

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 913 & 428, Page 1, Section A, Line 2, by
2 inserting after all of said section and line the following:

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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
6 individual;

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

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

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

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

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

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

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

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

Action Taken _____ Date _____

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

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

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

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

12 5. Any authorized entity that acquires a supply of epinephrine auto-injectors under a
13 prescription issued in accordance with this section shall notify the emergency communications
14 district or the ambulance dispatch center of the primary provider of emergency medical services
15 where the epinephrine auto-injectors are to be located within the entity's facility.

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

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

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

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

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

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

31
32 Such immunity does not apply to acts or omissions constituting a reckless disregard for the safety of
33 others or willful or wanton conduct. The administration of an epinephrine auto-injector in
34 accordance with this section shall not be considered the practice of medicine. The immunity from
35 liability provided under this subsection is in addition to and not in lieu of that provided under
36 section 537.037. An authorized entity located in this state shall not be liable for any injuries or
37 related damages that result from the provision or administration of an epinephrine auto-injector by
38 its employees or agents outside of this state if the entity or its employee or agent is not liable for
39 such injuries or related damages under the laws of the state in which such provision or

1 administration occurred. No trained person who is in compliance with this section and who in good
2 faith and exercising reasonable care fails to administer an epinephrine auto-injector shall be liable
3 for such failure.

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

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

9 10. Nothing in this section shall be construed as superseding the provisions of section
10 167.630."; and

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12 Further amend said bill, Page 4, Section 210.211, Line 95, by inserting after all of said section and
13 line the following:

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15 "210.225. 1. (1) Before July 1, 2025, each licensed child care provider shall adopt a policy
16 on allergy prevention and response with priority given to addressing potentially deadly food-borne
17 allergies. Such policy shall contain, but shall not be limited to, the following elements:

18 (a) Distinguishing between building-wide, room-level, and individual approaches to allergy
19 prevention and management;

20 (b) Providing an age-appropriate response to building-level and room-level allergy
21 education and prevention;

22 (c) Describing the role of child care facility staff in determining how to manage an allergy
23 problem, whether through a plan prepared for a child under Section 504 of the Rehabilitation Act of
24 1973, as amended, for a child with an allergy that has been determined to be a disability, an
25 individualized health plan for a child who has an allergy that is not disabling, or another allergy
26 management plan;

27 (d) Describing the role of other children and parents in cooperating to prevent and mitigate
28 allergies;

29 (e) Addressing confidentiality issues involved with sharing medical information, including
30 specifying when parental permission is required to make medical information available; and

31 (f) Coordinating with the department of elementary and secondary education, local health
32 authorities, and other appropriate entities to ensure efficient promulgation of accurate information
33 and to ensure that existing child care facility safety and environmental policies do not conflict.

34 (2) Such policies may contain information from or links to child care facility allergy
35 prevention information furnished by the food allergy and anaphylaxis network or equivalent
36 organization with a medical advisory board that has allergy specialists.

37 2. The department of elementary and secondary education shall, in cooperation with any
38 appropriate professional association, develop a model policy or policies before July 1, 2024."; and
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- 1 Further amend said bill by amending the title, enacting clause, and intersectional references
- 2 accordingly.