

**SCHOOL PRESCRIPTION AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mark A. Strong**

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

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to certain prescription drugs and schools.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires certain health care providers to provide a prescription upon request to certain school employees or a school nurse for epinephrine, albuterol, and glucagon for use in an emergency situation subject to restrictions;
- ▶ waives liability for certain persons; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**26B-4-401**, as renumbered and amended by Laws of Utah 2023, Chapter 307

**26B-4-409**, as renumbered and amended by Laws of Utah 2023, Chapter 307

**26B-4-410**, as renumbered and amended by Laws of Utah 2023, Chapter 307

**53G-9-501**, as enacted by Laws of Utah 2018, Chapter 3



28 **53G-9-504**, as last amended by Laws of Utah 2019, Chapters 293, 349

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

31 Section 1. Section **26B-4-401** is amended to read:

32 **26B-4-401. Definitions.**

33 As used in this part:

- 34 (1) "Agent" means a coach, teacher, employee, representative, or volunteer.
- 35 (2) (a) "Amateur sports organization" means, except as provided in Subsection (2)(b):
  - 36 (i) a sports team;
  - 37 (ii) a public or private school;
  - 38 (iii) a public or private sports league;
  - 39 (iv) a public or private sports camp; or
  - 40 (v) any other public or private organization that organizes, manages, or sponsors a
  - 41 sporting event for its members, enrollees, or attendees.
- 42 (b) "Amateur sports organization" does not include a professional:
  - 43 (i) team;
  - 44 (ii) league; or
  - 45 (iii) sporting event.
- 46 (3) "Anaphylaxis" means a potentially life-threatening hypersensitivity to a substance.
  - 47 (a) Symptoms of anaphylaxis may include shortness of breath, wheezing, difficulty
  - 48 breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma.
  - 49 (b) Causes of anaphylaxis may include insect sting, food allergy, drug reaction, and
  - 50 exercise.
- 51 (4) "Asthma action plan" means a written plan:
  - 52 (a) developed with a school nurse, a student's parent or guardian, and the student's
  - 53 health care provider to help control the student's asthma; and
  - 54 (b) signed by the student's:
    - 55 (i) parent or guardian; and
    - 56 (ii) health care provider.
- 57 (5) "Asthma emergency" means an episode of respiratory distress that may include
- 58 symptoms such as wheezing, shortness of breath, coughing, chest tightness, or breathing

59 difficulty.

60 (6) "Child" means an individual who is under the age of 18.

61 (7) "Department health care provider" means a health care provider who is acting in the  
62 capacity of a health care provider during employment for the department.

63 [~~(7)~~] (8) "Epinephrine auto-injector" means a portable, disposable drug delivery device  
64 that contains a measured, single dose of epinephrine that is used to treat a person suffering a  
65 potentially fatal anaphylactic reaction.

66 [~~(8)~~] (9) "Health care provider" means an individual who is licensed as:

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

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

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

70 (d) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.

71 [~~(9)~~] (10) "Pharmacist" means the same as that term is defined in Section 58-17b-102.

72 [~~(10)~~] (11) "Pharmacy intern" means the same as that term is defined in Section  
73 58-17b-102.

74 [~~(11)~~] (12) "Physician" means the same as that term is defined in Section 58-67-102.

75 (13) "Public school" means a district school or a charter school.

76 [~~(12)~~] (14) "Qualified adult" means a person who:

77 (a) is [~~18 years of age or older~~] at least 18 years old; and

78 (b) (i) for purposes of administering an epinephrine auto-injector, has successfully  
79 completed the training program established in Section 26B-4-407; and

80 (ii) for purposes of administering stock albuterol, has successfully completed the  
81 training program established in Section 26B-4-408.

82 [~~(13)~~] (15) "Qualified epinephrine auto-injector entity":

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

86 (b) includes:

87 (i) recreation camps;

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

89 (iii) a day care facility;

- 90 (iv) youth sports leagues;
- 91 (v) amusement parks;
- 92 (vi) food establishments;
- 93 (vii) places of employment; and
- 94 (viii) recreation areas.

95 [~~14~~] (16) "Qualified health care provider" means a health care provider who:

- 96 (a) is licensed under Title 58, Occupations and Professions; and
- 97 (b) may evaluate and manage a concussion within the health care provider's scope of
- 98 practice.

99 [~~15~~] (17) "Qualified stock albuterol entity" means a public or private school that  
100 employs, contracts with, or has a similar relationship with a qualified adult who is likely to  
101 have contact with another person who may experience an asthma emergency.

102 [~~16~~] (18) (a) "Sporting event" means any of the following athletic activities that is  
103 organized, managed, or sponsored by an organization:

- 104 (i) a game;
- 105 (ii) a practice;
- 106 (iii) a sports camp;
- 107 (iv) a physical education class;
- 108 (v) a competition; or
- 109 (vi) a tryout.

110 (b) "Sporting event" does not include:

111 (i) the issuance of a lift ticket or pass by a ski resort, the use of the ticket or pass, or a  
112 ski or snowboarding class or school at a ski resort, unless the skiing or snowboarding is part of  
113 a camp, team, or competition that is organized, managed, or sponsored by the ski resort;

114 (ii) as applied to a government entity, merely making available a field, facility, or other  
115 location owned, leased, or controlled by the government entity to an amateur sports  
116 organization or a child, regardless of whether the government entity charges a fee for the use;  
117 or

118 (iii) free play or recess taking place during school hours.

119 [~~17~~] (19) "Stock albuterol" means a prescription inhaled medication:

- 120 (a) used to treat asthma; and

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

122 (i) an inhaler; or

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

124 ~~[(18)]~~ (20) "Traumatic head injury" means an injury to the head arising from blunt  
125 trauma, an acceleration force, or a deceleration force, with one of the following observed or  
126 self-reported conditions attributable to the injury:

127 (a) transient confusion, disorientation, or impaired consciousness;

128 (b) dysfunction of memory;

129 (c) loss of consciousness; or

130 (d) signs of other neurological or neuropsychological dysfunction, including:

131 (i) seizures;

132 (ii) irritability;

133 (iii) lethargy;

134 (iv) vomiting;

135 (v) headache;

136 (vi) dizziness; or

137 (vii) fatigue.

138 Section 2. Section **26B-4-409** is amended to read:

139 **26B-4-409. Authority to obtain and use an epinephrine auto-injector or stock**  
140 **albuterol.**

141 ~~[(1) A qualified adult who is a teacher or other school employee at a public or private~~  
142 ~~primary or secondary school in the state, or a school nurse, may obtain from the school district~~  
143 ~~physician, the medical director of the local health department, or the local emergency medical~~  
144 ~~services director a prescription for:]~~

145 ~~[(a) epinephrine auto-injectors for use in accordance with this part; or]~~

146 ~~[(b) stock albuterol for use in accordance with this part.]~~

147 (1) The school district physician, a department health care provider, the medical  
148 director of the local health department, or the local emergency medical services director shall  
149 provide a prescription for the following if requested by a qualified adult, who is a teacher or  
150 other school employee at a public or private primary or secondary school in the state, or a  
151 school nurse:

152           (a) epinephrine auto-injectors for use in accordance with this part; or

153           (b) stock albuterol for use in accordance with this part.

154           (2) (a) A qualified adult may obtain an epinephrine auto-injector for use in accordance  
155 with this part that is dispensed by:

156           (i) a pharmacist as provided under Section 58-17b-1004; or

157           (ii) a pharmacy intern as provided under Section 58-17b-1004.

158           (b) A qualified adult may obtain stock albuterol for use in accordance with this part  
159 that is dispensed by:

160           (i) a pharmacist as provided under Section 58-17b-1004; or

161           (ii) a pharmacy intern as provided under Section 58-17b-1004.

162           (3) A qualified adult:

163           (a) may immediately administer an epinephrine auto-injector to a person exhibiting  
164 potentially life-threatening symptoms of anaphylaxis when a physician is not immediately  
165 available; and

166           (b) shall initiate emergency medical services or other appropriate medical follow-up in  
167 accordance with the training materials retained under Section 26B-4-407 after administering an  
168 epinephrine auto-injector.

169           (4) If a school nurse is not immediately available, a qualified adult:

170           (a) may immediately administer stock albuterol to an individual who:

171           (i) has a diagnosis of asthma by a health care provider;

172           (ii) has a current asthma action plan on file with the school; and

173           (iii) is showing symptoms of an asthma emergency as described in the student's asthma  
174 action plan; and

175           (b) shall initiate appropriate medical follow-up in accordance with the training  
176 materials retained under Section 26B-4-408 after administering stock albuterol.

177           (5) (a) A qualified entity that complies with Subsection (5)(b) or (c), may obtain a  
178 supply of epinephrine auto-injectors or stock albuterol, respectively, from a pharmacist under  
179 Section 58-17b-1004, or a pharmacy intern under Section 58-17b-1004 for:

180           (i) storing:

181           (A) the epinephrine auto-injectors on the qualified epinephrine auto-injector entity's  
182 premises; and

183 (B) stock albuterol on the qualified stock albuterol entity's premises; and  
184 (ii) use by a qualified adult in accordance with Subsection (3) or (4).  
185 (b) A qualified epinephrine auto-injector entity shall:  
186 (i) designate an individual to complete an initial and annual refresher training program  
187 regarding the proper storage and emergency use of an epinephrine auto-injector available to a  
188 qualified adult; and

189 (ii) store epinephrine auto-injectors in accordance with the standards established by the  
190 department in Section 26B-4-411.

191 (c) A qualified stock albuterol entity shall:

192 (i) designate an individual to complete an initial and annual refresher training program  
193 regarding the proper storage and emergency use of stock albuterol available to a qualified  
194 adult; and

195 (ii) store stock albuterol in accordance with the standards established by the department  
196 in Section 26B-4-411.

197 Section 3. Section 26B-4-410 is amended to read:

198 **26B-4-410. Immunity from liability.**

199 (1) The following, if acting in good faith, are not liable in any civil or criminal action  
200 for any act taken or not taken under the authority of Sections 26B-4-406 through 26B-4-411  
201 with respect to an anaphylactic reaction, or asthma emergency:

202 (a) a qualified adult;

203 (b) a physician, pharmacist, or any other person or entity authorized to prescribe or  
204 dispense prescription drugs;

205 (c) a person who conducts training described in Section 26B-4-407 or 26B-4-408;

206 (d) a qualified epinephrine auto-injector entity; [~~and~~]

207 (e) a qualified stock albuterol entity[~~-~~];

208 (f) the department;

209 (g) a local health department;

210 (h) a local education agency; and

211 (i) a local emergency medical services entity.

212 (2) Section 53G-9-502 does not apply to the administration of an epinephrine  
213 auto-injector or stock albuterol in accordance with this part.

214 (3) This section does not eliminate, limit, or reduce any other immunity from liability  
215 or defense against liability that may be available under state law.

216 Section 4. Section **53G-9-501** is amended to read:

217 **53G-9-501. Definitions.**

218 [~~Reserved~~] As used in this part:

219 (1) "Department health care provider" means a health care provider acting in the  
220 capacity of a health care provider during employment for the Department of Health and Human  
221 Services.

222 (2) "Glucagon authorization" means a signed statement from a parent of a student with  
223 diabetes:

224 (a) certifying that glucagon has been prescribed for the student;

225 (b) requesting that the student's public school identify and train school personnel who  
226 volunteer to be trained in the administration of glucagon in accordance with this section; and

227 (c) authorizing the administration of glucagon in an emergency to the student in  
228 accordance with this section.

229 (3) "Health care provider" means an individual who is licensed as:

230 (a) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,  
231 Chapter 68, Utah Osteopathic Medical Practice Act;

232 (b) an advanced practice registered nurse under Section [58-31b-302](#); or

233 (c) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.

234 (4) "Public school" means a district school or a charter school.

235 Section 5. Section **53G-9-504** is amended to read:

236 **53G-9-504. Administration of glucagon -- Training of volunteer school personnel**  
237 **-- Authority to use glucagon -- Immunity from liability.**

238 [~~(1) As used in this section, "glucagon authorization" means a signed statement from a~~  
239 ~~parent of a student with diabetes:]~~

240 [~~(a) certifying that glucagon has been prescribed for the student;]~~

241 [~~(b) requesting that the student's public school identify and train school personnel who~~  
242 ~~volunteer to be trained in the administration of glucagon in accordance with this section; and]~~

243 [~~(c) authorizing the administration of glucagon in an emergency to the student in~~  
244 ~~accordance with this section.]~~



245           ~~[(2)]~~ (1) (a) A public school shall, within a reasonable time after receiving a glucagon  
246 authorization, train two or more school personnel who volunteer to be trained in the  
247 administration of glucagon, with training provided by the school nurse or another qualified,  
248 licensed medical professional.

249           (b) A public school shall allow all willing school personnel to receive training in the  
250 administration of glucagon, and the school shall assist and may not obstruct the identification  
251 or training of volunteers under this Subsection ~~[(2)]~~ (1).

252           (c) The Utah Department of Health and Human Services, in cooperation with the state  
253 superintendent, shall design a glucagon authorization form to be used by public schools in  
254 accordance with this section.

255           ~~[(3)]~~ (2) (a) Training in the administration of glucagon shall include:

256           (i) techniques for recognizing the symptoms that warrant the administration of  
257 glucagon;

258           (ii) standards and procedures for the storage and use of glucagon;

259           (iii) other emergency procedures, including calling the emergency 911 number and  
260 contacting, if possible, the student's parent; and

261           (iv) written materials covering the information required under this Subsection ~~[(3)]~~ (2).

262           (b) A school shall retain for reference the written materials prepared in accordance with  
263 Subsection ~~[(3)(a)(iv)]~~ (2)(a)(iv).

264           ~~[(4)]~~ (3) A public school shall permit a student or school personnel to possess or store  
265 prescribed glucagon so that it will be available for administration in an emergency in  
266 accordance with this section.

267           ~~[(5)]~~ (4) (a) A person who has received training in accordance with this section may  
268 administer glucagon at a school or school activity to a student with a glucagon authorization if:

269           (i) the student is exhibiting the symptoms that warrant the administration of glucagon;  
270 and

271           (ii) a licensed health care professional is not immediately available.

272           (b) A person who administers glucagon in accordance with Subsection ~~[(5)(a)]~~ (4)(a)  
273 shall direct a responsible person to call 911 and take other appropriate actions in accordance  
274 with the training materials retained under Subsection ~~[(3)(b)]~~ (2)(b).

275           (5) (a) The school district physician, a department health care provider, the medical

276 director of the local health department, or the local emergency medical services director shall  
277 provide a prescription for glucagon to be administered in accordance with this section if  
278 requested by school personnel, who are trained to administer glucagon, or the school nurse.

279 (b) School personnel or a school nurse that obtains glucagon in accordance with this  
280 section may only use the glucagon in accordance with this section.

281 ~~(6) [School personnel who provide or receive training under this section and]~~ The  
282 following who act in good faith are not liable in any civil or criminal action for any act taken or  
283 not taken under the authority of this section with respect to the administration of glucagon[-]:

284 (a) school personnel who provide or receive training under this section;

285 (b) a physician, pharmacist, or any other person or entity authorized to prescribe or  
286 dispense prescription drugs;

287 (c) the Department of Health and Human Services;

288 (d) a local health department;

289 (e) a local education agency; and

290 (f) a local emergency medical services entity.

291 (7) Section 53G-9-502 does not apply to the administration of glucagon in accordance  
292 with this section.

293 (8) Section 53G-8-205 does not apply to the possession and administration of glucagon  
294 in accordance with this section.

295 (9) The unlawful or unprofessional conduct provisions of Title 58, Occupations and  
296 Professions, do not apply to a person licensed as a health professional under Title 58,  
297 Occupations and Professions, including a nurse, physician, physician assistant, or pharmacist  
298 who, in good faith[-]:

299 (a) trains nonlicensed volunteers to administer glucagon in accordance with this  
300 section[-]; or

301 (b) provides glucagon or a glucagon prescription in accordance with Subsection (5)(a).

302 **Section 6. Effective date.**

303 This bill takes effect on May 1, 2024.