

SECOND REGULAR SESSION

HOUSE BILL NO. 1082

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FRASER (Sponsor) AND MOORE.

Pre-filed December 3, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2979L.011

AN ACT

To amend chapter 190, RSMo, by adding thereto one new section relating to the use of epinephrine by emergency medical technicians, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 190, RSMo, is amended by adding thereto one new section, to be
2 known as section 190.246, to read as follows:

190.246. 1. As used in this section, the following terms shall mean:

2 **(1) "Eligible person, firm, organization or other entity", an ambulance service or**
3 **advanced life support first response service, a certified first responder, emergency medical**
4 **technician or advanced emergency medical technician who is employed by, or an enrolled**
5 **member, person, firm, organization or entity designated by, rule of the department of**
6 **health in consultation with other appropriate agencies. All such eligible persons, firms,**
7 **organizations or other entities shall be subject to the rules promulgated by the director of**
8 **the department of health;**

9 **(2) "Emergency health care provider":**

10 **(a) A physician licensed pursuant to chapter 334, RSMo, with knowledge and**
11 **experience in the delivery of emergency care; or**

12 **(b) A hospital licensed pursuant to chapter 197, RSMo, that provides emergency**
13 **care.**

14 **2. Any eligible person, firm, organization or other entity may purchase, acquire,**
15 **possess and use epinephrine auto-injector devices pursuant to a collaborative agreement**
16 **with an emergency health care provider. The collaborative agreement shall include a**
17 **written agreement that incorporates written practice protocols, and policies and**
18 **procedures that ensure compliance with the provisions of this section. Such person, firm,**

19 organization or entity shall file a copy of the collaborative agreement with the department
20 of health prior to using any epinephrine auto-injector device.

21 3. Possession and use of epinephrine auto-injector devices shall be limited as
22 follows:

23 (1) No person shall use an epinephrine auto-injector device unless such person has
24 successfully completed a training course in the use of epinephrine auto-injector devices
25 approved by the director of the department of health. Nothing in this section shall prohibit
26 the use of an epinephrine auto-injector device:

27 (a) By a health care professional licensed or certified by this state who is acting
28 within the scope of his or her practice; or

29 (b) By a person acting pursuant to a lawful prescription;

30 (2) Every person, firm, organization and entity authorized to possess and use
31 epinephrine auto-injector devices pursuant to this section shall use, maintain and dispose
32 of such devices in accordance with the rules of the department;

33 (3) Every use of an epinephrine auto-injector device pursuant to this section shall
34 immediately be reported to the emergency health care provider.

35 4. (1) Use of an epinephrine auto-injector device pursuant to this section shall be
36 considered first aid or emergency treatment for the purpose of any law relating to liability.

37 (2) Purchase, acquisition, possession or use of an epinephrine auto-injector device
38 pursuant to this section shall not constitute the unlawful practice of medicine or the
39 unlawful practice of a profession.

40 (3) Any person otherwise authorized to sell or provide an epinephrine auto-injector
41 device may sell or provide it to a person authorized to possess it pursuant to this section.

42 5. Any person, firm, organization or entity that violates the provisions of this
43 section is guilty of a class B misdemeanor.