

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 677, Page 1, Section 196.990, Line 6, by
2 deleting the word "arenas." and inserting in lieu thereof the word "arenas"; and

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4 Further amend said bill, page, and section, Line 7, by deleting all of said line and inserting in lieu
5 thereof the following:

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7 "(3) "Caretaker", a person or entity under whose care a child has been entrusted by such
8 child's parent or guardian for consideration;"; and

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10 Further amend said bill, page, and section, by renumbering subsequent subdivisions accordingly;
11 and

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13 Further amend said bill and section, Page 2, Lines 28 through 41, by deleting all of said lines and
14 inserting in lieu thereof the following:

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

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

23 (2) Administer an epinephrine auto-injector to any individual who the employee, agent, or
24 other person believes in good faith is experiencing anaphylaxis, regardless of whether the individual
25 has a prescription for an epinephrine auto-injector or has previously been diagnosed with an
26 allergy."; and

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28 Further amend said bill, page, and section, Lines 42 through 48, by deleting all of said lines and
29 inserting in lieu thereof the following:

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31 "5. Notwithstanding the provisions of subsection 4 of this section, no employee or agent of
32 an authorized entity shall provide or administer an epinephrine auto-injector to any individual who
33 is under twelve years of age without the oral consent of a parent or"; and

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35 Further amend said bill, page, and section, Line 50, by deleting the words "a person" and inserting
36 in lieu thereof the words "an employee or agent of an authorized entity"; and

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Further amend said bill, page, and section, Line 53, by deleting the word "person" and inserting in lieu thereof the words "employee or agent"; and

Further amend said bill, page, and section, Line 54, by inserting after all of said line the following:

" 6. An employee, agent, or other person described in subsection 4 of this section shall 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. Such training shall be conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment or another entity or person approved by the department of health and senior services. Training may be conducted online or in person and, at a minimum, shall cover:

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

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

(3) Emergency follow-up procedures.

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

Further amend said bill and section, Page 3, Line 56, by deleting all of said line and inserting in lieu thereof the following:

"damages that result from the administration of, self-administration of, or failure to administer an epinephrine auto-"; and

Further amend said bill, page, and section, Line 64, by inserting immediately after the words "described in" the words "subsection 6 of"; and

Further amend said bill, page, and section, Line 66, by deleting the word "does" and inserting in lieu thereof the word "shall"; and

Further amend said bill, page, and section, Lines 74 through 84, by deleting all of said lines and inserting in lieu thereof the following:

"the laws of the state in which such provision or administration occurred.

8. No immunity provided under this section shall apply to a caretaker if the individual who experienced anaphylaxis:

(1) Was a minor child;

(2) Had a known allergy at the time of anaphylaxis;

(3) Was under the care or supervision of a caretaker other than a parent or guardian of the individual;

(4) Was prescribed an epinephrine auto-injector;

(5) Was not administered an epinephrine auto-injector by a caretaker; and

(6) Had an epinephrine auto-injector available to him or her at the time of anaphylaxis due

1 to one of following:

2 (a) The minor child being in possession of his or her epinephrine auto-injector, an
3 epinephrine auto-injector present on the premises where the anaphylaxis occurred, or the caretaker
4 being in possession of an epinephrine auto-injector;

5 (b) The parent of guardian of the minor child providing an epinephrine auto-injector to the
6 caretaker; or

7 (c) The caretaker representing to the parent or guardian of the minor child that an
8 epinephrine auto-injector is available on the premises where the anaphylaxis occurred.

9 9. No immunity provided under this section shall apply to any licensed health care provider
10 if the administration of an epinephrine auto-injector is within his or her scope of practice except
11 when the alleged liability is based upon:

12 (1) Such provider's actions in prescribing or dispensing the prescription; or

13 (2) Such provider's actions in providing training to authorized entities under this section.

14 10. An authorized entity that possesses and makes available epinephrine auto-injectors shall
15 submit to the department of health and senior services, on a form developed by the department, a
16 report of each incident on the authorized entity's premises involving the administration of an
17 epinephrine auto-injector. The department shall annually publish a report that summarizes all
18 reports submitted to it under this subsection, but shall not include any identifying information
19 regarding the persons to whom such epinephrine auto-injectors were administered.

20 11. An authorized entity that acquires a stock supply of epinephrine auto-injectors under a
21 prescription issued in accordance with this section may make such epinephrine auto-injectors
22 available to individuals other than the trained persons described in subsection 4 of this section if the
23 epinephrine auto-injectors are stored in a locked secure container in accordance with manufacturer
24 specifications and are made available only upon remote authorization by a physician via audio,
25 televideo, or other similar means of electronic communication. Consultation with a physician for
26 such purpose shall not be considered the practice of telemedicine or otherwise be construed as
27 violating any law or rule regulating the physician's professional practice."; and

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29 Further amend said bill by amending the title, enacting clause, and intersectional references
30 accordingly.