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Medications in Schools Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jill Koford

Senate Sponsor:

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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

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

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

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

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

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

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

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

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

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

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

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

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

26B-4-401 . Definitions.

As used in this part:

- (1) "Agent" means a coach, teacher, employee, representative, or volunteer.
- (2)(a) "Amateur sports organization" means, except as provided in Subsection (2)(b):
 - (i) a sports team;
 - (ii) a public or private school;
 - (iii) a public or private sports league;
 - (iv) a public or private sports camp; or
 - (v) any other public or private organization that organizes, manages, or sponsors a sporting event for its members, enrollees, or attendees.
- (b) "Amateur sports organization" does not include a professional:
 - (i) team;
 - (ii) league; or
 - (iii) sporting event.
- (3) "Anaphylaxis" means a potentially life-threatening hypersensitivity to a substance.
 - (a) Symptoms of anaphylaxis may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma.
 - (b) Causes of anaphylaxis may include insect sting, food allergy, drug reaction, and exercise.
- (4) "Asthma action plan" means a written plan:
 - (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
 - (b) signed by the student's:
 - (i) parent or guardian; and
 - (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.

- 65 (8) "Epinephrine [~~auto-injector~~] rescue medication" means a portable, disposable drug
66 delivery device that contains a measured, single dose of epinephrine that is used to treat
67 a person suffering a potentially fatal anaphylactic reaction.
- 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)(i) for purposes of administering an epinephrine [~~auto-injector~~] rescue medication,
80 has successfully completed the training program established in Section 26B-4-407;
81 and
82 (ii) for purposes of administering stock albuterol, has successfully completed the
83 training program 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
86 relationship with a qualified adult who is likely to have contact with another person
87 who may experience anaphylaxis; 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

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

101 (17) "Qualified stock albuterol entity" means a public or private school that employs,
102 contracts with, or has a similar relationship with a qualified adult who is likely to have
103 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,
105 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
114 ski or snowboarding class or school at a ski resort, unless the skiing or
115 snowboarding is part of a camp, team, or competition that is organized, managed,
116 or sponsored by the ski resort;

117 (ii) as applied to a government entity, merely making available a field, facility, or
118 other location owned, leased, or controlled by the government entity to an amateur
119 sports organization or a child, regardless of whether the government entity charges
120 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
128 acceleration force, or a deceleration force, with one of the following observed or
129 self-reported conditions attributable to the injury:

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

131 (b) dysfunction of memory;

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.

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

142 **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
145 medication or stock albuterol; or

146 (b) except as provided in Subsection (5), a qualified epinephrine [~~auto-injector~~] rescue
147 medication entity to store epinephrine [~~auto-injectors~~] rescue medication or a
148 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
150 complete a training program under Section 26B-4-407 or 26B-4-408 and to make
151 emergency epinephrine [~~auto-injectors~~] rescue medication or stock albuterol available
152 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
154 other school employee at a primary or secondary school in the state, either public or
155 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
158 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
161 Section 26B-4-407 or 26B-4-408; or

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

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

165 (ii) the administration is in accordance with the training received under Section
166 26B-4-407 or 26B-4-408.

- 167 (4) A school, school board, or school official may encourage a teacher or other school
168 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
170 an emergency epinephrine [~~auto-injector~~] rescue medication available to any teacher
171 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
175 than one emergency epinephrine [~~auto-injector~~] rescue medication on the school
176 premises, so long as it may be quickly accessed by a teacher or other school
177 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
179 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
186 asthma action plan.
- 187 (c) This Subsection (6) may not be interpreted to relieve a student's parent or guardian of
188 providing a student's medication or create an expectation that a school will have stock
189 albuterol available.
- 190 (7) No school, school board, or school official shall retaliate or otherwise take adverse
191 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.
- 195 Section 3. Section **26B-4-407** is amended to read:
- 196 **26B-4-407 . Training in use and storage of epinephrine rescue medication.**
- 197 (1)(a) Each primary and secondary school in the state, both public and private, shall
198 make initial and annual refresher training, regarding the storage and emergency use
199 of an epinephrine [~~auto-injector~~] rescue medication, available to any teacher or other
200 school employee who volunteers to become a qualified adult.

- 201 (b) The training described in Subsection (1)(a) may be provided by the school nurse, or
202 other person qualified to provide such training, designated by the school district
203 physician, the medical director of the local health department, or the local emergency
204 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~~]
208 rescue medication;
209 (c) emergency follow-up procedures, including calling the emergency 911 number and
210 contacting, if 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
213 with Subsection (2)(d).
- 214 (4) A public school shall permit a student to possess an epinephrine [~~auto-injector~~]
215 rescue medication or possess and self-administer an epinephrine [~~auto-injector~~]
216 rescue medication if:
217 (a) the student's parent or guardian signs a statement:
218 (i) authorizing the student to possess or possess and self-administer an epinephrine [~~auto-injector~~]
219 rescue medication; and
220 (ii) acknowledging that the student is responsible for, and capable of, possessing or
221 possessing and self-administering an epinephrine [~~auto-injector~~]
222 rescue medication;
223 and
224 (b) the student's health care provider provides a written statement that states that:
225 (i) it is medically appropriate for the student to possess or possess and self-administer
226 an epinephrine [~~auto-injector~~]
227 rescue medication; and
228 (ii) the student should be in possession of the epinephrine [~~auto-injector~~]
229 rescue medication at all times.
- 230 (5) The department, in cooperation with the state superintendent of public instruction, shall
231 design forms to be used by public and private schools for the parental and health care
232 providers statements described in Subsection (4).
- 233 (6)(a) The department:
234 (i) shall approve educational programs conducted by other persons, to train:
(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
236 proper storage and emergency use of epinephrine [~~auto-injectors~~] rescue
237 medication; and

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

241 (b) A person who volunteers to receive training as a qualified adult to administer an
242 epinephrine [~~auto-injector~~] rescue medication under the provisions of this Subsection
243 (6) shall demonstrate a need for the training to the department, which may be based
244 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
250 other person as a result of the person's occupational or volunteer status.

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

252 **26B-4-409 . Authority to obtain and use an epinephrine rescue medication or**
253 **stock albuterol.**

254 (1) The school district physician, a department health care provider, the medical director of
255 the local health department, or the local emergency medical services director may
256 provide a prescription for the following if requested by a qualified adult, who is a
257 teacher or other school employee at a public or private primary or secondary school in
258 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)(a) A qualified adult may obtain an epinephrine [~~auto-injector~~] rescue medication for
262 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
266 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
- 271 person exhibiting potentially life-threatening symptoms of anaphylaxis when a
- 272 physician or physician assistant is not immediately available; and
- 273 (b) shall initiate emergency medical services or other appropriate medical follow-up in
- 274 accordance with the training materials retained under Section 26B-4-407 after
- 275 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
- 281 asthma action plan; and
- 282 (b) shall initiate appropriate medical follow-up in accordance with the training materials
- 283 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
- 285 of epinephrine [~~auto-injectors~~] rescue medication or stock albuterol, respectively,
- 286 from a pharmacist under Section 58-17b-1004, or a pharmacy intern under Section
- 287 58-17b-1004 for:
- 288 (i) storing:
- 289 (A) the epinephrine [~~auto-injectors~~] rescue medication on the qualified epinephrine [
- 290 ~~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).
- 293 (b) A qualified epinephrine [~~auto-injector~~] rescue medication entity shall:
- 294 (i) designate an individual to complete an initial and annual refresher training
- 295 program regarding the proper storage and emergency use of an epinephrine [
- 296 ~~auto-injector~~] rescue medication available to a qualified adult; and
- 297 (ii) store epinephrine [~~auto-injectors~~] rescue medication in accordance with the
- 298 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
- 301 program regarding the proper storage and emergency use of stock albuterol
- 302 available to a qualified adult; and

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

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

306 **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
 308 any act taken or not taken under the authority of Sections 26B-4-406 through 26B-4-411
 309 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
 312 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~~]
 321 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
 323 defense against liability that may be available under state law.

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

325 **26B-4-411 . Administrative rulemaking authority.**

326 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
 329 26B-4-408;

330 (2) establish a procedure for determining who is eligible for training as a qualified adult
 331 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~~]
 334 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.**

338 A health benefit plan entered into or renewed on or after July 1, 2021, that provides
 339 coverage of an epinephrine [~~auto-injector~~] rescue medication is not required to reimburse a
 340 participant, as that term is defined in Section 49-20-421, for an epinephrine [~~auto-injector~~]
 341 rescue medication the participant obtains through the discount program described in Section
 342 49-20-421.

343 Section 8. Section **49-20-421** is amended to read:

344 **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
 348 defined in Section 26B-4-401.

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.

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 [
 356 ~~auto-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
 361 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
 364 qualified 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
 367 as eligible for the discount on a qualified prescription;

368 (b) provide a participant with information about pharmacies that will honor the discount;
 369 and

370 (c) provide a participant with instructions to pursue a reimbursement of the purchase

371 price from the participant's health insurer.

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

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

377 (a) the name of the drug; and

378 (b) the primary condition the drug treats.

379 Section 9. 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."

383 Section 10. Section **58-17b-1002** is amended to read:

384 **58-17b-1002 . Definitions.**

385 As used in this part:

386 (1) "Epinephrine [~~auto-injector~~] rescue medication" means the same as that term is defined
387 in Section 26B-4-401.

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
392 term is defined in Section 26B-4-401.

393 (6) "Qualified stock albuterol entity" means the same as that term is defined in Section
394 26B-4-401.

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

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

397 **58-17b-1003 . Voluntary participation.**

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

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

401 **58-17b-1004 . Authorization to dispense an epinephrine rescue medication and**
402 **stock albuterol pursuant to a standing order.**

403 (1) Notwithstanding any other provision of this chapter, a pharmacist or pharmacy intern
404 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,
 406 School Health; or
- 407 (ii) to a qualified epinephrine [~~auto-injector~~] rescue medication entity for use in
 408 accordance with Title 26B, Chapter 4, Part 4, School Health;
- 409 (b) pursuant to a standing prescription drug order made in accordance with Section
 410 58-17b-1005;
- 411 (c) without any other prescription drug order from a person licensed to prescribe an
 412 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
 415 may dispense stock albuterol:
- 416 (a)(i) to a qualified adult for use in accordance with Title 26B, Chapter 4, Part 4,
 417 School Health; or
- 418 (ii) to a qualified stock albuterol entity for use in accordance with Title 26B, Chapter
 419 4, Part 4, School Health;
- 420 (b) pursuant to a standing prescription drug order made in accordance with Section
 421 58-17b-1005;
- 422 (c) without any other prescription drug order from a person licensed to prescribe stock
 423 albuterol; and
- 424 (d) in accordance with the dispensing guidelines in Section 58-17b-1006.
- 425 Section 13. Section **58-17b-1005** is amended to read:
- 426 **58-17b-1005 . Standing prescription drug orders for epinephrine rescue**
 427 **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,
 431 authorized to dispense the epinephrine [~~auto-injector~~] rescue medication;
- 432 (ii) requires a physician to review at least annually the dispensing practices of the
 433 persons authorized by the physician to dispense the epinephrine [~~auto-injector~~]
 434 rescue medication;
- 435 (iii) requires those authorized by a physician to dispense the epinephrine [
 436 ~~auto-injector~~] rescue medication to make and retain a record of each dispensing,
 437 including:
- 438 (A) the name of the qualified adult or qualified epinephrine [~~auto-injector~~] rescue

- 439 medication entity to whom the epinephrine [~~auto-injector~~] rescue medication is
440 dispensed;
- 441 (B) a description of the epinephrine [~~auto-injector~~] rescue medication dispensed;
442 and
- 443 (C) other relevant information; and
- 444 (iv) is approved by the division through rule made in accordance with Title 63G,
445 Chapter 3, Utah Administrative Rulemaking Act, in collaboration with the
446 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,
449 authorized to dispense the stock albuterol;
- 450 (ii) requires a physician to review at least annually the dispensing practices of the
451 persons authorized by the physician to dispense the stock albuterol;
- 452 (iii) requires those authorized by the physician to dispense the stock albuterol to
453 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
455 stock albuterol is dispensed;
- 456 (B) a description of the stock albuterol dispensed; and
- 457 (C) other relevant information; and
- 458 (iv) is approved by the division through rule made in accordance with Title 63G,
459 Chapter 3, Utah Administrative Rulemaking Act, in collaboration with the
460 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
462 physician acting in the physician's capacity as an employee of the Department of Health
463 and Human Services issue a standing prescription drug order authorizing the dispensing
464 of:
- 465 (a) an epinephrine [~~auto-injector~~] rescue medication in accordance with an epinephrine
466 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
469 standing prescription drug order authorizing the dispensing of:
- 470 (a) an epinephrine [~~auto-injector~~] rescue medication in accordance with an epinephrine
471 protocol; or
- 472 (b) stock albuterol in accordance with a stock albuterol protocol.

473 Section 14. Section **58-17b-1006** is amended to read:

474 **58-17b-1006 . Guidelines for dispensing an epinephrine rescue medication and**
475 **stock albuterol.**

476 (1) A pharmacist or pharmacy intern who dispenses an epinephrine [~~auto-injector~~] rescue
477 medication under this part shall, at a minimum, provide patient counseling to the
478 qualified adult or qualified epinephrine [~~auto-injector~~] rescue medication entity to whom
479 the epinephrine [~~auto-injector~~] rescue medication is dispensed regarding:

- 480 (a) the appropriate administration and storage of the epinephrine [~~auto-injector~~] rescue
481 medication;
- 482 (b) potential side effects and risks of the epinephrine [~~auto-injector~~] rescue medication;
- 483 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
486 a minimum, provide patient counseling to the qualified adult or qualified stock albuterol
487 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.

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

492 **58-17b-1007 . Limited civil liability.**

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

497 (2) A physician who issues a standing prescription drug order in accordance with
498 Subsection 58-17b-1005(2) is not liable for any civil damages for acts or omissions
499 resulting from the dispensing of stock albuterol under this part.

500 Section 16. **Effective Date.**

501 This bill takes effect on May 7, 2025.