

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 26

AN ACT

To amend chapter 196, RSMo, by adding thereto one new section relating to emergency administration of epinephrine by auto-injector.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1           Section A. Chapter 196, RSMo, is amended by adding thereto  
2 one new section, to be known as section 196.990, to read as  
3 follows:

4           196.990. 1. As used in this section, the following terms  
5 shall mean:

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

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

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

16           (4) "Physician", a physician licensed in this state under

1 chapter 334;

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

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

6 2. A physician may prescribe epinephrine auto-injectors in  
7 the name of an authorized entity for use in accordance with this  
8 section, and pharmacists, physicians, and other persons  
9 authorized to dispense prescription medications may dispense  
10 epinephrine auto-injectors under a prescription issued in the  
11 name of an authorized entity.

12 3. An authorized entity may acquire and stock a supply of  
13 epinephrine auto-injectors under a prescription issued in  
14 accordance with this section. Such epinephrine auto-injectors  
15 shall be stored in a location readily accessible in an emergency  
16 and in accordance with the epinephrine auto-injector's  
17 instructions for use and any additional requirements established  
18 by the department of health and senior services by rule. An  
19 authorized entity shall designate employees or agents who have  
20 completed the training required under this section to be  
21 responsible for the storage, maintenance, and general oversight  
22 of epinephrine auto-injectors acquired by the authorized entity.

23 4. An employee or agent of an authorized entity or any  
24 other person who has completed the training required under this  
25 section may use epinephrine auto-injectors prescribed under this  
26 section on the premises of or in connection with the authorized  
27 entity to:

28 (1) Provide an epinephrine auto-injector to any individual

1 who the employee, agent, or other person believes in good faith  
2 is experiencing anaphylaxis for immediate self-administration,  
3 regardless of whether the individual has a prescription for an  
4 epinephrine auto-injector or has previously been diagnosed with  
5 an allergy;

6 (2) Administer an epinephrine auto-injector to any  
7 individual who the employee, agent, or other person believes in  
8 good faith is experiencing anaphylaxis, regardless of whether the  
9 individual has a prescription for an epinephrine auto-injector or  
10 has previously been diagnosed with an allergy.

11 5. Notwithstanding the provisions of subsection 4 of this  
12 section, an employee or agent of an authorized entity shall not  
13 provide or administer an epinephrine auto-injector to any  
14 individual who is twelve years of age or younger without the  
15 verbal consent of a parent or guardian who is present at the time  
16 when provision or administration of the epinephrine auto-injector  
17 is needed. Provided, however, that an employee or agent of an  
18 authorized entity may provide or administer an epinephrine auto-  
19 injector to such an individual without the consent of a parent or  
20 guardian if the parent or guardian is not physically present and  
21 the employee or agent reasonably believes the individual shall be  
22 in imminent danger without the provision or administration of the  
23 epinephrine auto-injector.

24 6. An employee, agent, or other person described in  
25 subsection 4 of this section shall successfully complete an  
26 anaphylaxis training program prior to providing or administering  
27 an epinephrine auto-injector made available by an authorized  
28 entity and at least every two years following successful

1 completion of the initial anaphylaxis training program. Such  
2 training shall be conducted by a nationally recognized  
3 organization experienced in training laypersons in emergency  
4 health treatment or other entity or person approved by the  
5 department of health and senior services. Training may be  
6 conducted online or in person and, at a minimum, shall cover:

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

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

11 (3) Emergency follow-up procedures.

12  
13 The entity that conducts the training shall issue a certificate,  
14 on a form developed or approved by the department of health and  
15 senior services, to each person who successfully completes the  
16 anaphylaxis training program.

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

22 (1) An authorized entity that possesses and makes available  
23 epinephrine auto-injectors and its employees, agents, and other  
24 trained persons;

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

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

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

3  
4 Such immunity does not apply to acts or omissions constituting a  
5 reckless disregard for the safety of others or willful or wanton  
6 conduct. The administration of an epinephrine auto-injector in  
7 accordance with this section shall not be considered the practice  
8 of medicine. The immunity from liability provided under this  
9 subsection is in addition to and not in lieu of that provided  
10 under section 537.037. An authorized entity located in this  
11 state shall not be liable for any injuries or related damages  
12 that result from the provision or administration of an  
13 epinephrine auto-injector by its employees or agents outside of  
14 this state if the entity or its employee or agent are not liable  
15 for such injuries or related damages under the laws of the state  
16 in which such provision or administration occurred.

17           8. An authorized entity that possesses and makes available  
18 epinephrine auto-injectors shall submit to the department of  
19 health and senior services, on a form developed by the  
20 department, a report of each incident on the authorized entity's  
21 premises involving the administration of an epinephrine auto-  
22 injector. The department shall annually publish a report that  
23 summarizes all reports submitted to it under this subsection, but  
24 shall not include any identifying information regarding the  
25 persons to whom such epinephrine auto-injectors were  
26 administered.

27           9. An authorized entity that acquires a stock supply of  
28 epinephrine auto-injectors under a prescription issued in

1 accordance with this section may make such epinephrine auto-  
2 injectors available to individuals other than the trained persons  
3 described in subsection 4 of this section if the epinephrine  
4 auto-injectors are stored in a locked secure container in  
5 accordance with manufacturer specifications and are made  
6 available only upon remote authorization by a physician via  
7 audio, televideo, or other similar means of electronic  
8 communication. Consultation with a physician for such purpose  
9 shall not be considered the practice of telemedicine or otherwise  
10 be construed as violating any law or rule regulating the  
11 physician's professional practice.

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