

1 **School Health Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark A. Strong

Senate Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions regarding the administration of stock albuterol in schools.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ expands when stock albuterol can be administered during an emergency occurring in a
9 school.

10 **Money Appropriated in this Bill:**

11 None

12 **Other Special Clauses:**

13 None

14 **Utah Code Sections Affected:**

15 AMENDS:

16 **26B-4-406**, as renumbered and amended by Laws of Utah 2023, Chapter 307

17 **26B-4-409**, as last amended by Laws of Utah 2024, Chapter 311

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

20 Section 1. Section **26B-4-406** is amended to read:

21 **26B-4-406 . Voluntary participation.**

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

23 (a) a person to be trained in the use and storage of epinephrine auto-injectors or stock
24 albuterol; or

25 (b) except as provided in Subsection (5), a qualified epinephrine auto-injector entity to
26 store epinephrine auto-injectors or a qualified stock albuterol entity to store stock
27 albuterol on its premises.

28 (2) Except as provided in Subsections (3) and (5), a decision by a person to successfully

29 complete a training program under Section 26B-4-407 or 26B-4-408 and to make

30 emergency epinephrine auto-injectors or stock albuterol available under the provisions

- 31 of Sections 26B-4-406 through 26B-4-411 is voluntary.
- 32 (3) A school, school board, or school official may not prohibit or dissuade a teacher or
33 other school employee at a primary or secondary school in the state, either public or
34 private, from:
- 35 (a) completing a training program under Section 26B-4-407 or 26B-4-408;
- 36 (b) possessing or storing an epinephrine auto-injector or stock albuterol on school
37 property if:
- 38 (i) the teacher or school employee is a qualified adult; and
- 39 (ii) the possession and storage is in accordance with the training received under
40 Section 26B-4-407 or 26B-4-408; or
- 41 (c) administering an epinephrine auto-injector or stock albuterol to any person, if:
- 42 (i) the teacher or school employee is a qualified adult; and
- 43 (ii) the administration is in accordance with the training received under Section
44 26B-4-407 or 26B-4-408.
- 45 (4) A school, school board, or school official may encourage a teacher or other school
46 employee to volunteer to become a qualified adult.
- 47 (5)(a) Each primary or secondary school in the state, both public and private, shall make
48 an emergency epinephrine auto-injector available to any teacher or other school
49 employee who:
- 50 (i) is employed at the school; and
- 51 (ii) is a qualified adult.
- 52 (b) This section does not require a school described in Subsection (5)(a) to keep more
53 than one emergency epinephrine auto-injector on the school premises, so long as it
54 may be quickly accessed by a teacher or other school employee, who is a qualified
55 adult, in the event of an emergency.
- 56 (6)(a) Each primary or secondary school in the state, both public and private, may make
57 stock albuterol available to any school employee who:
- 58 (i) is employed at the school; and
- 59 (ii) is a qualified adult.
- 60 (b) A qualified adult may administer stock albuterol to a student who:
- 61 (i) has a diagnosis of asthma by a health care provider;
- 62 (ii) except as provided in Subsection (6)(d), has a current asthma action plan on file
63 with the school; and
- 64 (iii) except as provided in Subsection (6)(d), is showing symptoms of an asthma

65 emergency as described in the student's asthma action plan.

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

69 (d) A qualified adult may administer stock albuterol to any student who appears to be
70 experiencing respiratory distress or an asthma emergency based on the qualified
71 adult's training under Section 26B-4-408 and regardless of whether a current asthma
72 action plan is on file.

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

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

78 Section 2. Section **26B-4-409** is amended to read:

79 **26B-4-409 . Authority to obtain and use an epinephrine auto-injector or stock**
80 **albuterol.**

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

- 86 (a) epinephrine auto-injectors for use in accordance with this part; or
- 87 (b) stock albuterol for use in accordance with this part.

88 (2)(a) A qualified adult may obtain an epinephrine auto-injector for use in accordance
89 with this part that is dispensed by:

- 90 (i) a pharmacist as provided under Section 58-17b-1004; or
- 91 (ii) a pharmacy intern as provided under Section 58-17b-1004.

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

- 94 (i) a pharmacist as provided under Section 58-17b-1004; or
- 95 (ii) a pharmacy intern as provided under Section 58-17b-1004.

96 (3) A qualified adult:

- 97 (a) may immediately administer an epinephrine auto-injector to a person exhibiting
98 potentially life-threatening symptoms of anaphylaxis when a physician or physician

- 99 assistant is not immediately available; and
- 100 (b) shall initiate emergency medical services or other appropriate medical follow-up in
101 accordance with the training materials retained under Section 26B-4-407 after
102 administering an epinephrine auto-injector.
- 103 (4)(a) If a school nurse is not immediately available, a qualified adult[:]
104 [(a)] _may immediately administer stock albuterol to an individual who:
105 (i) has a diagnosis of asthma by a health care provider;
106 (ii) has a current asthma action plan on file with the school; and
107 (iii) is showing symptoms of an asthma emergency as described in the student's
108 asthma action plan[~~;~~and] .
- 109 (b) If a school nurse is not immediately available and an individual does not have a
110 current asthma action plan described in Subsection (4)(a), a qualified adult may
111 administer stock albuterol to the individual if the qualified adult identifies, based on
112 the training received under Section 26B-4-408, that the individual is experiencing an
113 asthma emergency.
- 114 (c) A qualified adult that administers stock albuterol under this Subsection (4) shall
115 initiate appropriate medical follow-up in accordance with the training materials
116 retained under Section 26B-4-408 after administering stock albuterol.
- 117 (5)(a) A qualified entity that complies with Subsection (5)(b) or (c), may obtain a supply
118 of epinephrine auto-injectors or stock albuterol, respectively, from a pharmacist
119 under Section 58-17b-1004, or a pharmacy intern under Section 58-17b-1004 for:
120 (i) storing:
121 (A) the epinephrine auto-injectors on the qualified epinephrine auto-injector
122 entity's premises; and
123 (B) stock albuterol on the qualified stock albuterol entity's premises; and
124 (ii) use by a qualified adult in accordance with Subsection (3) or (4).
- 125 (b) A qualified epinephrine auto-injector entity shall:
126 (i) designate an individual to complete an initial and annual refresher training
127 program regarding the proper storage and emergency use of an epinephrine
128 auto-injector available to a qualified adult; and
129 (ii) store epinephrine auto-injectors in accordance with the standards established by
130 the department in Section 26B-4-411.
- 131 (c) A qualified stock albuterol entity shall:
132 (i) designate an individual to complete an initial and annual refresher training

133 program regarding the proper storage and emergency use of stock albuterol
134 available to a qualified adult; and

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

137 Section 3. **Effective Date.**

138 This bill takes effect on May 7, 2025.