

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 139,
2 Page 2, Section 195.435, Line 2, by inserting immediately after all of said section and line the
3 following:

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

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

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

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

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

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

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

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

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

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

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

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

36 (3) Any person who provides or administers an epinephrine auto-injector to an individual

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1 who the person believes in good faith is experiencing anaphylaxis activates the emergency medical
2 services system as soon as possible; and

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

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

9 6. No person shall provide or administer an epinephrine auto-injector to any individual who
10 is under eighteen years of age without the verbal consent of a parent or guardian who is present at
11 the time when provision or administration of the epinephrine auto-injector is needed. Provided,
12 however, that a person may provide or administer an epinephrine auto-injector to such an individual
13 without the consent of a parent or guardian if the parent or guardian is not physically present and the
14 person reasonably believes the individual shall be in imminent danger without the provision or
15 administration of the epinephrine auto-injector.

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

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

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

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

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

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25 Such immunity does not apply to acts or omissions constituting a reckless disregard for the safety of
26 others or willful or wanton conduct. The administration of an epinephrine auto-injector in
27 accordance with this section shall not be considered the practice of medicine. The immunity from
28 liability provided under this subsection is in addition to and not in lieu of that provided under
29 section 537.037. An authorized entity located in this state shall not be liable for any injuries or
30 related damages that result from the provision or administration of an epinephrine auto-injector by
31 its employees or agents outside of this state if the entity or its employee or agent are not liable for
32 such injuries or related damages under the laws of the state in which such provision or
33 administration occurred. No trained person who is in compliance with this section and who in good
34 faith and exercising reasonable care fails to administer an epinephrine auto-injector shall be liable
35 for such failure.

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

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

41 10. Nothing in this section shall be construed as superseding the provisions of section
42 167.630."; and

43
44 Further amend said bill by amending the title, enacting clause, and intersectional references
45 accordingly.