

**EMERGENCY ADMINISTRATION OF**

**EPINEPHRINE**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd E. Kiser**

Senate Sponsor: Margaret Dayton

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**LONG TITLE**

**General Description:**

This bill amends the Emergency Injection for Anaphylactic Reaction Act to authorize the administration of epinephrine auto-injectors in an emergency by a person certified by the Department of Health.

**Highlighted Provisions:**

This bill:

- ▶ amends definitions;
- ▶ requires the Department of Health to approve training programs for the use and storage of epinephrine auto-injectors in an emergency;
- ▶ authorizes the Department of Health, as funding is available, to conduct educational programs to train people in the use and storage of epi pens;
- ▶ establishes a standard for when a person has a need for training in the use of epinephrine auto-injectors;
- ▶ authorizes a person trained in the use and storage of epinephrine auto-injectors to obtain a prescription for the epinephrine auto-injector from a physician, pharmacist, or other person authorized to prescribe or sell prescribed medicines or drugs; and
- ▶ authorizes the Department of Health to adopt administrative rules.

**Monies Appropriated in this Bill:**

None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **26-41-102**, as enacted by Chapter 17, Laws of Utah 1998

33 **26-41-103**, as enacted by Chapter 17, Laws of Utah 1998

34 **26-41-104**, as enacted by Chapter 17, Laws of Utah 1998

35 **26-41-105**, as enacted by Chapter 17, Laws of Utah 1998



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

38 Section 1. Section **26-41-102** is amended to read:

39 **26-41-102. Definitions.**

40 As used in this chapter:

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

42 (a) Symptoms of anaphylaxis may include shortness of breath, wheezing, difficulty  
43 breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma.

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

46 (2) "Designated person" means a person:

47 (a) 18 years of age or older; and

48 (b) who has successfully completed the training program established in Section  
49 26-41-104.

50 [~~(2)~~] (3) "Epinephrine auto-injector" means a disposable drug delivery system with a  
51 spring-activated concealed needle that is designed for emergency administration of epinephrine  
52 to provide rapid, convenient first-aid for persons suffering a potentially fatal anaphylactic  
53 reaction.

54 Section 2. Section **26-41-103** is amended to read:

55 **26-41-103. Voluntary participation.**

56 (1) (a) This chapter does not create a duty or standard of care for a person to be trained  
57 in the use and storage of epinephrine auto-injectors. A decision to successfully complete a  
58 training program under Section 26-41-104 and to make emergency epinephrine auto-injectors

59 available under the provisions of this chapter is voluntary.

60 ~~[(+)]~~ (b) Each primary and secondary school in the state, both public and private, may  
61 voluntarily determine whether or not to make emergency epinephrine auto-injectors and trained  
62 personnel available at school.

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

67 Section 3. Section **26-41-104** is amended to read:

68 **26-41-104. Training in use of epinephrine auto-injector.**

69 (1) Each primary and secondary school in the state, both public and private, may  
70 designate one or more school personnel who volunteers to receive initial and annual refresher  
71 training from the school nurse or other qualified person designated by the school district  
72 physician, the medical director of the local health department, or the local emergency medical  
73 services director regarding the storage and emergency use of an epinephrine auto-injector.

74 (2) A person who provides training under Subsection (1) ~~or~~ ~~§→ [(+)] (6) ←§~~ shall include  
74a in the  
75 training:

76 (a) techniques for recognizing symptoms of anaphylaxis;

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

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

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

82 (3) A ~~[school]~~ designated person shall retain for reference the written materials  
83 prepared in accordance with Subsection (2)(d).

83a ~~§→~~ **(4) A public school shall permit a student to possess an epinephrine auto-injector or**  
83b **possess and self-administer an epinephrine auto-injector if:**

83c **(a) the student's parent or guardian signs a statement:**

83d **(i) authorizing the student to possess or possess and self-administer an epinephrine**  
83e **auto-injector; and**

83f **(ii) acknowledging that the student is responsible for, and capable of, possessing or**  
83g **possessing and self-administering an epinephrine auto-injector; and**

83h **(b) the student's health care provider provides a written statement that states that it is**  
83i **medically appropriate for the student to possess or possess and self-administer am**

83j epinephrine auto-injector and the student should be in possession of the epinephrine auto-  
83k injector at all times.

83l (5) The Utah Department of Health, in cooperation with the state superintendent of  
83m public instruction, shall design forms to be used by public schools for the parental and health  
83n care providers statements described in Subsection ~~5~~ (6) .

84 ~~(4) (6)~~ (a) The department:

85 (i) shall approve educational programs conducted by other persons, to train people  
86 under Subsection ~~5~~ (6) (b) of this section, regarding the use and storage of emergency  
86a epinephrine

87 auto-injectors; and

88 (ii) may, as funding is available, conduct educational programs to train people  
89 regarding the use of and storage of emergency epinephrine auto-injectors.

90 (b) A person designated to receive training to administer an epinephrine auto-injector  
 91 under the provisions of this Subsection (4) must demonstrate a need for the training to the  
 92 department, which may be based upon occupational, volunteer, or family circumstances, and  
 93 shall include:

- 94 (i) camp counselors;  
 95 (ii) scout leaders;  
 96 (iii) forest rangers;  
 97 (iv) tour guides; and  
 98 (v) other persons who have or reasonably expect to have responsibility for at least one  
 99 other person as a result of the person's occupational or volunteer status.

100 ~~§~~ → [(5)] (7) ← ~~§~~ The department shall adopt rules in accordance with Title 63,  
 100a Chapter 46a, Utah  
 101 Administrative Rulemaking Act, to:

- 102 (a) establish and approve training programs in accordance with this section; and  
 103 (b) establish a procedure for determining the need for training under Subsection

104 ~~§~~ → [(4)] (6) ← ~~§~~ (b)(v).

105 Section 4. Section **26-41-105** is amended to read:

106 **26-41-105. Authority to obtain and use an epinephrine auto-injector.**

107 (1) A person who [has received training under Section 26-41-104: (1)] is designated by  
 108 a public or private primary or secondary school in the state to receive training under Subsection  
 109 26-41-104(1), or a school nurse, may obtain from the school district physician, the medical  
 110 director of the local health department, or the local emergency medical services director a  
 111 prescription for epinephrine auto-injectors[;].

112 (2) A person ~~§~~ → [certified] permitted ← ~~§~~ to administer epinephrine auto-injectors  
 112a under the provisions of  
 113 Subsection 26-41-104 ~~§~~ → [(4)] (6) ← ~~§~~ may obtain from a physician, pharmacist, or any other  
 113a person or  
 114 entity authorized to prescribe or sell prescribed medicines or drugs, a prescription for an  
 115 epinephrine auto-injector.

116 (3) A person authorized to administer an epinephrine auto-injector under the provisions  
 117 of this chapter may:

118 ~~[(2) may]~~ (a) immediately administer an epinephrine auto-injector to a person  
 119 exhibiting potentially life-threatening symptoms of anaphylaxis [at school or a school activity]  
 120 when a physician is not immediately available; and

121            [~~(3)~~] (b) shall initiate emergency medical services or other appropriate medical  
122 follow-up in accordance with the training materials retained under Section 26-41-104 after  
123 administering an epinephrine auto-injector.

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**Legislative Review Note**  
**as of 11-16-06 10:10 AM**

**Office of Legislative Research and General Counsel**

**Interim Committee Note**  
**as of 12-12-06 11:23 AM**

The Health and Human Services Interim Committee recommended this bill.

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**H.B. 56 - Emergency Administration of Epinephrine - As Amended**

**Fiscal Note**

2007 General Session

State of Utah

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**State Impact**

Enactment of this bill requires an ongoing appropriation of \$9,500 from the General Fund to Health Systems Improvement in the Department of Health.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>
General Fund	\$0	\$9,500	\$9,500	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$9,500</b>	<b>\$9,500</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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**Individual, Business and/or Local Impact**

Enactment of this bill may result in costs for some organizations and individuals. Individuals may be charged a fee for the training program. An additional expense is the cost of the epinephrine pen which is approximately \$50 per pen. These expenses may be paid for by the individual or the organization which they represent.