**** A camp employee's having permitted a child to use or possess an inhaler or auto-injector because the prescribed conditions had been satisfied.**

The bill specifies that this provision would not eliminate, limit, or reduce any other immunity or defense that a camp or an owner, director, or employee could have under other state law.

A camp could request that a child's parent provide an extra inhaler or auto-injector to designated camp personnel for use in case of emergency. A parent or legal guardian, however, could not be required to do so.

A director or other chief administrator of a camp who was aware that a child possessed an inhaler or epinephrine auto-injector as authorized under the bill would have to notify each camp employee who supervised the child of that fact and the bill's provisions.

MCL 722.117a

FISCAL IMPACT:

The bill would have no fiscal impact on the State or on local units of government.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Robert Schneider

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