

FIRST REGULAR SESSION

SENATE BILL NO. 26

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Pre-filed December 1, 2014, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0485S.01I

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 section, to be known as section 196.990, to read as follows:

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

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

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

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

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

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

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

2. A physician may prescribe epinephrine auto-injectors in the name of an authorized entity for use in accordance with this section, and pharmacists, physicians, and other persons authorized to dispense 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 or may be reached by phone at the time
52 when provision or administration of the epinephrine auto-injector is
53 needed. Provided, however, that an employee or agent of an authorized
54 entity may provide or administer an epinephrine auto-injector to such
55 an individual without the consent of a parent or guardian if the parent
56 or guardian is not physically present and is not available by phone and
57 the employee or agent reasonably believes the individual shall be in
58 imminent danger without the provision or administration of the

59 epinephrine auto-injector.

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

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

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

74 (3) Emergency follow-up procedures.

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

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

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

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

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

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

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

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

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

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

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