

SECOND REGULAR SESSION

HOUSE BILL NO. 1960

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SCHUPP (Sponsor), WALTON GRAY,
NORR AND KELLY (45) (Co-sponsors).

5717L.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;

(3) "Authorized health care provider", any individual allowed by law to prescribe and administer prescription drugs in the course of his or her professional practice;

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

(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. An authorized health care provider may prescribe epinephrine auto-injectors in the name of an authorized entity for use in accordance with this section, and pharmacists,

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

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

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

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

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

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

48 (1) Techniques on how to recognize symptoms of severe allergic reactions, including
49 anaphylaxis;

50 (2) Standards and procedures for the storage and administration of an epinephrine
51 auto-injector; and

52 (3) Emergency follow-up procedures.

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

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

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

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

64 (3) An authorized health care provider that prescribes epinephrine auto-injectors
65 to an authorized entity; or

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

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

78 7. An authorized entity that possesses and makes available epinephrine auto-
79 injectors shall submit to the department of health and senior services, on a form developed
80 by the department, a report of each incident on the authorized entity's premises involving
81 the administration of an epinephrine auto-injector. The department shall annually publish
82 a report that summarizes all reports submitted to it under this subsection.

83 8. An authorized entity that acquires a stock supply of epinephrine auto-injectors
84 under a prescription issued in accordance with this section may make such epinephrine
85 auto-injectors available to individuals other than the trained persons described in
86 subsection 4 of this section if the epinephrine auto-injectors are stored in a locked secure
87 container and are made available only upon remote authorization by an authorized health
88 care provider after consultation with the authorized health care provider by audio,

89 **televideo, or other similar means of electronic communication. Consultation with an**
90 **authorized health care provider for such purpose shall not be considered the practice of**
91 **telemedicine or otherwise be construed as violating any law or rule regulating the**
92 **authorized health care provider's professional practice.**

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