

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 767, Page 1, Section
2 44.035, Line 7, by inserting after all of said section and line the following:

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

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

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

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

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

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

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

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

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

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

29 (1) Provide an epinephrine auto-injector to any individual who the employee, agent, or other
30 person believes in good faith is experiencing anaphylaxis for immediate self-administration,
31 regardless of whether the individual has a prescription for an epinephrine auto-injector or has
32 previously been diagnosed with an allergy;

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

36 5. An employee, agent, or other person described in subsection 4 of this section shall

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1 successfully complete an anaphylaxis training program prior to providing or administering an
 2 epinephrine auto-injector made available by an authorized entity and at least every two years
 3 following successful completion of the initial anaphylaxis training program. Such training shall be
 4 conducted by a nationally recognized organization experienced in training laypersons in emergency
 5 health treatment or other entity or person approved by the department of health and senior services.
 6 Training may be conducted online or in person and, at a minimum, shall cover:

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

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

11 (3) Emergency follow-up procedures.

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

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

18 (1) An authorized entity that either does or does not possess and make available epinephrine
 19 auto-injectors and its employees, agents, and other trained persons;

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

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

22 (4) Any person or entity that conducts the training described in subsection 5 of this section.

23 Such immunity does not apply to acts or omissions constituting gross negligence or willful or
 24 wanton conduct. The administration of an epinephrine auto-injector in accordance with this section
 25 shall not be considered the practice of medicine. The immunity from liability provided under this
 26 subsection is in addition to and not in lieu of that provided under section 537.037. An authorized
 27 entity located in this state shall not be liable for any injuries or related damages that result from the
 28 provision or administration of an epinephrine auto-injector by its employees or agents outside of this
 29 state if the entity or its employee or agent are not liable for such injuries or related damages under
 30 the laws of the state in which such provision or administration occurred.

31 7. An authorized entity that possesses and makes available epinephrine auto-injectors shall
 32 submit to the department of health and senior services, on a form developed by the department, a
 33 report of each incident on the authorized entity's premises involving the administration of an
 34 epinephrine auto-injector. The department shall annually publish a report that summarizes all reports
 35 submitted to it under this subsection, but shall not include any identifying information regarding the
 36 persons to whom such epinephrine auto-injectors were administered.

37 8. An authorized entity that acquires a stock supply of epinephrine auto-injectors under a
 38 prescription issued in accordance with this section may make such epinephrine auto-injectors
 39 available to individuals other than the trained persons described in subsection 4 of this section if the
 40 epinephrine auto-injectors are stored in a locked secure container in accordance with manufacturer
 41 specifications and are made available only upon remote authorization by a physician via audio,
 42 televideo, or other similar means of electronic communication. Consultation with a physician for
 43 such purpose shall not be considered the practice of telemedicine or otherwise be construed as
 44 violating any law or rule regulating the physician's professional practice."; and

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 46 Further amend said bill by amending the title, enacting clause, and intersectional references
 47 accordingly.
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