

SECOND REGULAR SESSION

SENATE BILL NO. 677

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Pre-filed December 1, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4546S.011

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 authorized entity that acquires a supply of epinephrine
34 auto-injectors under a prescription issued in accordance with this
35 section shall ensure that:

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

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

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

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

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

56 6. No person shall provide or administer an epinephrine auto-
57 injector to any individual who is under eighteen years of age without
58 the verbal consent of a parent or guardian who is present at the time

59 when provision or administration of the epinephrine auto-injector is
60 needed. Provided, however, that a person may provide or administer
61 an epinephrine auto-injector to such an individual without the consent
62 of a parent or guardian if the parent or guardian is not physically
63 present and the person reasonably believes the individual shall be in
64 imminent danger without the provision or administration of the
65 epinephrine auto-injector.

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

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

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

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

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

79 Such immunity does not apply to acts or omissions constituting a
80 reckless disregard for the safety of others or willful or wanton
81 conduct. The administration of an epinephrine auto-injector in
82 accordance with this section shall not be considered the practice of
83 medicine. The immunity from liability provided under this subsection
84 is in addition to and not in lieu of that provided under section 537.037.
85 An authorized entity located in this state shall not be liable for any
86 injuries or related damages that result from the provision or
87 administration of an epinephrine auto-injector by its employees or
88 agents outside of this state if the entity or its employee or agent are not
89 liable for such injuries or related damages under the laws of the state
90 in which such provision or administration occurred. No trained person
91 who is in compliance with this section and who in good faith and
92 exercising reasonable care fails to administer an epinephrine auto-
93 injector shall be liable for such failure.

94 8. All basic life support ambulances and stretcher vans operated
95 in the state shall be equipped with epinephrine auto-injectors and be

96 **staffed by at least one individual trained in the use of epinephrine**
97 **auto-injectors.**

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

✓

Unofficial

Bill

Copy