

**EMERGENCY INJECTION FOR
ANAPHYLACTIC REACTION**

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Margaret Dayton

AN ACT RELATING TO HEALTH; PERMITTING SCHOOLS TO HAVE PERSONNEL TRAINED TO ADMINISTER EPINEPHRINE THROUGH AN AUTO-INJECTOR TO A PERSON SUFFERING A POTENTIALLY LIFE-THREATENING ANAPHYLACTIC REACTION; AND PROVIDING IMMUNITY FROM LIABILITY.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

26-40-101, Utah Code Annotated 1953

26-40-102, Utah Code Annotated 1953

26-40-103, Utah Code Annotated 1953

26-40-104, Utah Code Annotated 1953

26-40-105, Utah Code Annotated 1953

26-40-106, Utah Code Annotated 1953

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

Section 1. Section **26-40-101** is enacted to read:

CHAPTER 40. EMERGENCY INJECTION FOR ANAPHYLACTIC REACTION ACT

26-40-101. Title.

This chapter is known as the "Emergency Injection for Anaphylactic Reaction Act."

Section 2. Section **26-40-102** is enacted to read:

26-40-102. Definitions.

As used in this chapter:

(1) "Anaphylaxis" means a potentially life-threatening hypersensitivity to a substance.

(a) Symptoms of anaphylaxis may include shortness of breath, wheezing, difficulty

1 breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma.

2 (b) Causes of anaphylaxis may include insect sting, food allergy, drug reaction, and
3 exercise.

4 (2) "Epinephrine auto-injector" means a disposable drug delivery system with a
5 spring-activated concealed needle that is designed for emergency administration of epinephrine
6 to provide rapid, convenient first-aid for persons suffering a potentially fatal anaphylactic reaction.

7 Section 3. Section **26-40-103** is enacted to read:

8 **26-40-103. Voluntary participation.**

9 (1) Each primary and secondary school in the state, both public and private, may
10 voluntarily determine whether or not to make emergency epinephrine auto-injectors and trained
11 personnel available at school.

12 (2) In making a determination under Subsection (1), a school may evaluate the emergency
13 medical response time to the school and determine whether initiating emergency medical services
14 is an acceptable alternative to epinephrine auto-injectors and trained personnel.

15 Section 4. Section **26-40-104** is enacted to read:

16 **26-40-104. Training of school personnel in use of epinephrine auto-injector.**

17 (1) Each primary and secondary school in the state, both public and private, may designate
18 one or more school personnel ~~to~~ **WHO VOLUNTEERS** ~~to~~ receive initial and annual refresher training
18a from the school nurse
19 or other qualified person designated by ~~the~~ **[a] THE SCHOOL DISTRICT PHYSICIAN, THE MEDICAL**
19a **DIRECTOR OF THE** ~~local health department~~ ~~or the bureau or division within~~
20 ~~the department that oversees~~ **OR THE LOCAL** ~~emergency medical services~~ **DIRECTOR** ~~regarding the storage and emergency use~~
20a of an epinephrine auto-injector.

22 (2) A person who provides training under Subsection (1) shall include in the training:

23 (a) techniques for recognizing symptoms of anaphylaxis;

24 (b) standards and procedures for the storage and emergency use of epinephrine
25 auto-injectors;

26 (c) emergency follow-up procedures, including calling the emergency 911 number and
27 contacting, if possible, the student's parent and physician; and

28 (d) written materials covering the information required under this Subsection (2).

29 (3) A school shall retain for reference the written materials prepared in accordance with
30 Subsection (2)(d).

31 Section 5. Section **26-40-105** is enacted to read:

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1 **26-40-105. Authority to obtain and use an epinephrine auto-injector.**

2 A person who has received training under Section 26-40-104:

3 (1) or a school nurse may obtain from ~~h~~ THE SCHOOL DISTRICT PHYSICIAN, ~~h~~ the medical
3a director of the local health department ~~h~~ , ~~h~~
4 or the ~~h~~ [bureau or division within the department that oversees] LOCAL ~~h~~ emergency medical
4a services ~~h~~ DIRECTOR ~~h~~ a
5 prescription for epinephrine auto-injectors;

6 (2) may immediately administer an epinephrine auto-injector to a person exhibiting
7 potentially life-threatening symptoms of anaphylaxis at school or a school activity when a
8 physician is not immediately available; and

9 (3) shall initiate emergency medical services or other appropriate medical follow-up in
10 accordance with the training materials retained under Section 26-40-104 after administering an
11 epinephrine auto-injector.

12 Section 6. Section **26-40-106** is enacted to read:

13 **26-40-106. Immunity from liability.**

14 (1) A person who has received training under Section 26-40-104 and acts in good faith is
15 not liable in any civil or criminal action for any act taken or not taken under the authority of this
16 chapter with respect to an anaphylactic reaction.

17 (2) Section 53A-11-601 does not apply to the administration of an epinephrine auto-
18 injector in accordance with this chapter.

Legislative Review Note
as of 10-3-97 2:18 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Committee Note

The Health and Human Services Interim Committee recommended this bill.