

**ADMINISTRATION OF MEDICATION TO STUDENTS**

**AMENDMENT**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mike K. McKell**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill makes an amendment regarding the administration of medication to students.

**Highlighted Provisions:**

This bill:

▶ allows for the administration of an opiate antagonist to a student in accordance with the Opiate Overdose Response Act; and

▶ provides civil and criminal immunity for school personnel who administer an opiate antagonist to a student.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53A-11-601**, as last amended by Laws of Utah 2008, Chapter 173

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

Section 1. Section **53A-11-601** is amended to read:

**53A-11-601. Administration of medication to students -- Prerequisites --**



28 **Immunity from liability.**

29 (1) A public or private school that holds any classes in grades kindergarten through 12  
30 may provide for the administration of medication to any student during periods when the  
31 student is under the control of the school, subject to the following conditions:

32 (a) the local school board, charter school governing board, or the private equivalent,  
33 after consultation with the Department of Health and school nurses shall adopt policies that  
34 provide for:

- 35 (i) the designation of volunteer employees who may administer medication;
- 36 (ii) proper identification and safekeeping of medication;
- 37 (iii) the training of designated volunteer employees by the school nurse;
- 38 (iv) maintenance of records of administration; and
- 39 (v) notification to the school nurse of medication that will be administered to students;

40 and

41 (b) except for the emergency administration of an opiate antagonist, in accordance with  
42 Title 26, Chapter 55, Opiate Overdose Response Act, medication may only be administered to  
43 a student if:

- 44 (i) the student's parent or legal guardian has provided a current written and signed  
45 request that medication be administered during regular school hours to the student; and
- 46 (ii) the student's licensed health care provider has prescribed the medication and  
47 provides documentation as to the method, amount, and time schedule for administration, and a  
48 statement that administration of medication by school employees during periods when the  
49 student is under the control of the school is medically necessary.

50 (2) Authorization for administration of medication by school personnel may be  
51 withdrawn by the school at any time following actual notice to the student's parent or guardian.

52 (3) School personnel who provide assistance under Subsection (1) in substantial  
53 compliance with the licensed health care provider's written prescription and the employers of  
54 these school personnel are not liable, civilly or criminally, for:

- 55 (a) any adverse reaction suffered by the student as a result of taking the medication;

56 and

57 (b) discontinuing the administration of the medication under Subsection (2).

**Legislative Review Note**  
**Office of Legislative Research and General Counsel**