

Medications in Schools Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jill Koford

Senate Sponsor: Ann Millner

LONG TITLE

General Description:

This bill amends the definition of a medical device used to administer epinephrine.

Highlighted Provisions:

This bill:

- amends defined terms;
- creates a defined term;
- allows a student to possess or self-administer epinephrine nasal spray at a school in certain circumstances; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26B-4-401, as last amended by Laws of Utah 2024, Chapter 311

26B-4-406, as renumbered and amended by Laws of Utah 2023, Chapter 307

26B-4-407, as renumbered and amended by Laws of Utah 2023, Chapter 307

26B-4-409, as last amended by Laws of Utah 2024, Chapter 311

26B-4-410, as last amended by Laws of Utah 2024, Chapter 311

26B-4-411, as renumbered and amended by Laws of Utah 2023, Chapter 307

49-20-421, as last amended by Laws of Utah 2023, Chapters 267, 328

53G-9-502, as last amended by Laws of Utah 2024, Chapter 309

58-17b-1001, as enacted by Laws of Utah 2020, Chapter 372

28 **58-17b-1002**, as last amended by Laws of Utah 2023, Chapter 329

29 **58-17b-1003**, as enacted by Laws of Utah 2020, Chapter 372

30 **58-17b-1004**, as last amended by Laws of Utah 2023, Chapter 329

31 **58-17b-1005**, as last amended by Laws of Utah 2024, Chapter 507

32 **58-17b-1006**, as enacted by Laws of Utah 2020, Chapter 372

33 **58-17b-1007**, as enacted by Laws of Utah 2020, Chapter 372

35 *Be it enacted by the Legislature of the state of Utah:*

36 Section 1. Section **26B-4-401** is amended to read:

37 **26B-4-401 . Definitions.**

38 As used in this part:

39 (1) "Agent" means a coach, teacher, employee, representative, or volunteer.

40 (2)(a) "Amateur sports organization" means, except as provided in Subsection (2)(b):

41 (i) a sports team;

42 (ii) a public or private school;

43 (iii) a public or private sports league;

44 (iv) a public or private sports camp; or

45 (v) any other public or private organization that organizes, manages, or sponsors a
46 sporting event for its members, enrollees, or attendees.

47 (b) "Amateur sports organization" does not include a professional:

48 (i) team;

49 (ii) league; or

50 (iii) sporting event.

51 (3) "Anaphylaxis" means a potentially life-threatening hypersensitivity to a substance.

52 (a) Symptoms of anaphylaxis may include shortness of breath, wheezing, difficulty
53 breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma.

54 (b) Causes of anaphylaxis may include insect sting, food allergy, drug reaction, and
55 exercise.

56 (4) "Asthma action plan" means a written plan:

57 (a) developed with a school nurse, a student's parent or guardian, and the student's health
58 care provider to help control the student's asthma; and

59 (b) signed by the student's:

60 (i) parent or guardian; and

61 (ii) health care provider.

- (5) "Asthma emergency" means an episode of respiratory distress that may include symptoms such as wheezing, shortness of breath, coughing, chest tightness, or breathing difficulty.
- (6) "Child" means an individual who is under ~~[the age of 18]~~ 18 years old.
- (7) "Department health care provider" means a health care provider who is acting in the capacity of a health care provider during employment for the department.
- (8) "Epinephrine nasal spray" means a portable, disposable drug delivery device that contains a measured, single dose of epinephrine administered nasally, that is used to treat a person suffering a potentially fatal anaphylactic reaction.
- ~~[(8) "Epinephrine auto-injector" means a portable, disposable drug delivery device that contains a measured, single dose of epinephrine that is used to treat a person suffering a potentially fatal anaphylactic reaction.]~~
- (9) "Health care provider" means an individual who is licensed as:
- (a) a physician under Title 58, Chapter 67, Utah Medical Practice Act;
 - (b) a physician under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
 - (c) an advanced practice registered nurse under Section 58-31b-302; or
 - (d) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.
- (10) "Injectable epinephrine rescue medication" means a portable, disposable drug delivery device that contains a measured, single dose of epinephrine administered through injection, that is used to treat a person suffering a potentially fatal anaphylactic reaction.
- ~~[(10)]~~ (11) "Pharmacist" means the same as that term is defined in Section 58-17b-102.
- ~~[(11)]~~ (12) "Pharmacy intern" means the same as that term is defined in Section 58-17b-102.
- ~~[(12)]~~ (13) "Physician" means the same as that term is defined in Section 58-67-102.
- ~~[(13)]~~ (14) "Public school" means a district school or a charter school.
- ~~[(14)]~~ (15) "Qualified adult" means a person who:
- (a) is at least 18 years old; and
 - (b)(i) for purposes of administering an injectable epinephrine ~~[auto-injector]~~ rescue medication, has successfully completed the training program established in Section 26B-4-407; and
 - (ii) for purposes of administering stock albuterol, has successfully completed the training program established in Section 26B-4-408.
- ~~[(15)]~~ (16) "Qualified injectable epinephrine ~~[auto-injector]~~ rescue medication entity":
- (a) means a facility or organization that employs, contracts with, or has a similar relationship with a qualified adult who is likely to have contact with another person

96 who may experience anaphylaxis; and

97 (b) includes:

98 (i) recreation camps;

99 (ii) an education facility, school, or university;

100 (iii) a day care facility;

101 (iv) youth sports leagues;

102 (v) amusement parks;

103 (vi) food establishments;

104 (vii) places of employment; and

105 (viii) recreation areas.

106 ~~[(16)]~~ (17) "Qualified health care provider" means a health care provider who:

107 (a) is licensed under Title 58, Occupations and Professions; and

108 (b) may evaluate and manage a concussion within the health care provider's scope of
109 practice.

110 ~~[(17)]~~ (18) "Qualified stock albuterol entity" means a public or private school that employs,
111 contracts with, or has a similar relationship with a qualified adult who is likely to have
112 contact with another person who may experience an asthma emergency.

113 ~~[(18)]~~ (19)(a) "Sporting event" means any of the following athletic activities that is
114 organized, managed, or sponsored by an organization:

115 (i) a game;

116 (ii) a practice;

117 (iii) a sports camp;

118 (iv) a physical education class;

119 (v) a competition; or

120 (vi) a tryout.

121 (b) "Sporting event" does not include:

122 (i) the issuance of a lift ticket or pass by a ski resort, the use of the ticket or pass, or a
123 ski or snowboarding class or school at a ski resort, unless the skiing or
124 snowboarding is part of a camp, team, or competition that is organized, managed,
125 or sponsored by the ski resort;

126 (ii) as applied to a government entity, merely making available a field, facility, or
127 other location owned, leased, or controlled by the government entity to an amateur
128 sports organization or a child, regardless of whether the government entity charges
129 a fee for the use; or

(iii) free play or recess taking place during school hours.

[(19)] (20) "Stock albuterol" means a prescription inhaled medication:

(a) used to treat asthma; and

(b) that may be delivered through a device, including:

(i) an inhaler; or

(ii) a nebulizer with a mouthpiece or mask.

[(20)] (21) "Traumatic head injury" means an injury to the head arising from blunt trauma, an acceleration force, or a deceleration force, with one of the following observed or self-reported conditions attributable to the injury:

(a) transient confusion, disorientation, or impaired consciousness;

(b) dysfunction of memory;

(c) loss of consciousness; or

(d) signs of other neurological or neuropsychological dysfunction, including:

(i) seizures;

(ii) irritability;

(iii) lethargy;

(iv) vomiting;

(v) headache;

(vi) dizziness; or

(vii) fatigue.

Section 2. Section **26B-4-406** is amended to read:

26B-4-406 . Voluntary participation.

(1) Sections 26B-4-406 through 26B-4-411 do not create a duty or standard of care for:

(a) a person to be trained in the use and storage of injectable epinephrine [~~auto-injectors~~] rescue medication or stock albuterol; or

(b) except as provided in Subsection (5), a qualified injectable epinephrine [~~auto-injector~~] rescue medication entity to store injectable epinephrine [~~auto-injectors~~] rescue medication or a qualified stock albuterol entity to store stock albuterol on its premises.

(2) Except as provided in Subsections (3) and (5), a decision by a person to successfully complete a training program under Section 26B-4-407 or 26B-4-408 and to make emergency injectable epinephrine [~~auto-injectors~~] rescue medication or stock albuterol available under the provisions of Sections 26B-4-406 through 26B-4-411 is voluntary.

(3) A school, school board, or school official may not prohibit or dissuade a teacher or other school employee at a primary or secondary school in the state, either public or

private, from:

(a) completing a training program under Section 26B-4-407 or 26B-4-408;

(b) possessing or storing an injectable epinephrine [~~auto-injector~~] rescue medication or stock albuterol on school property if:

(i) the teacher or school employee is a qualified adult; and

(ii) the possession and storage is in accordance with the training received under Section 26B-4-407 or 26B-4-408; or

(c) administering an injectable epinephrine [~~auto-injector~~] rescue medication or stock albuterol to any person, if:

(i) the teacher or school employee is a qualified adult; and

(ii) the administration is in accordance with the training received under Section 26B-4-407 or 26B-4-408.

(4) A school, school board, or school official may encourage a teacher or other school employee to volunteer to become a qualified adult.

(5)(a) Each primary or secondary school in the state, both public and private, shall make an emergency injectable epinephrine [~~auto-injector~~] rescue medication available to any teacher or other school employee who:

(i) is employed at the school; and

(ii) is a qualified adult.

(b) This section does not require a school described in Subsection (5)(a) to keep more than one emergency injectable epinephrine [~~auto-injector~~] rescue medication on the school premises, so long as it may be quickly accessed by a teacher or other school employee, who is a qualified adult, in the event of an emergency.

(6)(a) Each primary or secondary school in the state, both public and private, may make stock albuterol available to any school employee who:

(i) is employed at the school; and

(ii) is a qualified adult.

(b) A qualified adult may administer stock albuterol to a student who:

(i) has a diagnosis of asthma by a health care provider;

(ii) has a current asthma action plan on file with the school; and

(iii) is showing symptoms of an asthma emergency as described in the student's asthma action plan.

(c) This Subsection (6) may not be interpreted to relieve a student's parent or guardian of providing a student's medication or create an expectation that a school will have stock

albuterol available.

(7) No school, school board, or school official shall retaliate or otherwise take adverse action against a teacher or other school employee for:

- (a) volunteering under Subsection (2);
- (b) engaging in conduct described in Subsection (3); or
- (c) failing or refusing to become a qualified adult.

Section 3. Section **26B-4-407** is amended to read:

26B-4-407 . Training in use and storage of injectable epinephrine rescue medication.

(1)(a) Each primary and secondary school in the state, both public and private, shall make initial and annual refresher training, regarding the storage and emergency use of an injectable epinephrine [auto-injector] rescue medication, available to any teacher or other school employee who volunteers to become a qualified adult.

(b) The training described in Subsection (1)(a) may be provided by the school nurse, or other person qualified to provide such training, designated by the school district physician, the medical director of the local health department, or the local emergency medical services director.

(2) A person who provides training under Subsection (1) or (6) shall include in the training:

- (a) techniques for recognizing symptoms of anaphylaxis;
- (b) standards and procedures for the storage and emergency use of injectable epinephrine [auto-injectors] rescue medication;
- (c) emergency follow-up procedures, including calling the emergency 911 number and contacting, if possible, the student's parent and physician; and
- (d) written materials covering the information required under this Subsection (2).

(3) A qualified adult shall retain for reference the written materials prepared in accordance with Subsection (2)(d).

(4) A public school shall permit a student to[-] :

- (a) possess an epinephrine nasal spray;
- (b) self-administer an epinephrine nasal spray;
- (c) possess an injectable epinephrine [auto-injector] rescue medication; or
- (d) [-or possess and-]self-administer an injectable epinephrine [auto-injector] rescue medication if:

~~[(a)]~~ (i) the student's parent or guardian signs a statement:

~~[(i)]~~ (A) authorizing the student to possess or possess and self-administer an

- 232 injectable epinephrine [auto-injector] rescue medication; and
233 [(ii)] (B) acknowledging that the student is responsible for, and capable of,
234 possessing or possessing and self-administering an injectable epinephrine [
235 auto-injector] rescue medication; and
236 [(b)] (ii) the student's health care provider provides a written statement that states that:
237 [(i)] (A) it is medically appropriate for the student to possess or possess and
238 self-administer an injectable epinephrine [auto-injector] rescue medication; and
239 [(ii)] (B) the student should be in possession of the injectable epinephrine [
240 auto-injector] rescue medication at all times.
- 241 (5) The department, in cooperation with the state superintendent of public instruction, shall
242 design forms to be used by public and private schools for the parental and health care
243 providers statements described in Subsection (4).
- 244 (6)(a) The department:
- 245 (i) shall approve educational programs conducted by other persons, to train:
- 246 (A) people under Subsection (6)(b) of this section, regarding the proper use and
247 storage of emergency injectable epinephrine [auto-injectors] rescue medication;
248 and
249 (B) a qualified injectable epinephrine [auto-injector] rescue medication entity
250 regarding the proper storage and emergency use of injectable epinephrine [
251 auto-injectors] rescue medication; and
- 252 (ii) may, as funding is available, conduct educational programs to train people
253 regarding the use of and storage of emergency injectable epinephrine [
254 auto-injectors] rescue medication.
- 255 (b) A person who volunteers to receive training as a qualified adult to administer an
256 injectable epinephrine [auto-injector] rescue medication under the provisions of this
257 Subsection (6) shall demonstrate a need for the training to the department, which may
258 be based upon occupational, volunteer, or family circumstances, and shall include:
- 259 (i) camp counselors;
260 (ii) scout leaders;
261 (iii) forest rangers;
262 (iv) tour guides; and
263 (v) other persons who have or reasonably expect to have contact with at least one
264 other person as a result of the person's occupational or volunteer status.

265 Section 4. Section **26B-4-409** is amended to read:

26B-4-409 . Authority to obtain and use an injectable epinephrine rescue medication or stock albuterol.

- (1) The school district physician, a department health care provider, the medical director of the local health department, or the local emergency medical services director may provide a prescription for the following if requested by a qualified adult, who is a teacher or other school employee at a public or private primary or secondary school in the state, or a school nurse:
- (a) injectable epinephrine [~~auto-injectors~~] rescue medication for use in accordance with this part; or
 - (b) stock albuterol for use in accordance with this part.
- (2)(a) A qualified adult may obtain an injectable epinephrine [~~auto-injector~~] rescue medication for use in accordance with this part that is dispensed by:
- (i) a pharmacist as provided under Section 58-17b-1004; or
 - (ii) a pharmacy intern as provided under Section 58-17b-1004.
- (b) A qualified adult may obtain stock albuterol for use in accordance with this part that is dispensed by:
- (i) a pharmacist as provided under Section 58-17b-1004; or
 - (ii) a pharmacy intern as provided under Section 58-17b-1004.
- (3) A qualified adult:
- (a) may immediately administer an injectable epinephrine [~~auto-injector~~] rescue medication to a person exhibiting potentially life-threatening symptoms of anaphylaxis when a physician or physician assistant is not immediately available; and
 - (b) shall initiate emergency medical services or other appropriate medical follow-up in accordance with the training materials retained under Section 26B-4-407 after administering an injectable epinephrine [~~auto-injector~~] rescue medication.
- (4) If a school nurse is not immediately available, a qualified adult:
- (a) may immediately administer stock albuterol to an individual who:
 - (i) has a diagnosis of asthma by a health care provider;
 - (ii) has a current asthma action plan on file with the school; and
 - (iii) is showing symptoms of an asthma emergency as described in the student's asthma action plan; and
 - (b) shall initiate appropriate medical follow-up in accordance with the training materials retained under Section 26B-4-408 after administering stock albuterol.
- (5)(a) A qualified entity that complies with Subsection (5)(b) or (c), may obtain a supply

of injectable epinephrine [~~auto-injectors~~] rescue medication or stock albuterol, respectively, from a pharmacist under Section 58-17b-1004, or a pharmacy intern under Section 58-17b-1004 for:

(i) storing:

(A) the injectable epinephrine [~~auto-injectors~~] rescue medication on the qualified injectable epinephrine [~~auto-injector~~] rescue medication entity's premises; and

(B) stock albuterol on the qualified stock albuterol entity's premises; and

(ii) use by a qualified adult in accordance with Subsection (3) or (4).

(b) A qualified injectable epinephrine [~~auto-injector~~] rescue medication entity shall:

(i) designate an individual to complete an initial and annual refresher training program regarding the proper storage and emergency use of an injectable epinephrine [~~auto-injector~~] rescue medication available to a qualified adult; and

(ii) store injectable epinephrine [~~auto-injectors~~] rescue medication in accordance with the standards established by the department in Section 26B-4-411.

(c) A qualified stock albuterol entity shall:

(i) designate an individual to complete an initial and annual refresher training program regarding the proper storage and emergency use of stock albuterol available to a qualified adult; and

(ii) store stock albuterol in accordance with the standards established by the department in Section 26B-4-411.

Section 5. Section **26B-4-410** is amended to read:

26B-4-410 . Immunity from liability.

(1) The following, if acting in good faith, are not liable in any civil or criminal action for any act taken or not taken under the authority of Sections 26B-4-406 through 26B-4-411 with respect to an anaphylactic reaction, or asthma emergency:

(a) a qualified adult;

(b) a physician, physician assistant, pharmacist, or any other person or entity authorized to prescribe or dispense prescription drugs;

(c) a person who conducts training described in Section 26B-4-407 or 26B-4-408;

(d) a qualified injectable epinephrine [~~auto-injector~~] rescue medication entity;

(e) a qualified stock albuterol entity;

(f) the department;

(g) a local health department;

(h) a local education agency; and

(i) a local emergency medical services entity.

(2) Section 53G-9-502 does not apply to the administration of an injectable epinephrine [~~auto-injector~~] rescue medication or stock albuterol in accordance with this part.

(3) This section does not eliminate, limit, or reduce any other immunity from liability or defense against liability that may be available under state law.

Section 6. Section **26B-4-411** is amended to read:

26B-4-411 . Administrative rulemaking authority.

The department shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

(1) establish and approve training programs in accordance with Sections 26B-4-407 and 26B-4-408;

(2) establish a procedure for determining who is eligible for training as a qualified adult under Subsection 26B-4-407(6)(b)(v); and

(3) establish standards for storage of:

(a) emergency [~~auto-injectors~~] injectable epinephrine rescue medication by a qualified injectable epinephrine [~~auto-injector~~] rescue medication entity under Section 26B-4-407; and

(b) stock albuterol by a qualified stock albuterol entity under Section 26B-4-408.

Section 7. Section **49-20-421** is amended to read:

49-20-421 . Prescription discount program.

(1) As used in this section:

(a) "Discount program" means the prescription discount program created by this section.

(b) "Epinephrine auto-injector" means [~~the same as that term is defined in Section 26B-4-401.~~] a portable, disposable drug delivery device that contains a measured, single dose of epinephrine that is used to treat a person suffering a potentially fatal anaphylactic reaction.

(c) "Insulin" means a prescription drug that contains insulin.

(d) "Participant" means a resident of Utah who:

(i) has a prescription or standing prescription for a qualified prescription;

(ii) does not receive health coverage under the program; and

(iii) enrolls in the discount program.

(e) "Prescription drug" means the same as that term is defined in Section 58-17b-102.

(f) "Qualified prescription" means a prescription drug, including insulin and epinephrine auto-injectors, that the program has determined:

- (i) treats a serious, prevalent, and ongoing condition;
- (ii) does not have a generic substitute;
- (iii) qualifies for a substantial rebate; and
- (iv) would not result in financial losses to the state risk pool if sold as part of the discount program.

(g) "Rebate" means the same as that term is defined in Section 31A-46-102.

(2) The program shall create a prescription discount program for a participant to purchase a qualified prescription at a discounted, post-rebate price.

(3) The program shall:

- (a) provide a participant with a card or electronic document that identifies the participant as eligible for the discount on a qualified prescription;
- (b) provide a participant with information about pharmacies that will honor the discount; and
- (c) provide a participant with instructions to pursue a reimbursement of the purchase price from the participant's health insurer.

(4) The program may not retain any amount of a rebate for a qualified prescription except for an amount necessary to make the state risk pool whole for providing the qualified prescription to participants.

(5) For each drug added to the discount program, the program shall notify the Health and Human Services Interim Committee, providing:

- (a) the name of the drug; and
- (b) the primary condition the drug treats.

Section 8. Section **53G-9-502** is amended to read:

53G-9-502 . Administration of medication to students -- Prerequisites --

Immunity from liability -- Applicability.

(1) A public or private school that holds any classes in grades kindergarten through 12 may provide for the administration of medication, including epinephrine nasal spray as that term is defined in Section 26B-4-401, to any student during periods when the student is under the control of the school, subject to the following conditions:

- (a) the local school board, charter school governing board, or the private equivalent, after consultation with the Department of Health and Human Services and school nurses shall adopt policies that provide for:
 - (i) the designation of volunteer employees who may administer medication;
 - (ii) proper identification and safekeeping of medication;

- 402 (iii) the training of designated volunteer employees by the school nurse;
403 (iv) maintenance of records of administration; and
404 (v) notification to the school nurse of medication that will be administered to
405 students; and
- 406 (b) medication may only be administered to a student if:
- 407 (i) the student's parent has provided a current written and signed request that
408 medication be administered during regular school hours to the student; and
409 (ii) the student's licensed health care provider has prescribed the medication and
410 provides documentation as to the method, amount, and time schedule for
411 administration, and a statement that administration of medication by school
412 employees during periods when the student is under the control of the school is
413 medically necessary.
- 414 (2) Authorization for administration of medication by school personnel may be withdrawn
415 by the school at any time following actual notice to the student's parent.
- 416 (3) School personnel who provide assistance under Subsection (1) in substantial compliance
417 with the licensed health care provider's written prescription and the employers of these
418 school personnel are not liable, civilly or criminally, for:
- 419 (a) any adverse reaction suffered by the student as a result of taking the medication; and
420 (b) discontinuing the administration of the medication under Subsection (2).
- 421 (4) Subsections (1) through (3) do not apply to:
- 422 (a) the administration of glucagon in accordance with Section 53G-9-504;
423 (b) the administration of a seizure rescue medication in accordance with Section
424 53G-9-505;
425 (c) the administration of an opiate antagonist in accordance with Title 26B, Chapter 4,
426 Part 5, Treatment Access; or
427 (d) the administration of an adrenal insufficiency medication in accordance with Section
428 53G-9-507.
- 429 Section 9. Section **58-17b-1001** is amended to read:
- 430 **58-17b-1001 . Title.**
- 431 This part is known as the "Injectable Epinephrine [Auto-Injector] Rescue Medication and
432 Stock Albuterol Act."
- 433 Section 10. Section **58-17b-1002** is amended to read:
- 434 **58-17b-1002 . Definitions.**
- 435 As used in this part:

- 436 (1) [~~"Epinephrine auto-injector"~~] "Injectable epinephrine rescue medication" means the same
437 as that term is defined in Section 26B-4-401.
- 438 (2) "Local health department" means the same as that term is defined in Section 26A-1-102.
- 439 (3) "Physician" means the same as that term is defined in Section 58-67-102.
- 440 (4) "Qualified adult" means the same as that term is defined in Section 26B-4-401.
- 441 (5) "Qualified injectable epinephrine [~~auto-injector~~] rescue medication entity" means the
442 same as that term is defined in Section 26B-4-401.
- 443 (6) "Qualified stock albuterol entity" means the same as that term is defined in Section
444 26B-4-401.
- 445 (7) "Stock albuterol" means the same as that term is defined in Section 26B-4-401.

446 Section 11. Section **58-17b-1003** is amended to read:

447 **58-17b-1003 . Voluntary participation.**

448 This part does not create a duty or standard of care for a person to prescribe or dispense
449 an injectable epinephrine [~~auto-injector~~] rescue medication or stock albuterol.

450 Section 12. Section **58-17b-1004** is amended to read:

451 **58-17b-1004 . Authorization to dispense an injectable epinephrine rescue**
452 **medication and stock albuterol pursuant to a standing order.**

- 453 (1) Notwithstanding any other provision of this chapter, a pharmacist or pharmacy intern
454 may dispense an injectable epinephrine [~~auto-injector~~] rescue medication:
- 455 (a)(i) to a qualified adult for use in accordance with Title 26B, Chapter 4, Part 4,
456 School Health; or
- 457 (ii) to a qualified injectable epinephrine [~~auto-injector~~] rescue medication entity for
458 use in accordance with Title 26B, Chapter 4, Part 4, School Health;
- 459 (b) pursuant to a standing prescription drug order made in accordance with Section
460 58-17b-1005;
- 461 (c) without any other prescription drug order from a person licensed to prescribe an
462 injectable epinephrine [~~auto-injector~~] rescue medication; and
- 463 (d) in accordance with the dispensing guidelines in Section 58-17b-1006.
- 464 (2) Notwithstanding any other provision of this chapter, a pharmacist or pharmacy intern
465 may dispense stock albuterol:
- 466 (a)(i) to a qualified adult for use in accordance with Title 26B, Chapter 4, Part 4,
467 School Health; or
- 468 (ii) to a qualified stock albuterol entity for use in accordance with Title 26B, Chapter
469 4, Part 4, School Health;

- (b) pursuant to a standing prescription drug order made in accordance with Section 58-17b-1005;
- (c) without any other prescription drug order from a person licensed to prescribe stock albuterol; and
- (d) in accordance with the dispensing guidelines in Section 58-17b-1006.

Section 13. Section **58-17b-1005** is amended to read:

58-17b-1005 . Standing prescription drug orders for injectable epinephrine rescue medication and stock albuterol.

(1) As used in this section:

(a) "Epinephrine protocol" means a protocol that:

- (i) requires a physician to specify the persons, by professional license number, authorized to dispense the injectable epinephrine [auto-injector] rescue medication;
- (ii) requires a physician to review at least annually the dispensing practices of the persons authorized by the physician to dispense the injectable epinephrine [auto-injector] rescue medication;
- (iii) requires those authorized by a physician to dispense the injectable epinephrine [auto-injector] rescue medication to make and retain a record of each dispensing, including:
 - (A) the name of the qualified adult or qualified injectable epinephrine [auto-injector] rescue medication entity to whom the injectable epinephrine [auto-injector] rescue medication is dispensed;
 - (B) a description of the injectable epinephrine [auto-injector] rescue medication dispensed; and
 - (C) other relevant information; and
- (iv) is approved by the division through rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in collaboration with the Medical Licensing Board created in Section 58-67-201 and the board.

(b) "Stock albuterol protocol" means a protocol that:

- (i) requires a physician to specify the persons, by professional license number, authorized to dispense the stock albuterol;
- (ii) requires a physician to review at least annually the dispensing practices of the persons authorized by the physician to dispense the stock albuterol;
- (iii) requires those authorized by the physician to dispense the stock albuterol to make and retain a record of each dispensing, including:

- (A) the name of the qualified adult or qualified stock albuterol entity to whom the stock albuterol is dispensed;
- (B) a description of the stock albuterol dispensed; and
- (C) other relevant information; and
- (iv) is approved by the division through rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in collaboration with the Medical Licensing Board created in Section 58-67-201 and the board.
- (2) Under Section 58-17b-1004, the Department of Health and Human Services shall have a physician acting in the physician's capacity as an employee of the Department of Health and Human Services issue a standing prescription drug order authorizing the dispensing of:
- (a) an injectable epinephrine [~~auto-injector~~] rescue medication in accordance with an epinephrine protocol; and
- (b) stock albuterol in accordance with a stock albuterol protocol.
- (3) Under Section 58-17b-1004, a medical director of a local health department may issue a standing prescription drug order authorizing the dispensing of:
- (a) an injectable epinephrine [~~auto-injector~~] rescue medication in accordance with an epinephrine protocol; or
- (b) stock albuterol in accordance with a stock albuterol protocol.
- Section 14. Section **58-17b-1006** is amended to read:
- 58-17b-1006 . Guidelines for dispensing an injectable epinephrine rescue medication and stock albuterol.**
- (1) A pharmacist or pharmacy intern who dispenses an injectable epinephrine [~~auto-injector~~] rescue medication under this part shall, at a minimum, provide patient counseling to the qualified adult or qualified epinephrine [~~auto-injector~~] rescue medication entity to whom the epinephrine [~~auto-injector~~] rescue medication is dispensed regarding:
- (a) the appropriate administration and storage of the injectable epinephrine [~~auto-injector~~] rescue medication;
- (b) potential side effects and risks of the injectable epinephrine [~~auto-injector~~] rescue medication; and
- (c) when to seek emergency medical attention.
- (2) A pharmacist or pharmacy intern who dispenses stock albuterol under this part shall, at a minimum, provide patient counseling to the qualified adult or qualified stock albuterol entity to whom the stock albuterol is dispensed regarding:

- 538 (a) the appropriate administration and storage of the stock albuterol;
539 (b) potential side effects and risks of the stock albuterol; and
540 (c) when to seek emergency medical attention.

541 Section 15. Section **58-17b-1007** is amended to read:

542 **58-17b-1007 . Limited civil liability.**

- 543 (1) A physician who issues a standing prescription drug order in accordance with
544 Subsection 58-17b-1005(1) is not liable for any civil damages for acts or omissions
545 resulting from the dispensing of an injectable epinephrine [~~auto-injector~~] rescue
546 medication under this part.
- 547 (2) A physician who issues a standing prescription drug order in accordance with
548 Subsection 58-17b-1005(2) is not liable for any civil damages for acts or omissions
549 resulting from the dispensing of stock albuterol under this part.

550 Section 16. **Effective Date.**

551 This bill takes effect on May 7, 2025.