

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 677
98TH GENERAL ASSEMBLY

4546H.02C

D. ADAM CRUMBLISS, Chief Clerk

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
2 known as section 196.990, to read as follows:

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

2 **(1) "Administer", the direct application of an epinephrine auto-injector to the body**
3 **of an individual;**

4 **(2) "Authorized entity", any entity or organization at or in connection with which**
5 **allergens capable of causing anaphylaxis may be present including, but not limited to,**
6 **restaurants, recreation camps, youth sports leagues, amusement parks, and sports arenas.**
7 **"Authorized entity" shall not include any public school or public charter school;**

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

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

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 **3. An authorized entity may, but shall not be required to, acquire and stock a**
20 **supply of epinephrine auto-injectors under a prescription issued in accordance with this**
21 **section. Such epinephrine auto-injectors shall be stored in a location readily accessible in**
22 **an emergency and in accordance with the epinephrine auto-injector's instructions for use**
23 **and any additional requirements established by the department of health and senior**
24 **services by rule. An authorized entity shall designate employees or agents who have**
25 **completed the training required under this section to be responsible for the storage,**
26 **maintenance, and general oversight of epinephrine auto-injectors acquired by the**
27 **authorized entity.**

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

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

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

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

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

42 **5. Any authorized entity that acquires a supply of epinephrine auto-injectors under**
43 **a prescription issued in accordance with this section shall notify the emergency**
44 **communications district or the ambulance dispatch center of the primary provider of**
45 **emergency medical services where the epinephrine auto-injectors are to be located within**
46 **the entity's facility.**

47 **6. No person shall provide or administer an epinephrine auto-injector to any**
48 **individual who is under eighteen years of age without the oral consent of a parent or**
49 **guardian of the individual, who is present when provision or administration of the**
50 **epinephrine auto-injector is needed. Provided, however, that a person may provide or**
51 **administer an epinephrine auto-injector to such an individual without the consent of a**
52 **parent or guardian of the individual if the parent or guardian is not physically present and**
53 **the person reasonably believes the individual to be in imminent danger without the**
54 **provision or administration of the epinephrine auto-injector.**

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

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

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

62 **(3) A physician who prescribes epinephrine auto-injectors to an authorized entity;**
63 **or**

64 **(4) Any person or entity that conducts the training described in this section.**
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66 **Such immunity does not apply to acts or omissions constituting a reckless disregard for the**
67 **safety of others or willful or wanton conduct. The administration of an epinephrine auto-**
68 **injector in accordance with this section shall not be considered the practice of medicine.**
69 **The immunity from liability provided under this subsection is in addition to and not in lieu**
70 **of that provided under section 537.037. An authorized entity located in this state shall not**
71 **be liable for any injuries or related damages that result from the provision or**
72 **administration of an epinephrine auto-injector by its employee or agent outside of this state**
73 **if the entity or its employee or agent is not liable for such injuries or related damages under**
74 **the laws of the state in which such provision or administration occurred. No trained**
75 **person who is in compliance with this section and who in good faith and exercising**
76 **reasonable care fails to administer an epinephrine auto-injector shall be liable for such**
77 **failure.**

78 **8. All basic life support ambulances and stretcher vans operated in the state shall**
79 **be equipped with epinephrine auto-injectors and be staffed by at least one individual**
80 **trained in the use of epinephrine auto-injectors.**

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

83 **10. Nothing in this section shall be construed as superseding the provisions of**
84 **section 167.630.**

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