

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 26
98TH GENERAL ASSEMBLY

Reported from the Committee on General Laws and Pensions, January 29, 2015, with recommendation that the Senate Committee Substitute do pass.

0485S.02C

ADRIANE D. CROUSE, Secretary.

AN ACT

To amend chapter 196, RSMo, by adding thereto one new section relating to emergency administration of epinephrine by auto-injector.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 196, RSMo, is amended by adding thereto one new
2 section, to be known as section 196.990, to read as follows:

**196.990. 1. As used in this section, the following terms shall
2 mean:**

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

5 **(2) "Authorized entity", any entity or organization at or in
6 connection with which allergens capable of causing anaphylaxis may
7 be present, including but not limited to restaurants, recreation camps,
8 youth sports leagues, amusement parks, and sports arenas;**

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

12 **(4) "Physician", a physician licensed in this state under chapter
13 334;**

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

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

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

21 prescription medications may dispense epinephrine auto-injectors
22 under a prescription issued in the name of an authorized entity.

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

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

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

42 (2) Administer an epinephrine auto-injector to any individual
43 who the employee, agent, or other person believes in good faith is
44 experiencing anaphylaxis, regardless of whether the individual has a
45 prescription for an epinephrine auto-injector or has previously been
46 diagnosed with an allergy.

47 5. Notwithstanding the provisions of subsection 4 of this section,
48 an employee or agent of an authorized entity shall not provide or
49 administer an epinephrine auto-injector to any individual who is
50 twelve years of age or younger without the verbal consent of a parent
51 or guardian who is present at the time when provision or
52 administration of the epinephrine auto-injector is needed. Provided,
53 however, that an employee or agent of an authorized entity may
54 provide or administer an epinephrine auto-injector to such an
55 individual without the consent of a parent or guardian if the parent or
56 guardian is not physically present and the employee or agent
57 reasonably believes the individual shall be in imminent danger without

58 the provision or administration of the epinephrine auto-injector.

59 **6. An employee, agent, or other person described in subsection**
60 **4 of this section shall successfully complete an anaphylaxis training**
61 **program prior to providing or administering an epinephrine auto-**
62 **injector made available by an authorized entity and at least every two**
63 **years following successful completion of the initial anaphylaxis**
64 **training program. Such training shall be conducted by a nationally**
65 **recognized organization experienced in training laypersons in**
66 **emergency health treatment or other entity or person approved by the**
67 **department of health and senior services. Training may be conducted**
68 **online or in person and, at a minimum, shall cover:**

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

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

73 **(3) Emergency follow-up procedures.**

74 **The entity that conducts the training shall issue a certificate, on a form**
75 **developed or approved by the department of health and senior services,**
76 **to each person who successfully completes the anaphylaxis training**
77 **program.**

78 **7. The following persons and entities shall not be liable for any**
79 **injuries or related damages that result from the administration of, self-**
80 **administration of, or failure to administer an epinephrine auto-injector**
81 **in accordance with this section that may constitute ordinary**
82 **negligence:**

83 **(1) An authorized entity that possesses and makes available**
84 **epinephrine auto-injectors and its employees, agents, and other trained**
85 **persons;**

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

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

90 **(4) Any person or entity that conducts the training described in**
91 **subsection 6 of this section.**

92 **Such immunity does not apply to acts or omissions constituting gross**
93 **negligence or willful or wanton conduct. The administration of an**
94 **epinephrine auto-injector in accordance with this section shall not be**

95 considered the practice of medicine. The immunity from liability
96 provided under this subsection is in addition to and not in lieu of that
97 provided under section 537.037. An authorized entity located in this
98 state shall not be liable for any injuries or related damages that result
99 from the provision or administration of an epinephrine auto-injector
100 by its employees or agents outside of this state if the entity or its
101 employee or agent are not liable for such injuries or related damages
102 under the laws of the state in which such provision or administration
103 occurred.

104 8. An authorized entity that possesses and makes available
105 epinephrine auto-injectors shall submit to the department of health and
106 senior services, on a form developed by the department, a report of
107 each incident on the authorized entity's premises involving the
108 administration of an epinephrine auto-injector. The department shall
109 annually publish a report that summarizes all reports submitted to it
110 under this subsection, but shall not include any identifying information
111 regarding the persons to whom such epinephrine auto-injectors were
112 administered.

113 9. An authorized entity that acquires a stock supply of
114 epinephrine auto-injectors under a prescription issued in accordance
115 with this section may make such epinephrine auto-injectors available
116 to individuals other than the trained persons described in subsection
117 4 of this section if the epinephrine auto-injectors are stored in a locked
118 secure container in accordance with manufacturer specifications and
119 are made available only upon remote authorization by a physician via
120 audio, televideo, or other similar means of electronic
121 communication. Consultation with a physician for such purpose shall
122 not be considered the practice of telemedicine or otherwise be
123 construed as violating any law or rule regulating the physician's
124 professional practice.

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