

Jill Koford proposes the following substitute bill:

Medications in Schools Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jill Koford

Senate Sponsor: Ann Millner

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

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.

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

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

100 (17) "Qualified stock albuterol entity" means a public or private school that employs,
101 contracts with, or has a similar relationship with a qualified adult who is likely to have
102 contact with another person who may experience an asthma emergency.

103 (18)(a) "Sporting event" means any of the following athletic activities that is organized,
104 managed, or sponsored by an organization:

105 (i) a game;

106 (ii) a practice;

107 (iii) a sports camp;

108 (iv) a physical education class;

109 (v) a competition; or

110 (vi) a tryout.

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

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

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

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

121 (19) "Stock albuterol" means a prescription inhaled medication:

122 (a) used to treat asthma; and

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

124 (i) an inhaler; or

125 (ii) a nebulizer with a mouthpiece or mask.

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

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

130 (b) dysfunction of memory;

131 (c) loss of consciousness; or

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

133 (i) seizures;

134 (ii) irritability;

135 (iii) lethargy;

136 (iv) vomiting;

137 (v) headache;

138 (vi) dizziness; or

139 (vii) fatigue.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 166 (4) A school, school board, or school official may encourage a teacher or other school
167 employee to volunteer to become a qualified adult.
- 168 (5)(a) Each primary or secondary school in the state, both public and private, shall make
169 an emergency epinephrine [~~auto-injector~~] rescue medication available to any teacher
170 or other school employee who:
- 171 (i) is employed at the school; and
172 (ii) is a qualified adult.
- 173 (b) This section does not require a school described in Subsection (5)(a) to keep more
174 than one emergency epinephrine [~~auto-injector~~] rescue medication on the school
175 premises, so long as it may be quickly accessed by a teacher or other school
176 employee, who is a qualified adult, in the event of an emergency.
- 177 (6)(a) Each primary or secondary school in the state, both public and private, may make
178 stock albuterol available to any school employee who:
- 179 (i) is employed at the school; and
180 (ii) is a qualified adult.
- 181 (b) A qualified adult may administer stock albuterol to a student who:
- 182 (i) has a diagnosis of asthma by a health care provider;
183 (ii) has a current asthma action plan on file with the school; and
184 (iii) is showing symptoms of an asthma emergency as described in the student's
185 asthma action plan.
- 186 (c) This Subsection (6) may not be interpreted to relieve a student's parent or guardian of
187 providing a student's medication or create an expectation that a school will have stock
188 albuterol available.
- 189 (7) No school, school board, or school official shall retaliate or otherwise take adverse
190 action against a teacher or other school employee for:
- 191 (a) volunteering under Subsection (2);
192 (b) engaging in conduct described in Subsection (3); or
193 (c) failing or refusing to become a qualified adult.
- 194 Section 3. Section **26B-4-407** is amended to read:
- 195 **26B-4-407 . Training in use and storage of epinephrine rescue medication.**
- 196 (1)(a) Each primary and secondary school in the state, both public and private, shall
197 make initial and annual refresher training, regarding the storage and emergency use
198 of an epinephrine [~~auto-injector~~] rescue medication, available to any teacher or other
199 school employee who volunteers to become a qualified adult.

- 200 (b) The training described in Subsection (1)(a) may be provided by the school nurse, or
201 other person qualified to provide such training, designated by the school district
202 physician, the medical director of the local health department, or the local emergency
203 medical services director.
- 204 (2) A person who provides training under Subsection (1) or (6) shall include in the training:
205 (a) techniques for recognizing symptoms of anaphylaxis;
206 (b) standards and procedures for the storage and emergency use of epinephrine [~~auto-injectors~~] rescue medication;
207
208 (c) emergency follow-up procedures, including calling the emergency 911 number and
209 contacting, if possible, the student's parent and physician; and
210 (d) written materials covering the information required under this Subsection (2).
- 211 (3) A qualified adult shall retain for reference the written materials prepared in accordance
212 with Subsection (2)(d).
- 213 (4) A public school shall permit a student to possess an epinephrine [~~auto-injector~~] rescue
214 medication or possess and self-administer an epinephrine [~~auto-injector~~] rescue
215 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-injector~~] rescue medication; and
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219 (ii) acknowledging that the student is responsible for, and capable of, possessing or
220 possessing and self-administering an epinephrine [~~auto-injector~~] rescue medication;
221 and
222 (b) the student's health care provider provides a written statement that states that:
223 (i) it is medically appropriate for the student to possess or possess and self-administer
224 an epinephrine [~~auto-injector~~] rescue medication; and
225 (ii) the student should be in possession of the epinephrine [~~auto-injector~~] rescue
226 medication at all times.
- 227 (5) The department, in cooperation with the state superintendent of public instruction, shall
228 design forms to be used by public and private schools for the parental and health care
229 providers statements described in Subsection (4).
- 230 (6)(a) The department:
231 (i) shall approve educational programs conducted by other persons, to train:
232 (A) people under Subsection (6)(b) of this section, regarding the proper use and
233 storage of emergency epinephrine [~~auto-injectors~~] rescue medication; and

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

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

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

244 (i) camp counselors;

245 (ii) scout leaders;

246 (iii) forest rangers;

247 (iv) tour guides; and

248 (v) other persons who have or reasonably expect to have contact with at least one
249 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**
252 **stock albuterol.**

253 (1) The school district physician, a department health care provider, the medical director of
254 the local health department, or the local emergency medical services director may
255 provide a prescription for the following if requested by a qualified adult, who is a
256 teacher or other school employee at a public or private primary or secondary school in
257 the state, or a school nurse:

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

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

260 (2)(a) A qualified adult may obtain an epinephrine [~~auto-injector~~] rescue medication for
261 use in accordance with this part that is dispensed by:

262 (i) a pharmacist as provided under Section 58-17b-1004; or

263 (ii) a pharmacy intern as provided under Section 58-17b-1004.

264 (b) A qualified adult may obtain stock albuterol for use in accordance with this part that
265 is dispensed by:

266 (i) a pharmacist as provided under Section 58-17b-1004; or

267 (ii) a pharmacy intern as provided under Section 58-17b-1004.

- 268 (3) A qualified adult:
- 269 (a) may immediately administer an epinephrine [~~auto-injector~~] rescue medication to a
- 270 person exhibiting potentially life-threatening symptoms of anaphylaxis when a
- 271 physician or physician assistant is not immediately available; and
- 272 (b) shall initiate emergency medical services or other appropriate medical follow-up in
- 273 accordance with the training materials retained under Section 26B-4-407 after
- 274 administering an epinephrine [~~auto-injector~~] rescue medication.
- 275 (4) If a school nurse is not immediately available, a qualified adult:
- 276 (a) may immediately administer stock albuterol to an individual who:
- 277 (i) has a diagnosis of asthma by a health care provider;
- 278 (ii) has a current asthma action plan on file with the school; and
- 279 (iii) is showing symptoms of an asthma emergency as described in the student's
- 280 asthma action plan; and
- 281 (b) shall initiate appropriate medical follow-up in accordance with the training materials
- 282 retained under Section 26B-4-408 after administering stock albuterol.
- 283 (5)(a) A qualified entity that complies with Subsection (5)(b) or (c), may obtain a supply
- 284 of epinephrine [~~auto-injectors~~] rescue medication or stock albuterol, respectively,
- 285 from a pharmacist under Section 58-17b-1004, or a pharmacy intern under Section
- 286 58-17b-1004 for:
- 287 (i) storing:
- 288 (A) the epinephrine [~~auto-injectors~~] rescue medication on the qualified epinephrine [
- 289 ~~auto-injector~~] rescue medication entity's premises; and
- 290 (B) stock albuterol on the qualified stock albuterol entity's premises; and
- 291 (ii) use by a qualified adult in accordance with Subsection (3) or (4).
- 292 (b) A qualified epinephrine [~~auto-injector~~] rescue medication entity shall:
- 293 (i) designate an individual to complete an initial and annual refresher training
- 294 program regarding the proper storage and emergency use of an epinephrine [
- 295 ~~auto-injector~~] rescue medication available to a qualified adult; and
- 296 (ii) store epinephrine [~~auto-injectors~~] rescue medication in accordance with the
- 297 standards established by the department in Section 26B-4-411.
- 298 (c) A qualified stock albuterol entity shall:
- 299 (i) designate an individual to complete an initial and annual refresher training
- 300 program regarding the proper storage and emergency use of stock albuterol
- 301 available to a qualified adult; and

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

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

305 **26B-4-410 . Immunity from liability.**

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

309 (a) a qualified adult;

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

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

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

314 (e) a qualified stock albuterol entity;

315 (f) the department;

316 (g) a local health department;

317 (h) a local education agency; and

318 (i) a local emergency medical services entity.

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

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

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

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

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

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

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

331 (3) establish standards for storage of:

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

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

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

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

- 337 (1) As used in this section:
- 338 (a) "Discount program" means the prescription discount program created by this section.
- 339 (b) "Epinephrine auto-injector" means ~~[the same as that term is defined in Section~~
340 26B-4-401.] a portable, disposable drug delivery device that contains a measured,
341 single dose of epinephrine that is used to treat a person suffering a potentially fatal
342 anaphylactic reaction.
- 343 (c) "Insulin" means a prescription drug that contains insulin.
- 344 (d) "Participant" means a resident of Utah who:
- 345 (i) has a prescription or standing prescription for a qualified prescription;
- 346 (ii) does not receive health coverage under the program; and
- 347 (iii) enrolls in the discount program.
- 348 (e) "Prescription drug" means the same as that term is defined in Section 58-17b-102.
- 349 (f) "Qualified prescription" means a prescription drug, including insulin and epinephrine
350 auto-injectors, that the program has determined:
- 351 (i) treats a serious, prevalent, and ongoing condition;
- 352 (ii) does not have a generic substitute;
- 353 (iii) qualifies for a substantial rebate; and
- 354 (iv) would not result in financial losses to the state risk pool if sold as part of the
355 discount program.
- 356 (g) "Rebate" means the same as that term is defined in Section 31A-46-102.
- 357 (2) The program shall create a prescription discount program for a participant to purchase a
358 qualified prescription at a discounted, post-rebate price.
- 359 (3) The program shall:
- 360 (a) provide a participant with a card or electronic document that identifies the participant
361 as eligible for the discount on a qualified prescription;
- 362 (b) provide a participant with information about pharmacies that will honor the discount;
363 and
- 364 (c) provide a participant with instructions to pursue a reimbursement of the purchase
365 price from the participant's health insurer.
- 366 (4) The program may not retain any amount of a rebate for a qualified prescription except
367 for an amount necessary to make the state risk pool whole for providing the qualified
368 prescription to participants.
- 369 (5) For each drug added to the discount program, the program shall notify the Health and

370 Human Services Interim Committee, providing:

371 (a) the name of the drug; and

372 (b) the primary condition the drug treats.

373 Section 8. Section **58-17b-1001** is amended to read:

374 **58-17b-1001 . Title.**

375 This part is known as the "Epinephrine [~~Auto-Injector~~] Rescue Medication and Stock
376 Albuterol Act."

377 Section 9. Section **58-17b-1002** is amended to read:

378 **58-17b-1002 . Definitions.**

379 As used in this part:

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

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

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

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

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

387 (6) "Qualified stock albuterol entity" means the same as that term is defined in Section
388 26B-4-401.

389 (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.**

392 This part does not create a duty or standard of care for a person to prescribe or dispense
393 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**
396 **stock albuterol pursuant to a standing order.**

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

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

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

403 (b) pursuant to a standing prescription drug order made in accordance with Section

- 404 58-17b-1005;
- 405 (c) without any other prescription drug order from a person licensed to prescribe an
406 epinephrine [~~auto-injector~~] rescue medication; and
- 407 (d) in accordance with the dispensing guidelines in Section 58-17b-1006.
- 408 (2) Notwithstanding any other provision of this chapter, a pharmacist or pharmacy intern
409 may dispense stock albuterol:
- 410 (a)(i) to a qualified adult for use in accordance with Title 26B, Chapter 4, Part 4,
411 School Health; or
- 412 (ii) to a qualified stock albuterol entity for use in accordance with Title 26B, Chapter
413 4, Part 4, School Health;
- 414 (b) pursuant to a standing prescription drug order made in accordance with Section
415 58-17b-1005;
- 416 (c) without any other prescription drug order from a person licensed to prescribe stock
417 albuterol; and
- 418 (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**
421 **medication and stock albuterol.**
- 422 (1) As used in this section:
- 423 (a) "Epinephrine protocol" means a protocol that:
- 424 (i) requires a physician to specify the persons, by professional license number,
425 authorized to dispense the epinephrine [~~auto-injector~~] rescue medication;
- 426 (ii) requires a physician to review at least annually the dispensing practices of the
427 persons authorized by the physician to dispense the epinephrine [~~auto-injector~~]
428 rescue medication;
- 429 (iii) requires those authorized by a physician to dispense the epinephrine [
430 ~~auto-injector~~] rescue medication to make and retain a record of each dispensing,
431 including:
- 432 (A) the name of the qualified adult or qualified epinephrine [~~auto-injector~~] rescue
433 medication entity to whom the epinephrine [~~auto-injector~~] rescue medication is
434 dispensed;
- 435 (B) a description of the epinephrine [~~auto-injector~~] rescue medication dispensed;
436 and
- 437 (C) other relevant information; and

- 438 (iv) is approved by the division through rule made in accordance with Title 63G,
 439 Chapter 3, Utah Administrative Rulemaking Act, in collaboration with the
 440 Medical Licensing Board created in Section 58-67-201 and the board.
- 441 (b) "Stock albuterol protocol" means a protocol that:
- 442 (i) requires a physician to specify the persons, by professional license number,
 443 authorized to dispense the stock albuterol;
- 444 (ii) requires a physician to review at least annually the dispensing practices of the
 445 persons authorized by the physician to dispense the stock albuterol;
- 446 (iii) requires those authorized by the physician to dispense the stock albuterol to
 447 make and retain a record of each dispensing, including:
- 448 (A) the name of the qualified adult or qualified stock albuterol entity to whom the
 449 stock albuterol is dispensed;
- 450 (B) a description of the stock albuterol dispensed; and
- 451 (C) other relevant information; and
- 452 (iv) is approved by the division through rule made in accordance with Title 63G,
 453 Chapter 3, Utah Administrative Rulemaking Act, in collaboration with the
 454 Medical Licensing Board created in Section 58-67-201 and the board.
- 455 (2) Under Section 58-17b-1004, the Department of Health and Human Services shall have a
 456 physician acting in the physician's capacity as an employee of the Department of Health
 457 and Human Services issue a standing prescription drug order authorizing the dispensing
 458 of:
- 459 (a) an epinephrine [~~auto-injector~~] rescue medication in accordance with an epinephrine
 460 protocol; and
- 461 (b) stock albuterol in accordance with a stock albuterol protocol.
- 462 (3) Under Section 58-17b-1004, a medical director of a local health department may issue a
 463 standing prescription drug order authorizing the dispensing of:
- 464 (a) an epinephrine [~~auto-injector~~] rescue medication in accordance with an epinephrine
 465 protocol; or
- 466 (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**
 469 **stock albuterol.**
- 470 (1) A pharmacist or pharmacy intern who dispenses an epinephrine [~~auto-injector~~] rescue
 471 medication under this part shall, at a minimum, provide patient counseling to the

472 qualified adult or qualified epinephrine [~~auto-injector~~] rescue medication entity to whom
473 the epinephrine [~~auto-injector~~] rescue medication is dispensed regarding:

474 (a) the appropriate administration and storage of the epinephrine [~~auto-injector~~] rescue
475 medication;

476 (b) potential side effects and risks of the epinephrine [~~auto-injector~~] rescue medication;
477 and

478 (c) when to seek emergency medical attention.

479 (2) A pharmacist or pharmacy intern who dispenses stock albuterol under this part shall, at
480 a minimum, provide patient counseling to the qualified adult or qualified stock albuterol
481 entity to whom the stock albuterol is dispensed regarding:

482 (a) the appropriate administration and storage of the stock albuterol;

483 (b) potential side effects and risks of the stock albuterol; and

484 (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.**

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

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

494 Section 15. **Effective Date.**

495 This bill takes effect on May 7, 2025.