

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Bill No. 579, Page 1, In the Title , Line 3, by deleting the words "infection
2 reporting" and inserting in lieu thereof the words "health care"; and

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4 Further amend said bill, Page 8, Section 192.667, Line 247, by inserting after all of said section and
5 line the following:

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7 "196.990. 1. As used in this section, the following terms shall mean:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 10. Nothing in this section shall be construed as superseding the provisions of section
45 167.630."; and

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