

FIRST REGULAR SESSION

HOUSE BILL NO. 761

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BARNES (60).

1620H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 196, RSMo, by adding thereto one new section relating to emergency administration of epinephrine by auto-injector.

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

Section A. Chapter 196, RSMo, is amended by adding thereto one new section, to be known as section 196.990, to read as follows:

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

(1) "Administer", the direct application of an epinephrine auto-injector to the body of an individual;

(2) "Authorized entity", any entity or organization at or in connection with which allergens capable of causing anaphylaxis may be present including, but not limited to, restaurants, recreation camps, youth sports leagues, amusement parks, and sports arenas.

"Authorized entity" shall not include any public school or public charter school;

(3) "Epinephrine auto-injector", a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body;

(4) "Physician", a physician licensed in this state under chapter 334;

(5) "Provide", the supply of one or more epinephrine auto-injectors to an individual;

(6) "Self-administration", a person's discretionary use of an epinephrine auto-injector.

2. A physician may prescribe epinephrine auto-injectors in the name of an authorized entity for use in accordance with this section, and pharmacists, physicians, and

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 other persons authorized to dispense prescription medications may dispense epinephrine
18 auto-injectors under a prescription issued in the name of an authorized entity.

19 3. An authorized entity may acquire and stock a supply of epinephrine auto-
20 injectors under a prescription issued in accordance with this section. Such epinephrine
21 auto-injectors shall be stored in a location readily accessible in an emergency and in
22 accordance with the epinephrine auto-injector's instructions for use and any additional
23 requirements established by the department of health and senior services by rule. An
24 authorized entity shall designate employees or agents who have completed the training
25 required under this section to be responsible for the storage, maintenance, and general
26 oversight of epinephrine auto-injectors acquired by the authorized entity.

27 4. An authorized entity that acquires a supply of epinephrine auto-injectors under
28 a prescription issued in accordance with this section shall ensure that:

29 (1) Expected epinephrine auto-injector users receive training in recognizing
30 symptoms of severe allergic reactions including anaphylaxis and the use of epinephrine
31 auto-injectors from a nationally recognized organization experienced in training
32 laypersons in emergency health treatment or another entity or person approved by the
33 department of health and senior services;

34 (2) All epinephrine auto-injectors are maintained and stored according to the
35 epinephrine auto-injector's instructions for use;

36 (3) Any person who provides or administers an epinephrine auto-injector to an
37 individual who the person believes in good faith is experiencing anaphylaxis activates the
38 emergency medical services system as soon as possible; and

39 (4) A proper review of all situations in which an epinephrine auto-injector is used
40 to render emergency care is conducted.

41 5. Any authorized entity that acquires a supply of epinephrine auto-injectors under
42 a prescription issued in accordance with this section shall notify the emergency
43 communications district or the ambulance dispatch center of the primary provider of
44 emergency medical services where the epinephrine auto-injectors are to be located within
45 the entity's facility.

46 6. No person shall provide or administer an epinephrine auto-injector to any
47 individual who is under eighteen years of age without the verbal consent of a parent or
48 guardian who is present at the time when provision or administration of the epinephrine
49 auto-injector is needed. Provided, however, that a person may provide or administer an
50 epinephrine auto-injector to such an individual without the consent of a parent or guardian
51 if the parent or guardian is not physically present and the person reasonably believes the

52 individual shall be in imminent danger without the provision or administration of the
53 epinephrine auto-injector.

54 7. The following persons and entities shall not be liable for any injuries or related
55 damages that result from the administration or self-administration of an epinephrine auto-
56 injector in accordance with this section that may constitute ordinary negligence:

57 (1) An authorized entity that possesses and makes available epinephrine auto-
58 injectors and its employees, agents, and other trained persons;

59 (2) Any person who uses an epinephrine auto-injector made available under this
60 section;

61 (3) A physician that prescribes epinephrine auto-injectors to an authorized entity;
62 or

63 (4) Any person or entity that conducts the training described in this section.
64

65 Such immunity does not apply to acts or omissions constituting a reckless disregard for the
66 safety of others or willful or wanton conduct. The administration of an epinephrine auto-
67 injector in accordance with this section shall not be considered the practice of medicine.
68 The immunity from liability provided under this subsection is in addition to and not in lieu
69 of that provided under section 537.037. An authorized entity located in this state shall not
70 be liable for any injuries or related damages that result from the provision or
71 administration of an epinephrine auto-injector by its employees or agents outside of this
72 state if the entity or its employee or agent are not liable for such injuries or related
73 damages under the laws of the state in which such provision or administration occurred.
74 No trained person who is in compliance with this section and who in good faith and
75 exercising reasonable care fails to administer an epinephrine auto-injector shall be liable
76 for such failure.

77 8. All basic life support ambulances and stretcher vans operated in the state shall
78 be equipped with epinephrine auto-injectors and be staffed by at least one individual
79 trained in the use of epinephrine auto-injectors.

80 9. The provisions of this section shall apply in all counties within the state and any
81 city not within a county.

82 10. Nothing in this section shall be construed as superseding the provisions of
83 section 167.630.

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