

1                                   **EMERGENCY ADMINISTRATION OF**

2   **EPINEPHRINE**

3   2007 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Todd E. Kiser**

6   Senate Sponsor: Margaret Dayton

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8   **LONG TITLE**

9   **General Description:**

10           This bill amends the Emergency Injection for Anaphylactic Reaction Act to authorize  
11 the administration of epinephrine auto-injectors in an emergency by a person designated  
12 to receive training by the Department of Health.

13   **Highlighted Provisions:**

14           This bill:

- 15           ▶ amends definitions;
- 16           ▶ requires the Department of Health to approve training programs for the use and  
17 storage of epinephrine auto-injectors in an emergency;
- 18           ▶ authorizes the Department of Health, as funding is available, to conduct educational  
19 programs to train people in the use and storage of epinephrine auto-injectors;
- 20           ▶ establishes a standard for when a person has a need for training in the use of  
21 epinephrine auto-injectors;
- 22           ▶ authorizes a person trained in the use and storage of epinephrine auto-injectors to  
23 obtain a prescription for the epinephrine auto-injector from a physician, pharmacist,  
24 or other person authorized to prescribe or sell drugs; and
- 25           ▶ authorizes the Department of Health to adopt administrative rules.

26   **Monies Appropriated in this Bill:**

27           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 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).

84        (4) A public school shall permit a student to possess an epinephrine auto-injector or  
85 possess and self-administer an epinephrine auto-injector if:

86           (a) the student's parent or guardian signs a statement:  
87           (i) authorizing the student to possess or possess and self-administer an epinephrine  
88 auto-injector; and  
89           (ii) acknowledging that the student is responsible for, and capable of, possessing or  
90 possessing and self-administering an epinephrine auto-injector; and  
91           (b) the student's health care provider provides a written statement that states that it is  
92 medically appropriate for the student to possess or possess and self-administer an epinephrine  
93 auto-injector and the student should be in possession of the epinephrine auto-injector at all  
94 times.

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

98           (6) (a) The department:  
99           (i) shall approve educational programs conducted by other persons, to train people  
100 under Subsection (6)(b) of this section, regarding the use and storage of emergency epinephrine  
101 auto-injectors; and  
102           (ii) may, as funding is available, conduct educational programs to train people  
103 regarding the use of and storage of emergency epinephrine auto-injectors.

104           (b) A person designated to receive training to administer an epinephrine auto-injector  
105 under the provisions of this Subsection (6) must demonstrate a need for the training to the  
106 department, which may be based upon occupational, volunteer, or family circumstances, and  
107 shall include:

108           (i) camp counselors;  
109           (ii) scout leaders;  
110           (iii) forest rangers;  
111           (iv) tour guides; and  
112           (v) other persons who have or reasonably expect to have responsibility for at least one  
113 other person as a result of the person's occupational or volunteer status.

114 (7) The department shall adopt rules in accordance with Title 63, Chapter 46a, Utah  
115 Administrative Rulemaking Act, to:

116 (a) establish and approve training programs in accordance with this section; and

117 (b) establish a procedure for determining the need for training under Subsection

118 (6)(b)(v).

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

120 **26-41-105. Authority to obtain and use an epinephrine auto-injector.**

121 (1) A person who [has received training under Section 26-41-104: (1)] is designated by  
122 a public or private primary or secondary school in the state to receive training under Subsection  
123 26-41-104(1), or a school nurse, may obtain from the school district physician, the medical  
124 director of the local health department, or the local emergency medical services director a  
125 prescription for epinephrine auto-injectors[;].

126 (2) A person permitted to administer epinephrine auto-injectors under the provisions of  
127 Subsection 26-41-104(6) may obtain from a physician, pharmacist, or any other person or  
128 entity authorized to prescribe or sell prescribed medicines or drugs, a prescription for an  
129 epinephrine auto-injector.

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

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

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