

59 health care provider to help control the student's asthma; and

60 (b) signed by the student's:

61 (i) parent or guardian; and

62 (ii) health care provider.

63 (3) "Asthma emergency" means an episode of respiratory distress that may include  
 64 symptoms such as wheezing, shortness of breath, coughing, chest tightness, or breathing  
 65 difficulty.

66 ~~[(2)]~~ (4) "Epinephrine auto-injector" means a portable, disposable drug delivery device  
 67 that contains a measured, single dose of epinephrine that is used to treat a person suffering a  
 68 potentially fatal anaphylactic reaction.

68a ~~H→~~ **(5) "Health care provider" means an individual who is licensed as:**

68b **(a) a physician under Title 58, Chapter 67, Utah Medical Practice Act;**

68c **(b) a physician under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;**

68d **(c) an advanced practice registered nurse under Section 58-31b-302; or**

68e **(d) a physician assistant under Title 58, Chapter 70a, Physician Assistant Act.** ←H

69 ~~[(3)]~~ ~~H→~~ ~~[(5)]~~ (6) ←H "Qualified adult" means a person who:

70 (a) is 18 years of age or older; and

71 (b) (i) for purposes of administering an epinephrine auto-injector, has successfully  
 72 completed the training program established in Section 26-41-104[-]; and

73 (ii) for purposes of administering stock albuterol, has successfully completed the  
 74 training program established in Section 26-41-104.1.

75 ~~[(4)]~~ ~~H→~~ ~~[(6)]~~ (7) ←H "Qualified epinephrine auto-injector entity":

76 (a) means a facility or organization that employs, contracts with, or has a similar  
 77 relationship with a qualified adult who is likely to have contact with another person who may  
 78 experience anaphylaxis; and

79 (b) includes:

80 (i) recreation camps;

81 (ii) an education facility, school, or university;

82 (iii) a day care facility;

83 (iv) youth sports leagues;

84 (v) amusement parks;

85 (vi) food establishments;

86 (vii) places of employment; and

87 (viii) recreation areas.

88 ~~H→~~ ~~[(7)]~~ (8) ←H "Qualified stock albuterol entity" means a public or private school that  
 88a employs,

89 contracts with, or has a similar relationship with a qualified adult who is likely to have contact

90 with another person who may experience an asthma emergency.

91 ~~H~~→ [(8)] (9) ←~~H~~ "Stock albuterol" means a prescription inhaled medication:

92 (a) used to treat asthma; and

93 (b) that may be delivered through a device, including:

94 (i) an inhaler; or

95 (ii) a nebulizer with a mouthpiece or mask.

96 Section 3. Section **26-41-103** is amended to read:

97 **26-41-103. Voluntary participation.**

98 (1) This chapter does not create a duty or standard of care for:

99 (a) a person to be trained in the use and storage of epinephrine auto-injectors or stock  
100 albuterol; or

101 (b) except as provided in Subsection (5), a qualified epinephrine auto-injector entity to  
102 store epinephrine auto-injectors or a qualified stock albuterol entity to store stock albuterol on  
103 its premises.

104 (2) Except as provided in Subsections (3) and (5), a decision by a person to  
105 successfully complete a training program under Section 26-41-104 or 26-41-104.1 and to make  
106 emergency epinephrine auto-injectors or stock albuterol available under the provisions of this  
107 chapter is voluntary.

108 (3) A school, school board, or school official may not prohibit or dissuade a teacher or  
109 other school employee at a primary or secondary school in the state, either public or private,  
110 from:

111 (a) completing a training program under Section 26-41-104 or 26-41-104.1;

112 (b) possessing or storing an epinephrine auto-injector or stock albuterol on school  
113 property if:

114 (i) the teacher or school employee is a qualified adult; and

115 (ii) the possession and storage is in accordance with the training received under Section  
116 26-41-104 or 26-41-104.1; or

117 (c) administering an epinephrine auto-injector or stock albuterol to any person, if:

118 (i) the teacher or school employee is a qualified adult; and

119 (ii) the administration is in accordance with the training received under Section  
120 26-41-104 or 26-41-104.1.