

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 617
100TH GENERAL ASSEMBLY

Reported from the Committee on Health and Pensions, February 13, 2020, with recommendation that the Senate Committee Substitute do pass.

3762S.03C

ADRIANE D. CROUSE, Secretary.

AN ACT

To amend chapter 321, RSMo, by adding thereto one new section relating to devices for fire protection districts, with penalty provisions.

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

Section A. Chapter 321, RSMo, is amended by adding thereto one new
2 section, to be known as section 321.621, to read as follows:

**321.621. 1. For the purposes of this section, "qualified first
2 responder" shall mean any state and local law enforcement agency staff,
3 fire department personnel, fire district personnel, or licensed
4 emergency medical technician who is acting under the directives and
5 established protocols of a medical director of a local licensed ground
6 ambulance service licensed under section 190.109 who comes in contact
7 with a person suffering from an anaphylactic reaction and who has
8 received training in recognizing and responding to anaphylactic
9 reactions and the administration of epinephrine auto-injector devices
10 to a person suffering from an apparent anaphylactic
11 reaction. "Qualified first responder agencies" shall mean any state or
12 local law enforcement agency, fire department, or ambulance service
13 that provides documented training to its staff related to the
14 administration of epinephrine auto-injector devices in an apparent
15 anaphylactic reaction.**

**16 2. The department of health and senior services shall issue
17 epinephrine auto-injector devices for adult patients to fire protection
18 districts in nonmetropolitan areas in Missouri as such areas are
19 determined according to the United States Census Bureau's American
20 Community Survey, based on the most recent of five-year period**

21 estimate data in which the final year of the estimate ends in either zero
22 or five.

23 3. Possession and use of epinephrine auto-injector devices for
24 adult patients shall be limited as follows:

25 (1) No person shall use an epinephrine auto-injector device
26 unless such person has successfully completed a training course in the
27 use of epinephrine auto-injector devices for adult patients approved by
28 the director of the department of health and senior services. Nothing
29 in this section shall prohibit the use of an epinephrine auto-injector
30 device:

31 (a) By a health care professional licensed or certified by this
32 state who is acting within the scope of his or her practice; or

33 (b) By a person acting pursuant to a lawful prescription;

34 (2) Every person, firm, organization and entity authorized to
35 possess and use epinephrine auto-injector devices for adult patients
36 pursuant to this section shall use, maintain and dispose of such devices
37 for adult patients in accordance with the rules of the department;

38 (3) Every use of an epinephrine auto-injector device pursuant to
39 this section shall immediately be reported to the emergency health care
40 provider as defined in section 190.246.

41 4. (1) Use of an epinephrine auto-injector device pursuant to this
42 section shall be considered first aid or emergency treatment for the
43 purpose of any law relating to liability.

44 (2) Purchase, acquisition, possession or use of an epinephrine
45 auto-injector device pursuant to this section shall not constitute the
46 unlawful practice of medicine or the unlawful practice of a profession.

47 (3) Any person otherwise authorized to sell or provide an
48 epinephrine auto-injector device may sell or provide it to a person
49 authorized to possess it pursuant to this section.

50 5. Any person, firm, organization or entity that violates the
51 provisions of this section is guilty of a class B misdemeanor.

52 6. (1) There is hereby created in the state treasury the
53 "Epinephrine Auto-injector Devices for Fire Personnel Fund", which
54 shall consist of money collected under this section. The state treasurer
55 shall be custodian of the fund. In accordance with sections 30.170 and
56 30.180, the state treasurer may approve disbursements. The moneys in
57 the fund as set forth in this section shall be subject to appropriation by

58 the general assembly for the particular purpose for which
59 collected. The fund shall be a dedicated fund and money in the fund
60 shall be used solely by the department of health and senior services for
61 the purposes of providing epinephrine auto-injector devices for adult
62 patients to qualified first responder agencies as used in this section.

63 (2) Notwithstanding the provisions of section 33.080 to the
64 contrary, any moneys remaining in the fund at the end of the biennium
65 shall not revert to the credit of the general revenue fund.

66 (3) The state treasurer shall invest moneys in the fund in the
67 same manner as other funds are invested. Any interest and moneys
68 earned on such investments shall be credited to the fund.

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Bill

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