

# HOUSE BILL NO. 96

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BARNES.

0371H.011

D. ADAM CRUMBLISS, Chief Clerk

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### 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:*

Section A. Chapter 196, RSMo, is amended by adding thereto one new section, to be known as section 196.990, 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, restaurants, recreation camps, youth sports leagues, amusement parks, and sports arenas;**

**(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;**

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

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

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

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

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

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

38           **5. An employee, agent, or other person described in subsection 4 of this section shall**  
39 **successfully complete an anaphylaxis training program prior to providing or administering**  
40 **an epinephrine auto-injector made available by an authorized entity and at least every two**  
41 **years following successful completion of the initial anaphylaxis training program. Such**  
42 **training shall be conducted by a nationally recognized organization experienced in training**  
43 **laypersons in emergency health treatment or other entity or person approved by the**  
44 **department of health and senior services. Training may be conducted online or in person**  
45 **and, at a minimum, shall cover:**

46           **(1) Techniques on how to recognize symptoms of severe allergic reactions, including**  
47 **anaphylaxis;**

48           **(2) Standards and procedures for the storage and administration of an epinephrine**  
49 **auto-injector; and**

50           **(3) Emergency follow-up procedures.**

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52 **The entity that conducts the training shall issue a certificate on a form developed or**  
53 **approved by the department of health and senior services to each person who successfully**  
54 **completes the anaphylaxis training program.**

55 **6. No physician who prescribes epinephrine auto-injectors to an authorized entity**  
56 **shall be liable for any injuries or related damages that result from the administration of**  
57 **or failure to administer an epinephrine auto-injector to a person in accordance with this**  
58 **section.**

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

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

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