

HB0333S01 compared with HB0333

{Omitted text} shows text that was in HB0333 but was omitted in HB0333S01

inserted text shows text that was not in HB0333 but was inserted into HB0333S01

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Medications in Schools Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jill Koford

Senate Sponsor:

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- amends "epinephrine auto-injector" to "epinephrine rescue medication"; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

None

AMENDS:

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

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

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

19 26B-4-409 , as last amended by Laws of Utah 2024, Chapter 311 , as last amended by Laws of Utah 2024, Chapter 311

20 26B-4-410 , as last amended by Laws of Utah 2024, Chapter 311 , as last amended by Laws of Utah 2024, Chapter 311

21 26B-4-411 , as renumbered and amended by Laws of Utah 2023, Chapter 307 , as renumbered and amended by Laws of Utah 2023, Chapter 307

22 ~~{31A-22-656 , as enacted by Laws of Utah 2021, Chapter 255 , as enacted by Laws of Utah 2021, Chapter 255}~~

22 49-20-421 , as last amended by Laws of Utah 2023, Chapters 267, 328 , as last amended by Laws of Utah 2023, Chapters 267, 328

23 58-17b-1001 , as enacted by Laws of Utah 2020, Chapter 372 , as enacted by Laws of Utah 2020, Chapter 372

24 58-17b-1002 , as last amended by Laws of Utah 2023, Chapter 329 , as last amended by Laws of Utah 2023, Chapter 329

25 58-17b-1003 , as enacted by Laws of Utah 2020, Chapter 372 , as enacted by Laws of Utah 2020, Chapter 372

26 58-17b-1004 , as last amended by Laws of Utah 2023, Chapter 329 , as last amended by Laws of Utah 2023, Chapter 329

27 58-17b-1005 , as last amended by Laws of Utah 2024, Chapter 507 , as last amended by Laws of Utah 2024, Chapter 507

28 58-17b-1006 , as enacted by Laws of Utah 2020, Chapter 372 , as enacted by Laws of Utah 2020, Chapter 372

29 58-17b-1007 , as enacted by Laws of Utah 2020, Chapter 372 , as enacted by Laws of Utah 2020, Chapter 372

30

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

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

33 **26B-4-401. Definitions.**

As used in this part:

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- 36 (1) "Agent" means a coach, teacher, employee, representative, or volunteer.
- 37 (2)
- . (a) "Amateur sports organization" means, except as provided in Subsection (2)(b):
- 38 (i) a sports team;
- 39 (ii) a public or private school;
- 40 (iii) a public or private sports league;
- 41 (iv) a public or private sports camp; or
- 42 (v) any other public or private organization that organizes, manages, or sponsors a sporting event
for its members, enrollees, or attendees.
- 44 (b) "Amateur sports organization" does not include a professional:
- 45 (i) team;
- 46 (ii) league; or
- 47 (iii) sporting event.
- 48 (3) "Anaphylaxis" means a potentially life-threatening hypersensitivity to a substance.
- 49 (a) Symptoms of anaphylaxis may include shortness of breath, wheezing, difficulty breathing, difficulty
talking or swallowing, hives, itching, swelling, shock, or asthma.
- 51 (b) Causes of anaphylaxis may include insect sting, food allergy, drug reaction, and exercise.
- 53 (4) "Asthma action plan" means a written plan:
- 54 (a) developed with a school nurse, a student's parent or guardian, and the student's health care provider
to help control the student's asthma; and
- 56 (b) signed by the student's:
- 57 (i) parent or guardian; and
- 58 (ii) health care provider.
- 59 (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.
- 62 (6) "Child" means an individual who is under [~~the age of 18~~] 18 years old.
- 63 (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.
- 65 (8) "Epinephrine [~~auto-injector~~] rescue medication" 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.

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- 68 (9) "Health care provider" means an individual who is licensed as:
- 69 (a) a physician under Title 58, Chapter 67, Utah Medical Practice Act;
- 70 (b) a physician under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
- 71 (c) an advanced practice registered nurse under Section 58-31b-302; or
- 72 (d) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.
- 73 (10) "Pharmacist" means the same as that term is defined in Section 58-17b-102.
- 74 (11) "Pharmacy intern" means the same as that term is defined in Section 58-17b-102.
- 75 (12) "Physician" means the same as that term is defined in Section 58-67-102.
- 76 (13) "Public school" means a district school or a charter school.
- 77 (14) "Qualified adult" means a person who:
- 78 (a) is at least 18 years old; and
- 79 (b)
- 80 . (i) for purposes of administering an epinephrine [~~auto-injector~~] rescue medication, has successfully
- 81 completed the training program established in Section 26B-4-407; and
- 82 (ii) for purposes of administering stock albuterol, has successfully completed the training program
- 83 established in Section 26B-4-408.
- 84 (15) "Qualified epinephrine [~~auto-injector~~] rescue medication entity":
- 85 (a) means a facility or organization that employs, contracts with, or has a similar relationship with a
- 86 qualified adult who is likely to have contact with another person who may experience anaphylaxis;
- 87 and
- 88 (b) includes:
- 89 (i) recreation camps;
- 90 (ii) an education facility, school, or university;
- 91 (iii) a day care facility;
- 92 (iv) youth sports leagues;
- 93 (v) amusement parks;
- 94 (vi) food establishments;
- 95 (vii) places of employment; and
- 96 (viii) recreation areas.
- 97 (16) "Qualified health care provider" means a health care provider who:
- 98 (a) is licensed under Title 58, Occupations and Professions; and

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- 99 (b) may evaluate and manage a concussion within the health care provider's scope of practice.
- 101 (17) "Qualified stock albuterol entity" means a public or private school that employs, contracts with,
or has a similar relationship with a qualified adult who is likely to have contact with another person
who may experience an asthma emergency.
- 104 (18)
- . (a) "Sporting event" means any of the following athletic activities that is organized, managed, or
sponsored by an organization:
- 106 (i) a game;
- 107 (ii) a practice;
- 108 (iii) a sports camp;
- 109 (iv) a physical education class;
- 110 (v) a competition; or
- 111 (vi) a tryout.
- 112 (b) "Sporting event" does not include:
- 113 (i) the issuance of a lift ticket or pass by a ski resort, the use of the ticket or pass, or a ski or
snowboarding class or school at a ski resort, unless the skiing or snowboarding is part of a camp,
team, or competition that is organized, managed, or sponsored by the ski resort;
- 117 (ii) as applied to a government entity, merely making available a field, facility, or other location
owned, leased, or controlled by the government entity to an amateur sports organization or a child,
regardless of whether the government entity charges a fee for the use; or
- 121 (iii) free play or recess taking place during school hours.
- 122 (19) "Stock albuterol" means a prescription inhaled medication:
- 123 (a) used to treat asthma; and
- 124 (b) that may be delivered through a device, including:
- 125 (i) an inhaler; or
- 126 (ii) a nebulizer with a mouthpiece or mask.
- 127 (20) "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:
- 130 (a) transient confusion, disorientation, or impaired consciousness;
- 131 (b) dysfunction of memory;

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- 132 (c) loss of consciousness; or
133 (d) signs of other neurological or neuropsychological dysfunction, including:
134 (i) seizures;
135 (ii) irritability;
136 (iii) lethargy;
137 (iv) vomiting;
138 (v) headache;
139 (vi) dizziness; or
140 (vii) fatigue.

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

141 **26B-4-406. Voluntary participation.**

- 143 (1) Sections 26B-4-406 through 26B-4-411 do not create a duty or standard of care for:
144 (a) a person to be trained in the use and storage of epinephrine [~~auto-injectors~~] rescue medication or
stock albuterol; or
146 (b) except as provided in Subsection (5), a qualified epinephrine [~~auto-injector~~] rescue medication
entity to store epinephrine [~~auto-injectors~~] rescue medication or a qualified stock albuterol entity to
store stock albuterol on its premises.
149 (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 epinephrine [~~auto-~~
~~injectors~~] rescue medication or stock albuterol available under the provisions of Sections 26B-4-406
through 26B-4-411 is voluntary.
153 (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:
156 (a) completing a training program under Section 26B-4-407 or 26B-4-408;
157 (b) possessing or storing an epinephrine [~~auto-injector~~] rescue medication or stock albuterol on school
property if:
159 (i) the teacher or school employee is a qualified adult; and
160 (ii) the possession and storage is in accordance with the training received under Section 26B-4-407 or
26B-4-408; or
162 (c) administering an epinephrine [~~auto-injector~~] rescue medication or stock albuterol to any person, if:
164 (i) the teacher or school employee is a qualified adult; and

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- 165 (ii) the administration is in accordance with the training received under Section 26B-4-407 or
26B-4-408.
- 167 (4) A school, school board, or school official may encourage a teacher or other school employee to
volunteer to become a qualified adult.
- 169 (5)
- . (a) Each primary or secondary school in the state, both public and private, shall make an emergency
epinephrine [~~auto-injector~~] rescue medication available to any teacher or other school employee
who:
- 172 (i) is employed at the school; and
- 173 (ii) is a qualified adult.
- 174 (b) This section does not require a school described in Subsection (5)(a) to keep more than one
emergency 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.
- 178 (6)
- . (a) Each primary or secondary school in the state, both public and private, may make stock albuterol
available to any school employee who:
- 180 (i) is employed at the school; and
- 181 (ii) is a qualified adult.
- 182 (b) A qualified adult may administer stock albuterol to a student who:
- 183 (i) has a diagnosis of asthma by a health care provider;
- 184 (ii) has a current asthma action plan on file with the school; and
- 185 (iii) is showing symptoms of an asthma emergency as described in the student's asthma action plan.
- 187 (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.
- 190 (7) No school, school board, or school official shall retaliate or otherwise take adverse action against a
teacher or other school employee for:
- 192 (a) volunteering under Subsection (2);
- 193 (b) engaging in conduct described in Subsection (3); or
- 194 (c) failing or refusing to become a qualified adult.
- 194 Section 3. Section **26B-4-407** is amended to read:

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- 195 **26B-4-407. Training in use and storage of epinephrine rescue medication.**
197 (1)
198 . (a) Each primary and secondary school in the state, both public and private, shall make initial and
199 annual refresher training, regarding the storage and emergency use of an epinephrine [~~auto-~~
200 ~~injector~~] rescue medication, available to any teacher or other school employee who volunteers to
201 become a qualified adult.
202 (b) The training described in Subsection (1)(a) may be provided by the school nurse, or other person
203 qualified to provide such training, designated by the school district physician, the medical director
204 of the local health department, or the local emergency medical services director.
205 (2) A person who provides training under Subsection (1) or (6) shall include in the training:
206 (a) techniques for recognizing symptoms of anaphylaxis;
207 (b) standards and procedures for the storage and emergency use of epinephrine [~~auto-injectors~~] rescue
208 medication;
209 (c) emergency follow-up procedures, including calling the emergency 911 number and contacting, if
210 possible, the student's parent and physician; and
211 (d) written materials covering the information required under this Subsection (2).
212 (3) A qualified adult shall retain for reference the written materials prepared in accordance with
213 Subsection (2)(d).
214 (4) A public school shall permit a student to possess an epinephrine [~~auto-injector~~] rescue medication or
215 possess and self-administer an epinephrine [~~auto-injector~~] rescue medication if:
216 (a) the student's parent or guardian signs a statement:
217 (i) authorizing the student to possess or possess and self-administer an epinephrine [~~auto-~~
218 ~~injector~~] rescue medication; and
219 (ii) acknowledging that the student is responsible for, and capable of, possessing or possessing and self-
220 administering an epinephrine [~~auto-injector~~] rescue medication; and
221 (b) the student's health care provider provides a written statement that states that:
222 (i) it is medically appropriate for the student to possess or possess and self-administer an epinephrine
223 [~~auto-injector~~] rescue medication; and
224 (ii) the student should be in possession of the epinephrine [~~auto-injector~~] rescue medication at all times.
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(5) The department, in cooperation with the state superintendent of public instruction, shall design forms to be used by public and private schools for the parental and health care providers statements described in Subsection (4).

231 (6)

(a) The department:

232 (i) shall approve educational programs conducted by other persons, to train:

233 (A) people under Subsection (6)(b) of this section, regarding the proper use and storage of emergency epinephrine [~~auto-injectors~~] rescue medication; and

235 (B) a qualified epinephrine [~~auto-injector~~] rescue medication entity regarding the proper storage and emergency use of epinephrine [~~auto-injectors~~] rescue medication; and

238 (ii) may, as funding is available, conduct educational programs to train people regarding the use of and storage of emergency epinephrine [~~auto-injectors~~] rescue medication.

241 (b) A person who volunteers to receive training as a qualified adult to administer an epinephrine [~~auto-injector~~] rescue medication under the provisions of this Subsection (6) shall demonstrate a need for the training to the department, which may be based upon occupational, volunteer, or family circumstances, and shall include:

245 (i) camp counselors;

246 (ii) scout leaders;

247 (iii) forest rangers;

248 (iv) tour guides; and

249 (v) other persons who have or reasonably expect to have contact with at least one other person as a result of the person's occupational or volunteer status.

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

251 **26B-4-409. Authority to obtain and use an epinephrine rescue medication or stock albuterol.**

254 (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:

259 (a) epinephrine [~~auto-injectors~~] rescue medication for use in accordance with this part; or

260 (b) stock albuterol for use in accordance with this part.

261 (2)

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- . (a) A qualified adult may obtain an epinephrine [~~auto-injector~~] rescue medication for use in accordance with this part that is dispensed by:
- 263 (i) a pharmacist as provided under Section 58-17b-1004; or
- 264 (ii) a pharmacy intern as provided under Section 58-17b-1004.
- 265 (b) A qualified adult may obtain stock albuterol for use in accordance with this part that is dispensed by:
- 267 (i) a pharmacist as provided under Section 58-17b-1004; or
- 268 (ii) a pharmacy intern as provided under Section 58-17b-1004.
- 269 (3) A qualified adult:
- 270 (a) may immediately administer an 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
- 273 (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 epinephrine [~~auto-injector~~] rescue medication.
- 276 (4) If a school nurse is not immediately available, a qualified adult:
- 277 (a) may immediately administer stock albuterol to an individual who:
- 278 (i) has a diagnosis of asthma by a health care provider;
- 279 (ii) has a current asthma action plan on file with the school; and
- 280 (iii) is showing symptoms of an asthma emergency as described in the student's asthma action plan; and
- 282 (b) shall initiate appropriate medical follow-up in accordance with the training materials retained under Section 26B-4-408 after administering stock albuterol.
- 284 (5)
- . (a) A qualified entity that complies with Subsection (5)(b) or (c), may obtain a supply of 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:
- 288 (i) storing:
- 289 (A) the epinephrine [~~auto-injectors~~] rescue medication on the qualified epinephrine [~~auto-injector~~] rescue medication entity's premises; and
- 291 (B) stock albuterol on the qualified stock albuterol entity's premises; and
- 292 (ii) use by a qualified adult in accordance with Subsection (3) or (4).

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- 293 (b) A qualified epinephrine [~~auto-injector~~] rescue medication entity shall:
- 294 (i) designate an individual to complete an initial and annual refresher training program regarding the
proper storage and emergency use of an epinephrine [~~auto-injector~~] rescue medication available to a
qualified adult; and
- 297 (ii) store epinephrine [~~auto-injectors~~] rescue medication in accordance with the standards established by
the department in Section 26B-4-411.
- 299 (c) A qualified stock albuterol entity shall:
- 300 (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
- 303 (ii) store stock albuterol in accordance with the standards established by the department in Section
26B-4-411.
- 304 Section 5. Section **26B-4-410** is amended to read:
- 305 **26B-4-410. Immunity from liability.**
- 307 (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:
- 310 (a) a qualified adult;
- 311 (b) a physician, physician assistant, pharmacist, or any other person or entity authorized to prescribe or
dispense prescription drugs;
- 313 (c) a person who conducts training described in Section 26B-4-407 or 26B-4-408;
- 314 (d) a qualified epinephrine [~~auto-injector~~] rescue medication entity;
- 315 (e) a qualified stock albuterol entity;
- 316 (f) the department;
- 317 (g) a local health department;
- 318 (h) a local education agency; and
- 319 (i) a local emergency medical services entity.
- 320 (2) Section 53G-9-502 does not apply to the administration of an epinephrine [~~auto-injector~~] rescue
medication or stock albuterol in accordance with this part.
- 322 (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.
- 323 Section 6. Section **26B-4-411** is amended to read:

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324 **26B-4-411. Administrative rulemaking authority.**

The department shall adopt rules in accordance with Title 63G, Chapter 3, Utah

327 Administrative Rulemaking Act, to:

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

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

332 (3) establish standards for storage of:

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

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

336 ~~{Section 7. Section 31A-22-656 is amended to read: }~~

337 **31A-22-656. Coverage of epinephrine rescue medication.**

A health benefit plan entered into or renewed on or after July 1, 2021, that provides coverage of an epinephrine [~~auto-injector~~] rescue medication is not required to reimburse a participant, as that term is defined in Section 49-20-421, for an epinephrine [~~auto-injector~~] rescue medication

participant, as that term is defined in Section 49-20-421, for an epinephrine [~~auto-injector~~] the participant obtains through the discount program described in Section
342 49-20-421.

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

336 **49-20-421. Prescription discount program.**

345 (1) As used in this section:

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

347 (b) "Epinephrine {~~[auto-injector]~~} rescue medication" 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.

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

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

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

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

353 (iii) enrolls in the discount program.

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- 354 (e) "Prescription drug" means the same as that term is defined in Section 58-17b-102.
- 355 (f) "Qualified prescription" means a prescription drug, including insulin and epinephrine ~~{auto-~~
356 ~~injectors~~{rescue medication}, that the program has determined:
- 357 (i) treats a serious, prevalent, and ongoing condition;
- 358 (ii) does not have a generic substitute;
- 359 (iii) qualifies for a substantial rebate; and
- 360 (iv) would not result in financial losses to the state risk pool if sold as part of the discount program.
- 362 (g) "Rebate" means the same as that term is defined in Section 31A-46-102.
- 363 (2) The program shall create a prescription discount program for a participant to purchase a qualified
364 prescription at a discounted, post-rebate price.
- 365 (3) The program shall:
- 366 (a) provide a participant with a card or electronic document that identifies the participant as eligible for
367 the discount on a qualified prescription;
- 368 (b) provide a participant with information about pharmacies that will honor the discount; and
- 370 (c) provide a participant with instructions to pursue a reimbursement of the purchase price from the
371 participant's health insurer.
- 372 (4) The program may not retain any amount of a rebate for a qualified prescription except for an amount
373 necessary to make the state risk pool whole for providing the qualified prescription to participants.
- 375 (5) For each drug added to the discount program, the program shall notify the Health and Human
376 Services Interim Committee, providing:
- 377 (a) the name of the drug; and
- 378 (b) the primary condition the drug treats.
- 379 Section 8. Section **58-17b-1001** is amended to read:
- 380 **58-17b-1001. Title.**
- 381 This part is known as the "Epinephrine [~~Auto-Injector~~] Rescue Medication and Stock
382 Albuterol Act."
- 377 Section 9. Section **58-17b-1002** is amended to read:
- 378 **58-17b-1002. Definitions.**
- 379 As used in this part:
- 386 (1) "Epinephrine [~~auto-injector~~] rescue medication" means the same as that term is defined in Section
387 26B-4-401.

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388 (2) "Local health department" means the same as that term is defined in Section 26A-1-102.

389 (3) "Physician" means the same as that term is defined in Section 58-67-102.

390 (4) "Qualified adult" means the same as that term is defined in Section 26B-4-401.

391 (5) "Qualified epinephrine [~~auto-injector~~] rescue medication entity" means the same as that term is defined in Section 26B-4-401.

393 (6) "Qualified stock albuterol entity" means the same as that term is defined in Section 26B-4-401.

395 (7) "Stock albuterol" means the same as that term is defined in Section 26B-4-401.

390 Section 10. Section **58-17b-1003** is amended to read:

391 **58-17b-1003. Voluntary participation.**

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

394 Section 11. Section **58-17b-1004** is amended to read:

395 **58-17b-1004. Authorization to dispense an epinephrine rescue medication and stock albuterol pursuant to a standing order.**

403 (1) Notwithstanding any other provision of this chapter, a pharmacist or pharmacy intern may dispense an epinephrine [~~auto-injector~~] rescue medication:

405 (a)

. (i) to a qualified adult for use in accordance with Title 26B, Chapter 4, Part 4, School Health; or

407 (ii) to a qualified epinephrine [~~auto-injector~~] rescue medication entity for use in accordance with Title 26B, Chapter 4, Part 4, School Health;

409 (b) pursuant to a standing prescription drug order made in accordance with Section 58-17b-1005;

411 (c) without any other prescription drug order from a person licensed to prescribe an epinephrine [~~auto-injector~~] rescue medication; and

413 (d) in accordance with the dispensing guidelines in Section 58-17b-1006.

414 (2) Notwithstanding any other provision of this chapter, a pharmacist or pharmacy intern may dispense stock albuterol:

416 (a)

. (i) to a qualified adult for use in accordance with Title 26B, Chapter 4, Part 4, School Health; or

418 (ii) to a qualified stock albuterol entity for use in accordance with Title 26B, Chapter 4, Part 4, School Health;

420 (b) pursuant to a standing prescription drug order made in accordance with Section 58-17b-1005;

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

419 Section 12. Section **58-17b-1005** is amended to read:

420 **58-17b-1005. Standing prescription drug orders for epinephrine rescue medication and
stock albuterol.**

428 (1) As used in this section:

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

430 (i) requires a physician to specify the persons, by professional license number, authorized to dispense
the epinephrine [~~auto-injector~~] rescue medication;

432 (ii) requires a physician to review at least annually the dispensing practices of the persons authorized by
the physician to dispense the epinephrine [~~auto-injector~~] rescue medication;

435 (iii) requires those authorized by a physician to dispense the epinephrine [~~auto-injector~~] rescue
medication to make and retain a record of each dispensing, including:

438 (A) the name of the qualified adult or qualified epinephrine [~~auto-injector~~] rescue medication entity to
whom the epinephrine [~~auto-injector~~] rescue medication is dispensed;

441 (B) a description of the epinephrine [~~auto-injector~~] rescue medication dispensed; and

443 (C) other relevant information; and

444 (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.

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

448 (i) requires a physician to specify the persons, by professional license number, authorized to dispense
the stock albuterol;

450 (ii) requires a physician to review at least annually the dispensing practices of the persons authorized by
the physician to dispense the stock albuterol;

452 (iii) requires those authorized by the physician to dispense the stock albuterol to make and retain a
record of each dispensing, including:

454 (A) the name of the qualified adult or qualified stock albuterol entity to whom the stock albuterol is
dispensed;

456 (B) a description of the stock albuterol dispensed; and

457 (C) other relevant information; and

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- 458 (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.
- 461 (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:
- 465 (a) an epinephrine [~~auto-injector~~] rescue medication in accordance with an epinephrine protocol; and
467 (b) stock albuterol in accordance with a stock albuterol protocol.
- 468 (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:
- 470 (a) an epinephrine [~~auto-injector~~] rescue medication in accordance with an epinephrine protocol; or
472 (b) stock albuterol in accordance with a stock albuterol protocol.
- 467 Section 13. Section **58-17b-1006** is amended to read:
468 **58-17b-1006. Guidelines for dispensing an epinephrine rescue medication and stock
albuterol.**
- 476 (1) A pharmacist or pharmacy intern who dispenses an 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:
- 480 (a) the appropriate administration and storage of the epinephrine [~~auto-injector~~] rescue medication;
482 (b) potential side effects and risks of the epinephrine [~~auto-injector~~] rescue medication; and
484 (c) when to seek emergency medical attention.
- 485 (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:
- 488 (a) the appropriate administration and storage of the stock albuterol;
489 (b) potential side effects and risks of the stock albuterol; and
490 (c) when to seek emergency medical attention.
- 485 Section 14. Section **58-17b-1007** is amended to read:
486 **58-17b-1007. Limited civil liability.**
493

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

494 Section 15. **Effective date.**

This bill takes effect on May 7, 2025.

1-29-25 4:14 PM