

FIRST REGULAR SESSION

# SENATE BILL NO. 783

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR LEWIS.

3083S.01I

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 196.990, RSMo, and to enact in lieu thereof two new sections relating to allergies in child care facilities.

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

Section A. Section 196.990, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 196.990 and 210.225, to read as follows: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, qualified first responders, as such term is defined in section 321.621, restaurants, recreation camps, youth sports leagues, **child care facilities**, amusement parks, and sports arenas. "Authorized entity" shall not include any public school or public charter school;

(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;

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

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

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

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

40           4. An authorized entity that acquires a supply of  
41 epinephrine auto-injectors under a prescription issued in  
42 accordance with this section shall ensure that:

43           (1) Expected epinephrine auto-injector users receive  
44 training in recognizing symptoms of severe allergic  
45 reactions including anaphylaxis and the use of epinephrine  
46 auto-injectors from a nationally recognized organization  
47 experienced in training laypersons in emergency health  
48 treatment or another entity or person approved by the  
49 department of health and senior services;

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

53           (3) Any person who provides or administers an  
54 epinephrine auto-injector to an individual who the person  
55 believes in good faith is experiencing anaphylaxis activates  
56 the emergency medical services system as soon as possible;  
57 and

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

61           5. Any authorized entity that acquires a supply of  
62 epinephrine auto-injectors under a prescription issued in  
63 accordance with this section shall notify the emergency  
64 communications district or the ambulance dispatch center of  
65 the primary provider of emergency medical services where the  
66 epinephrine auto-injectors are to be located within the  
67 entity's facility.

68           6. No person shall provide or administer an  
69 epinephrine auto-injector to any individual who is under  
70 eighteen years of age without the verbal consent of a parent  
71 or guardian who is present at the time when provision or  
72 administration of the epinephrine auto-injector is needed.  
73 Provided, however, that a person may provide or administer  
74 an epinephrine auto-injector to such an individual without  
75 the consent of a parent or guardian if the parent or  
76 guardian is not physically present and the person reasonably  
77 believes the individual shall be in imminent danger without  
78 the provision or administration of the epinephrine auto-  
79 injector.

80           7. The following persons and entities shall not be  
81 liable for any injuries or related damages that result from

82 the administration or self-administration of an epinephrine  
83 auto-injector in accordance with this section that may  
84 constitute ordinary negligence:

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

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

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

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

94 Such immunity does not apply to acts or omissions  
95 constituting a reckless disregard for the safety of others  
96 or willful or wanton conduct. The administration of an  
97 epinephrine auto-injector in accordance with this section  
98 shall not be considered the practice of medicine. The  
99 immunity from liability provided under this subsection is in  
100 addition to and not in lieu of that provided under section  
101 537.037. An authorized entity located in this state shall  
102 not be liable for any injuries or related damages that  
103 result from the provision or administration of an  
104 epinephrine auto-injector by its employees or agents outside  
105 of this state if the entity or its employee or agent is not  
106 liable for such injuries or related damages under the laws  
107 of the state in which such provision or administration  
108 occurred. No trained person who is in compliance with this  
109 section and who in good faith and exercising reasonable care  
110 fails to administer an epinephrine auto-injector shall be  
111 liable for such failure.

112           8. All basic life support ambulances and stretcher  
113 vans operated in the state shall be equipped with  
114 epinephrine auto-injectors and be staffed by at least one  
115 individual trained in the use of epinephrine auto-injectors.

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

118           10. Nothing in this section shall be construed as  
119 superseding the provisions of section 167.630.

**210.225. 1. (1) Before July 1, 2027, each licensed**  
2 **child care provider shall adopt a policy on allergy**  
3 **prevention and response with priority given to addressing**  
4 **potentially deadly food-borne allergies. Such policy shall**  
5 **contain, but shall not be limited to, the following elements:**

6           (a) Distinguishing between building-wide, room-level,  
7 and individual approaches to allergy prevention and  
8 management;

9           (b) Providing an age-appropriate response to building-  
10 level and room-level allergy education and prevention;

11           (c) Describing the role of child care facility staff  
12 in determining how to manage an allergy problem, whether  
13 through a plan prepared for a child under Section 504 of the  
14 Rehabilitation Act of 1973, as amended, for a child with an  
15 allergy that has been determined to be a disability, an  
16 individualized health plan for a child who has an allergy  
17 that is not disabling, or another allergy management plan;

18           (d) Describing the role of other children and parents  
19 in cooperating to prevent and mitigate allergies;

20           (e) Addressing confidentiality issues involved with  
21 sharing medical information, including specifying when  
22 parental permission is required to make medical information  
23 available; and

24           (f) Coordinating with the department of elementary and  
25 secondary education, local health authorities, and other  
26 appropriate entities to ensure efficient promulgation of  
27 accurate information and to ensure that existing child care  
28 facility safety and environmental policies do not conflict.

29           (2) Such policies may contain information from or  
30 links to child care facility allergy prevention information  
31 furnished by the Food Allergy & Anaphylaxis Network or  
32 equivalent organization with a medical advisory board that  
33 has allergy specialists.

34           2. The department of elementary and secondary  
35 education shall, in cooperation with any appropriate  
36 professional association, develop a model policy or policies  
37 before July 1, 2026.

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