

Effective 5/12/2015

26-41-103 Voluntary participation.

- (1) This chapter does not create a duty or standard of care for:
 - (a) a person to be trained in the use and storage of epinephrine auto-injectors; or
 - (b) except as provided in Subsection (5), a qualified entity to store epinephrine auto-injectors on its premises.
- (2) Except as provided in Subsections (3) and (5), a decision by a person to successfully complete a training program under Section 26-41-104 and to make emergency epinephrine auto-injectors available under the provisions of this chapter is voluntary.
- (3) A school, school board, or school official may not prohibit or dissuade a teacher or other school employee at a primary or secondary school in the state, either public or private, from:
 - (a) completing a training program under Section 26-41-104;
 - (b) possessing or storing an epinephrine auto-injector on school property if:
 - (i) the teacher or school employee is a qualified adult; and
 - (ii) the possession and storage is in accordance with the training received under Section 26-41-104; or
 - (c) administering an epinephrine auto-injector to any person, if:
 - (i) the teacher or school employee is a qualified adult; and
 - (ii) the administration is in accordance with the training received under Section 26-41-104.
- (4) A school, school board, or school official may encourage a teacher or other school employee to volunteer to become a qualified adult.
- (5)
 - (a) Each primary or secondary school in the state, both public and private, shall make an emergency epinephrine auto-injector available to any teacher or other school employee who:
 - (i) is employed at the school; and
 - (ii) is a qualified adult.
 - (b) This section does not require a school described in Subsection (5)(a) to keep more than one emergency epinephrine auto-injector on the school premises, so long as it may be quickly accessed by a teacher or other school employee, who is a qualified adult, in the event of an emergency.
- (6) No school, school board, or school official shall retaliate or otherwise take adverse action against a teacher or other school employee for:
 - (a) volunteering under Subsection (2);
 - (b) engaging in conduct described in Subsection (3); or
 - (c) failing or refusing to become a qualified adult.

Amended by Chapter 332, 2015 General Session