

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Bill No. 398, Page 2, Section 192.2521, Line 5, by inserting after all of said section  
2 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~~] delivery device to  
6 the body of an 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~~] delivery device", a single-use device used for the  
13 [~~automatic injection~~] delivery of a 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~~] delivery devices to an  
16 individual;

17 (6) "Self-administration", a person's discretionary use of an epinephrine [~~auto-injector~~]  
18 delivery device.

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

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

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1           4. An authorized entity that acquires a supply of epinephrine [~~auto-injectors~~] delivery  
2 devices under a prescription issued in accordance with this section shall ensure that:

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

8           (2) All epinephrine [~~auto-injectors~~] delivery devices are maintained and stored according to  
9 the epinephrine [~~auto-injector's~~] delivery device's instructions for use;

10           (3) Any person who provides or administers an epinephrine [~~auto-injector~~] delivery device  
11 to an individual who the person believes in good faith is experiencing anaphylaxis activates the  
12 emergency medical services system as soon as possible; and

13           (4) A proper review of all situations in which an epinephrine [~~auto-injector~~] delivery device  
14 is used to render emergency care is conducted.

15           5. Any authorized entity that acquires a supply of epinephrine [~~auto-injectors~~] delivery  
16 devices under a prescription issued in accordance with this section shall notify the emergency  
17 communications district or the ambulance dispatch center of the primary provider of emergency  
18 medical services where the epinephrine [~~auto-injectors~~] delivery devices are to be located within the  
19 entity's facility.

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

28           7. The following persons and entities shall not be liable for any injuries or related damages  
29 that result from the administration or self-administration of an epinephrine [~~auto-injector~~] delivery  
30 device in accordance with this section that may constitute ordinary negligence:

31           (1) An authorized entity that possesses and makes available epinephrine [~~auto-injectors~~]  
32 delivery devices and its employees, agents, and other trained persons;

33           (2) Any person who uses an epinephrine [~~auto-injector~~] delivery device made available  
34 under this section;

35           (3) A physician that prescribes epinephrine [~~auto-injectors~~] delivery devices to an  
36 authorized entity; or

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

38  
39 Such immunity does not apply to acts or omissions constituting a reckless disregard for the safety of

1 others or willful or wanton conduct. The administration of an epinephrine [~~auto-injector~~] delivery  
 2 device in accordance with this section shall not be considered the practice of medicine. The  
 3 immunity from liability provided under this subsection is in addition to and not in lieu of that  
 4 provided under section 537.037. An authorized entity located in this state shall not be liable for any  
 5 injuries or related damages that result from the provision or administration of an epinephrine [~~auto-~~  
 6 ~~injector~~] delivery device by its employees or agents outside of this state if the entity or its employee  
 7 or agent is not liable for such injuries or related damages under the laws of the state in which such  
 8 provision or administration occurred. No trained person who is in compliance with this section and  
 9 who in good faith and exercising reasonable care fails to administer an epinephrine [~~auto-injector~~]  
 10 delivery device shall be liable for such failure.

11 8. All basic life support ambulances and stretcher vans operated in the state shall be  
 12 equipped with epinephrine [~~auto-injectors~~] delivery devices and be staffed by at least one individual  
 13 trained in the use of epinephrine [~~auto-injectors~~] delivery devices.

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

16 10. Nothing in this section shall be construed as superseding the provisions of section  
 17 167.630."; and

18  
 19 Further amend said bill, Page 3, Section 210.030, Line 32, by inserting after all of said section and  
 20 line the following:

21  
 22 "210.225. 1. This section shall be known and may be cited as "Elijah's Law".

23 2. (1) Before July 1, 2027, each licensed child care provider shall adopt a policy on allergy  
 24 prevention and response with priority given to addressing potentially deadly food-borne allergies.  
 25 Such policy shall contain, but shall not be limited to, the following elements:

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

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

30 (c) Describing the role of child care facility staff in determining how to manage an allergy  
 31 problem, whether through a plan prepared for a child under Section 504 of the Rehabilitation Act of  
 32 1973, as amended, for a child with an allergy that has been determined to be a disability, an  
 33 individualized health plan for a child who has an allergy that is not disabling, or another allergy  
 34 management plan;

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

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

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

4           (2) Such policies may contain information from or links to child care facility allergy  
5 prevention information furnished by the Food Allergy & Anaphylaxis Network or equivalent  
6 organization with a medical advisory board that has allergy specialists.

7           3. The department of elementary and secondary education shall, in cooperation with any  
8 appropriate professional association, develop a model policy or policies before July 1, 2026."; and

9  
10 Further amend said bill by amending the title, enacting clause, and intersectional references  
11 accordingly.