

Effective 5/3/2023

26B-4-406 Voluntary participation.

- (1) Sections 26B-4-406 through 26B-4-411 do 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 stock albuterol; or
 - (b) except as provided in Subsection (5), a qualified epinephrine auto-injector entity to store epinephrine auto-injectors or a qualified stock albuterol entity to store stock albuterol 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 26B-4-407 or 26B-4-408 and to make emergency epinephrine auto-injectors or stock albuterol available under the provisions of Sections 26B-4-406 through 26B-4-411 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 26B-4-407 or 26B-4-408;
 - (b) possessing or storing an epinephrine auto-injector or stock albuterol 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 26B-4-407 or 26B-4-408; or
 - (c) administering an epinephrine auto-injector or stock albuterol 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 26B-4-407 or 26B-4-408.
- (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)
 - (a) Each primary or secondary school in the state, both public and private, may make stock albuterol available to any school employee who:
 - (i) is employed at the school; and
 - (ii) is a qualified adult.
 - (b) A qualified adult may administer stock albuterol to a student who:
 - (i) has a diagnosis of asthma by a health care provider;
 - (ii) has a current asthma action plan on file with the school; and
 - (iii) is showing symptoms of an asthma emergency as described in the student's asthma action plan.
 - (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.

- (7) 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.

Renumbered and Amended by Chapter 307, 2023 General Session