

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 544, Page 42, Section 173.2712, Line 15, by
2 inserting after all of said section and line the following:

3
4 "196.990. 1. As used in this section, the following terms shall mean:

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

6 (2) "Authorized entity", any entity or organization at or in connection with which allergens capable
7 of causing anaphylaxis may be present including, but not limited to, qualified first responders, as such term is
8 defined in section 321.621, restaurants, recreation camps, youth sports leagues, amusement parks, and sports
9 arenas. "Authorized entity" shall not include any public school or public charter school;

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

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

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

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

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

19 3. An authorized entity may acquire and stock a supply of epinephrine auto-injectors under a
20 prescription issued in accordance with this section. Such epinephrine auto-injectors shall be stored in a
21 location readily accessible in an emergency and in accordance with the epinephrine auto-injector's
22 instructions for use and any additional requirements established by the department of health and senior
23 services by rule. An 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 oversight of
25 epinephrine auto-injectors acquired by the authorized entity.

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

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

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

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

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

39 5. Any authorized entity that acquires a supply of epinephrine auto-injectors under a prescription
40 issued in accordance with this section shall notify the emergency communications district or the ambulance

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1 dispatch center of the primary provider of emergency medical services where the epinephrine auto-injectors
2 are to be located within the entity's facility.

3 6. No person shall provide or administer an epinephrine auto-injector to any individual who is under
4 eighteen years of age without the verbal consent of a parent or guardian who is present at the time when
5 provision or administration of the epinephrine auto-injector is needed. Provided, however, that a person may
6 provide or administer an epinephrine auto-injector to such an individual without the consent of a parent or
7 guardian if the parent or guardian is not physically present and the person reasonably believes the individual
8 shall be in imminent danger without the provision or administration of the epinephrine auto-injector.

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

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

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

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

16 (4) Any person or entity that conducts the training described in this section.
17

18 Such immunity does not apply to acts or omissions constituting a reckless disregard for the safety of others or
19 willful or wanton conduct. The administration of an epinephrine auto-injector in accordance with this section
20 shall not be considered the practice of medicine. The immunity from liability provided under this subsection
21 is in addition to and not in lieu of that provided under section 537.037. An authorized entity located in this
22 state shall not be liable for any injuries or related damages that result from the provision or administration of
23 an epinephrine auto-injector by its employees or agents outside of this state if the entity or its employee or
24 agent is not liable for such injuries or related damages under the laws of the state in which such provision or
25 administration occurred. No trained person who is in compliance with this section and who in good faith and
26 exercising reasonable care fails to administer an epinephrine auto-injector shall be liable for such failure.

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

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

32 10. Nothing in this section shall be construed as superseding the provisions of section 167.630."; and
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34 Further amend said bill, Page 43, Section 285.040, Line 2, by inserting after all of said section and line the
35 following:
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37 "321.621. 1. For the purposes of this section, "qualified first responder" shall mean any state and
38 local law enforcement agency staff, fire department personnel, fire district personnel, or licensed emergency
39 medical technician who is acting under the directives and established protocols of a medical director who
40 comes in contact with a person suffering from an anaphylactic reaction and who has received training in
41 recognizing and responding to anaphylactic reactions and the administration of epinephrine auto-injector
42 devices to a person suffering from an apparent anaphylactic reaction. "Qualified first responder agencies"
43 shall mean any state or local law enforcement agency, fire department, or ambulance service that provides
44 documented training to its staff related to the administration of epinephrine auto-injector devices in an
45 apparent anaphylactic reaction.

46 2. The director of the department of health and senior services, if a licensed physician, may issue a
47 statewide standing order for epinephrine auto-injector devices for adult patients to fire protection districts in
48 nonmetropolitan areas in Missouri as such areas are determined according to the United States Census
49 Bureau's American Community Survey, based on the most recent of five-year period estimate data in which
50 the final year of the estimate ends in either zero or five. If the director of the department of health and senior
51 services is not a licensed physician, the department of health and senior services may employ or contract with
52 a licensed physician who may issue such a statewide order with the express consent of the director.

53 3. Possession and use of epinephrine auto-injector devices for adult patients shall be limited as

1 follows:

2 (1) No person shall use an epinephrine auto-injector device pursuant to this section unless such
3 person has successfully completed a training course in the use of epinephrine auto-injector devices for adult
4 patients approved by the director of the department of health and senior services. Nothing in this section
5 shall prohibit the use of an epinephrine auto-injector device:

6 (a) By a health care professional licensed or certified by this state who is acting within the scope of
7 his or her practice; or

8 (b) By a person acting pursuant to a lawful prescription;

9 (2) Every person, firm, organization and entity authorized to possess and use epinephrine auto-
10 injector devices for adult patients pursuant to this section shall use, maintain and dispose of such devices for
11 adult patients in accordance with the rules of the department;

12 (3) Every use of an epinephrine auto-injector device pursuant to this section shall immediately be
13 reported to the emergency health care provider as defined in section 190.246.

14 4. (1) Use of an epinephrine auto-injector device pursuant to this section shall be considered first aid
15 or emergency treatment for the purpose of any law relating to liability.

16 (2) Purchase, acquisition, possession or use of an epinephrine auto-injector device pursuant to this
17 section shall not constitute the unlawful practice of medicine or the unlawful practice of a profession.

18 (3) Any person otherwise authorized to sell or provide an epinephrine auto-injector device may sell
19 or provide it to a person authorized to possess it pursuant to this section.

20 5. (1) There is hereby created in the state treasury the "Epinephrine Auto-injector Devices for Fire
21 Personnel Fund", which shall consist of money collected under this section. The state treasurer shall be
22 custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve
23 disbursements. The moneys in the fund as set forth in this section shall be subject to appropriation by the
24 general assembly for the particular purpose for which collected. The fund shall be a dedicated fund and
25 money in the fund shall be used solely by the department of health and senior services for the purposes of
26 providing epinephrine auto-injector devices for adult patients to qualified first responder agencies as used in
27 this section.

28 (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the
29 fund at the end of the biennium shall not revert to the credit of the general revenue fund.

30 (3) The state treasurer shall invest moneys in the fund in the same manner as other funds are
31 invested. Any interest and moneys earned on such investments shall be credited to the fund."; and
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33 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.