

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 (4) 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) The department:

85 (i) shall approve educational programs conducted by other persons, to train people
86 under Subsection (4)(b) of this section, regarding the use and storage of emergency 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) The department shall adopt rules in accordance with Title 63, 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)(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 to administer epinephrine auto-injectors under the provisions of
113 Subsection 26-41-104(4) may obtain from a physician, pharmacist, or any other 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.

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.

H.B. 56 - Emergency Administration of Epinephrine

Fiscal Note

2007 General Session

State of Utah

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. In addition, the appropriation will include \$20,000 of Dedicated Credits in FY 2008 and \$4,000 in FY 2009 (on-going). The Dedicated Credit Revenue comes from fees charged to process applications and background checks.

	<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
Dedicated Credits	\$0	\$20,000	\$4,000	\$0	\$20,000	\$4,000
Total	\$0	\$29,500	\$13,500	\$0	\$20,000	\$4,000

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 of \$80 to cover application processing and background checks. There may also be a fee for the training program itself. 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.