#### Representative Mark A. Strong proposes the following substitute bill:

SCHOOL PRESCRIPTION AMENDMENTS
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Mark A. Strong
Senate Sponsor: Jen Plumb
LONG TITLE
General Description:
This bill modifies provisions related to certain prescription drugs and schools.
Highlighted Provisions:
This bill:
<ul> <li>defines terms;</li> </ul>
<ul> <li>allows certain health care providers to provide a prescription upon request to certain</li> </ul>
school employees or a school nurse for epinephrine and albuterol;
<ul> <li>requires the Department of Health and Human Services to issue standing</li> </ul>
prescription drug orders for epinephrine and albuterol;
<ul> <li>waives liability for certain persons; and</li> </ul>
<ul> <li>makes technical and conforming changes.</li> </ul>
Money Appropriated in this Bill:
None
Other Special Clauses:
This bill provides a special effective date.
Utah Code Sections Affected:
AMENDS:
<b>26B-4-401</b> , as renumbered and amended by Laws of Utah 2023, Chapter 307

# 

	<b>26B-4-409</b> , as renumbered and amended by Laws of Utah 2023, Chapter 307
	<b>26B-4-410</b> , as renumbered and amended by Laws of Utah 2023, Chapter 307
	58-17b-1005, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
Ь	<i>Be it enacted by the Legislature of the state of Utah:</i>
	Section 1. Section <b>26B-4-401</b> is amended to read:
	26B-4-401. Definitions.
	As used in this part:
	(1) "Agent" means a coach, teacher, employee, representative, or volunteer.
	(2) (a) "Amateur sports organization" means, except as provided in Subsection (2)(b):
	(i) a sports team;
	(ii) a public or private school;
	(iii) a public or private sports league;
	(iv) a public or private sports camp; or
	(v) any other public or private organization that organizes, manages, or sponsors a
S	porting event for its members, enrollees, or attendees.
	(b) "Amateur sports organization" does not include a professional:
	(i) team;
	(ii) league; or
	(iii) sporting event.
	(3) "Anaphylaxis" means a potentially life-threatening hypersensitivity to a substance.
	(a) Symptoms of anaphylaxis may include shortness of breath, wheezing, difficulty
b	preathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma.
	(b) Causes of anaphylaxis may include insect sting, food allergy, drug reaction, and
e	exercise.
	(4) "Asthma action plan" means a written plan:
	(a) developed with a school nurse, a student's parent or guardian, and the student's
h	ealth care provider to help control the student's asthma; and
	(b) signed by the student's:
	(i) parent or guardian; and
	(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 <b>26B-4-409</b> 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 may
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:

101	(A) the opinophring outo injectors on the qualified animarkains outo injector artitle
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 <b>26B-4-410</b> 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 <b>58-17b-1005</b> is amended to read:
217	58-17b-1005. Standing prescription drug orders for epinephrine auto-injectors
218	and stock albuterol.
219	[(1) A physician acting in the physician's capacity as an employee of the Department of
220	Health or as a medical director of a local health department may issue a standing prescription
221	drug order authorizing the dispensing of an epinephrine auto-injector under Section
222	58-17b-1004 in accordance with a protocol that:]
223	[(a) requires the physician to specify the persons, by professional license number,
224	authorized to dispense the epinephrine auto-injector;]
225	[(b) requires the physician to review at least annually the dispensing practices of those
226	authorized by the physician to dispense the epinephrine auto-injector;]
227	[(c) requires those authorized by the physician to dispense the epinephrine auto-injector
228	to make and retain a record of each dispensing, including:]
229	[(i) the name of the qualified adult or qualified epinephrine auto-injector entity to
230	whom the epinephrine auto-injector is dispensed;]
231	[(ii) a description of the epinephrine auto-injector dispensed; and]
232	[(iii) other relevant information; and]
233	[(d) is approved by the division by administrative rule made in accordance with Title
234	63G, Chapter 3, Utah Administrative Rulemaking Act, in collaboration with the Physicians
235	Licensing Board created in Section 58-67-201 and the Board of Pharmacy.]
236	(1) As used in this section:
237	(a) "Epinephrine protocol" means a protocol that:
238	(i) requires a physician to specify the persons, by professional license number,
239	authorized to dispense the epinephrine auto-injector;
240	(ii) requires a physician to review at least annually the dispensing practices of the
241	persons authorized by the physician to dispense the epinephrine auto-injector;
242	(iii) requires those authorized by a physician to dispense the epinephrine auto-injector

243	to make and retain a record of each dispensing, including:
244	(A) the name of the qualified adult or qualified epinephrine auto-injector entity to
245	whom the epinephrine auto-injector is dispensed;
246	(B) a description of the epinephrine auto-injector dispensed; and
247	(C) other relevant information; and
248	(iv) is approved by the division through rule made in accordance with Title 63G,
249	Chapter 3, Utah Administrative Rulemaking Act, in collaboration with the Physicians
250	Licensing Board created in Section 58-67-201 and the board.
251	(b) "Stock albuterol protocol" means a protocol that:
252	(i) requires a physician to specify the persons, by professional license number,
253	authorized to dispense the stock albuterol;
254	(ii) requires a physician to review at least annually the dispensing practices of the
255	persons authorized by the physician to dispense the stock albuterol;
256	(iii) requires those authorized by the physician to dispense the stock albuterol to make
257	and retain a record of each dispensing, including:
258	(A) the name of the qualified adult or qualified stock albuterol entity to whom the
259	stock albuterol is dispensed;
260	(B) a description of the stock albuterol dispensed; and
261	(C) other relevant information; and
262	(iv) is approved by the division through rule made in accordance with Title 63G,
263	Chapter 3, Utah Administrative Rulemaking Act, in collaboration with the Physicians
264	Licensing Board created in Section 58-67-201 and the board.
265	[(2) A physician acting in the physician's capacity as an employee of the Department of
266	Health or as a medical director of a local health department may issue a standing prescription
267	drug order authorizing the dispensing of stock albuterol under Section 58-17b-1004 in
268	accordance with a protocol that:]
269	[(a) requires the physician to specify the persons, by professional license number,
270	authorized to dispense the stock albuterol;]
271	[(b) requires the physician to review at least annually the dispensing practices of those
272	authorized by the physician to dispense the stock albuterol;]
273	[(c) requires those authorized by the physician to dispense the stock albuterol to make

274	and retain a record of each dispensing, including:]
275	[(i) the name of the qualified adult or qualified stock albuterol entity to whom the stock
276	albuterol is dispensed;]
277	[(ii) a description of the stock albuterol dispensed; and]
278	[(iii) other relevant information; and]
279	[(d) is approved by the division by administrative rule made in accordance with Title
280	63G, Chapter 3, Utah Administrative Rulemaking Act, in collaboration with the Physicians
281	Licensing Board created in Section 58-67-201 and the board.]
282	(2) Under Section 58-17b-1004, the Department of Health and Human Services shall
283	have a physician acting in the physician's capacity as an employee of the Department of Health
284	and Human Services issue a standing prescription drug order authorizing the dispensing of:
285	(a) an epinephrine auto-injector in accordance with an epinephrine protocol; and
286	(b) stock albuterol in accordance with a stock albuterol protocol.
287	(3) Under Section 58-17b-1004, a medical director of a local health department may
288	issue a standing prescription drug order authorizing the dispensing of:
289	(a) an epinephrine auto-injector in accordance with an epinephrine protocol; or
290	(b) stock albuterol in accordance with a stock albuterol protocol.
291	Section 5. Effective date.
292	This bill takes effect on August 1, 2024.