

HB 1568 -- EMERGENCY USE OF EPINEPHRINE (Frederick)

COMMITTEE OF ORIGIN: Committee on Health Care Policy

This bill changes the laws regarding the possession and use of an epinephrine auto-injector in an emergency situation.

In its main provisions, the bill:

(1) Defines "authorized entity" as 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;

(2) Allows a physician to prescribe epinephrine auto-injectors in the name of an authorized entity for use in accordance with the provisions of the bill, and pharmacists, physicians, and other persons authorized to dispense prescription medications may dispense epinephrine auto-injectors under a prescription issued in the name of an authorized entity;

(3) Permits an authorized entity to acquire and stock a supply of epinephrine auto-injectors under a prescription issued in accordance with the provisions of the bill. The epinephrine auto-injectors must be stored in a location readily accessible in an emergency and in accordance with the epinephrine auto-injector's instructions for use and any additional requirements established by the Department of Health and Senior Services by rule. An authorized entity must designate employees or agents who have completed the training required under the provisions of the bill to be responsible for the storage, maintenance, and general oversight of epinephrine auto-injectors acquired by the authorized entity;

(4) Allows an employee or agent of an authorized entity or any other person who has completed the training required by the provisions of the bill to use epinephrine auto-injectors prescribed under the provisions of the bill on the premises of or in connection with the authorized entity to:

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

(b) Administer an epinephrine auto-injector to any individual who the employee, agent, or other person believes in good faith is

experiencing anaphylaxis, regardless of whether the individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy;

(5) Requires an employee, agent, or other person to successfully complete an anaphylaxis training program prior to providing or administering an epinephrine auto-injector made available by an authorized entity and at least every two years following successful completion of the initial anaphylaxis training program. The training must be conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment or other entity or person approved by the department. The entity that conducts the training must issue a certificate, on a form developed or approved by the department, to each person who successfully completes the anaphylaxis training program. Training may be conducted on-line or in person and, at a minimum, must cover:

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

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

(c) Emergency follow-up procedures;

(6) Protects the following persons and entities from liability for any injuries or related damages that result from the administration of, self-administration of, or failure to administer an epinephrine auto-injector in accordance with the provisions of the bill that may constitute ordinary negligence:

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

(b) Any person who uses an epinephrine auto-injector made available under the provisions of the bill;

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

(d) Any person or entity that conducts the required training;

(7) Specifies that the immunity does not apply to acts or omissions constituting gross, willful, or wanton negligence. The administration of an epinephrine auto-injector in accordance with the provisions of the bill must not be considered the practice of medicine. The immunity from liability provided under the provisions of the bill is in addition to and not in lieu of that

provided under Section 537.037, RSMo. An authorized entity located in Missouri must not be liable for any injuries or related damages that result from the provision or administration of an epinephrine auto-injector by its employees or agents outside of Missouri if the entity or its employee or agent are not liable for the injuries or related damages under the laws of the state in which the provision or administration occurred;

(8) Requires an authorized entity that possesses and makes available epinephrine auto-injectors to submit to the department, on a form developed by the department, a report of each incident on the authorized entity's premises involving the administration of an epinephrine auto-injector. The department must annually publish a report that summarizes all reports submitted to it under the provisions of the bill, but does not include any identifying information regarding the persons to whom the epinephrine auto-injectors were administered; and

(9) Allows an authorized entity that acquires a stock supply of epinephrine auto-injectors under a prescription issued in accordance with the provisions of the bill to make the epinephrine auto-injectors available to individuals other than trained persons if the epinephrine auto-injectors are stored in a locked secure container and are made available only upon remote authorization by a physician by audio, televideo, or other similar means of electronic communication. Consultation with a physician for this purpose must not be considered the practice of telemedicine or otherwise be construed as violating any law or rule regulating the physician's professional practice.