

SECOND REGULAR SESSION

[CORRECTED]

HOUSE BILL NO. 1568

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FREDERICK (Sponsor), HINSON, MILLER, ANDERSON,
HURST, CONWAY (104), FRAKER, ENGLISH, REDMON, BAHR,
WHITE AND SHUMAKE (Co-sponsors).

5035L.02I

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:

- 2 **(1) "Administer", the direct application of an epinephrine auto-injector to the body**
3 **of an individual;**
4 **(2) "Authorized entity", any entity or organization at or in connection with which**
5 **allergens capable of causing anaphylaxis may be present, including but not limited to**
6 **restaurants, recreation camps, youth sports leagues, amusement parks, and sports arenas;**
7 **(3) "Epinephrine auto-injector", a single-use device used for the automatic**
8 **injection of a premeasured dose of epinephrine into the human body;**
9 **(4) "Physician", a physician licensed in this state under chapter 334;**
10 **(5) "Provide", the supply of one or more epinephrine auto-injectors to an**
11 **individual;**
12 **(6) "Self-administration", a person's discretionary use of an epinephrine auto-**
13 **injector.**

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.

14 **2. A physician may prescribe epinephrine auto-injectors in the name of an**
15 **authorized entity for use in accordance with this section, and pharmacists, physicians, and**
16 **other persons authorized to dispense prescription medications may dispense epinephrine**
17 **auto-injectors under a prescription issued in the name of an authorized entity.**

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

26 **4. An employee or agent of an authorized entity or any other person who has**
27 **completed the training required under this section may use epinephrine auto-injectors**
28 **prescribed under this section on the premises of or in connection with the authorized entity**
29 **to:**

30 **(1) Provide an epinephrine auto-injector to any individual who the employee, agent,**
31 **or other person believes in good faith is experiencing anaphylaxis for immediate self-**
32 **administration, regardless of whether the individual has a prescription for an epinephrine**
33 **auto-injector or has previously been diagnosed with an allergy;**

34 **(2) Administer an epinephrine auto-injector to any individual who the employee,**
35 **agent, or other person believes in good faith is experiencing anaphylaxis, regardless of**
36 **whether the individual has a prescription for an epinephrine auto-injector or has**
37 **previously been diagnosed with an allergy.**

38 **5. An employee, agent, or other person described in subsection 4 of this section shall**
39 **successfully complete an anaphylaxis training program prior to providing or administering**
40 **an epinephrine auto-injector made available by an authorized entity and at least every two**
41 **years following successful completion of the initial anaphylaxis training program. Such**
42 **training shall be conducted by a nationally recognized organization experienced in training**
43 **laypersons in emergency health treatment or other entity or person approved by the**
44 **department of health and senior services. Training may be conducted online or in person**
45 **and, at a minimum, shall cover:**

46 **(1) Techniques on how to recognize symptoms of severe allergic reactions, including**
47 **anaphylaxis;**

48 **(2) Standards and procedures for the storage and administration of an epinephrine**
49 **auto-injector; and**

50 **(3) Emergency follow-up procedures.**

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52 **The entity that conducts the training shall issue a certificate, on a form developed or**
53 **approved by the department of health and senior services, to each person who successfully**
54 **completes the anaphylaxis training program.**

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

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

61 **(2) Any person who uses an epinephrine auto-injector made available under this**
62 **section;**

63 **(3) A physician that prescribes epinephrine auto-injectors to an authorized entity;**
64 **or**

65 **(4) Any person or entity that conducts the training described in subsection 5 of this**
66 **section.**

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68 **Such immunity does not apply to acts or omissions constituting gross, willful, or wanton**
69 **negligence. The administration of an epinephrine auto-injector in accordance with this**
70 **section shall not be considered the practice of medicine. The immunity from liability**
71 **provided under this subsection is in addition to and not in lieu of that provided under**
72 **section 537.037. An authorized entity located in this state shall not be liable for any**
73 **injuries or related damages that result from the provision or administration of an**
74 **epinephrine auto-injector by its employees or agents outside of this state if the entity or its**
75 **employee or agent are not liable for such injuries or related damages under the laws of the**
76 **state in which such provision or administration occurred.**

77 **7. An authorized entity that possesses and makes available epinephrine auto-**
78 **injectors shall submit to the department of health and senior services, on a form developed**
79 **by the department, a report of each incident on the authorized entity's premises involving**
80 **the administration of an epinephrine auto-injector. The department shall annually publish**
81 **a report that summarizes all reports submitted to it under this subsection, but does not**
82 **include any identifying information regarding the persons to whom such epinephrine auto-**
83 **injectors were administered.**

84 **8. An authorized entity that acquires a stock supply of epinephrine auto-injectors**
85 **under a prescription issued in accordance with this section may make such epinephrine**

86 auto-injectors available to individuals other than the trained persons described in
87 subsection 4 of this section if the epinephrine auto-injectors are stored in a locked secure
88 container and are made available only upon remote authorization by a physician by audio,
89 televideo, or other similar means of electronic communication. Consultation with a
90 physician for such purpose shall not be considered the practice of telemedicine or
91 otherwise be construed as violating any law or rule regulating the physician's professional
92 practice.

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