

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 677

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

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

Read 2nd time January 11, 2016, and referred to the Committee on Veterans' Affairs and Health.

Reported from the Committee January 21, 2016, with recommendation that the bill do pass.

Taken up for Perfection February 3, 2016. Bill declared Perfected and Ordered Printed, as amended.

ADRIANE D. CROUSE, Secretary.

4546S.01P

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. "Authorized
9 entity" shall not include any public school or public charter school;**

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

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

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

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

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

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

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

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

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

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

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

51 **5. Any authorized entity that acquires a supply of epinephrine**
52 **auto-injectors under a prescription issued in accordance with this**
53 **section shall notify the emergency communications district or the**

54 ambulance dispatch center of the primary provider of emergency
55 medical services where the epinephrine auto-injectors are to be located
56 within the entity's facility.

57 **6. No person shall provide or administer an epinephrine auto-**
58 **injector to any individual who is under eighteen years of age without**
59 **the verbal consent of a parent or guardian who is present at the time**
60 **when provision or administration of the epinephrine auto-injector is**
61 **needed. Provided, however, that a person may provide or administer**
62 **an epinephrine auto-injector to such an individual without the consent**
63 **of a parent or guardian if the parent or guardian is not physically**
64 **present and the person reasonably believes the individual shall be in**
65 **imminent danger without the provision or administration of the**
66 **epinephrine auto-injector.**

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

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

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

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

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

80 **Such immunity does not apply to acts or omissions constituting a**
81 **reckless disregard for the safety of others or willful or wanton**
82 **conduct. The administration of an epinephrine auto-injector in**
83 **accordance with this section shall not be considered the practice of**
84 **medicine. The immunity from liability provided under this subsection**
85 **is in addition to and not in lieu of that provided under section 537.037.**
86 **An authorized entity located in this state shall not be liable for any**
87 **injuries or related damages that result from the provision or**
88 **administration of an epinephrine auto-injector by its employees or**
89 **agents outside of this state if the entity or its employee or agent are not**
90 **liable for such injuries or related damages under the laws of the state**

91 in which such provision or administration occurred. No trained person
92 who is in compliance with this section and who in good faith and
93 exercising reasonable care fails to administer an epinephrine auto-
94 injector shall be liable for such failure.

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

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

101 10. Nothing in this section shall be construed as superceding the
102 provisions of section 167.630.

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Bill

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