

HB0475S01 compared with HB0475

~~{deleted text}~~ shows text that was in HB0475 but was deleted in HB0475S01.

inserted text shows text that was not in HB0475 but was inserted into HB0475S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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: ~~{}~~_____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ ~~{requires}~~allows 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} and albuterol;
- ▶ requires the Department of Health and Human Services to issue standing prescription drug orders for epinephrine and albuterol;
- ▶ waives liability for certain persons; and

HB0475S01 compared with HB0475

- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

~~{None}~~ This bill provides a special effective date.

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~~

~~53G-9-504;58-17b-1005~~, as last amended by Laws of Utah ~~{2019}~~2020, Fifth Special Session, {Chapters 293, 349}Chapter 4

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

Section 1. Section **26B-4-401** 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 sporting 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.

HB0475S01 compared with HB0475

(a) Symptoms of anaphylaxis may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma.

(b) Causes of anaphylaxis may include insect sting, food allergy, drug reaction, and 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 health 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HB0475S01 compared with HB0475

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

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

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

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

(b) includes:

(i) recreation camps;

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

(iii) a day care facility;

(iv) youth sports leagues;

(v) amusement parks;

(vi) food establishments;

(vii) places of employment; and

(viii) recreation areas.

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

(a) is licensed under Title 58, Occupations and Professions; and

(b) may evaluate and manage a concussion within the health care provider's scope of practice.

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

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

(i) a game;

(ii) a practice;

(iii) a sports camp;

(iv) a physical education class;

(v) a competition; or

HB0475S01 compared with HB0475

(vi) a tryout.

(b) "Sporting event" does not include:

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

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

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

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

(a) used to treat asthma; and

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

(i) an inhaler; or

(ii) a nebulizer with a mouthpiece or mask.

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

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

(b) dysfunction of memory;

(c) loss of consciousness; or

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

(i) seizures;

(ii) irritability;

(iii) lethargy;

(iv) vomiting;

(v) headache;

(vi) dizziness; or

(vii) fatigue.

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

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

HB0475S01 compared with HB0475

albuterol.

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

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

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

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

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

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

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

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

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

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

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

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

(3) A qualified adult:

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

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

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

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

HB0475S01 compared with HB0475

(i) has a diagnosis of asthma by a health care provider;
(ii) has a current asthma action plan on file with the school; and
(iii) is showing symptoms of an asthma emergency as described in the student's asthma action plan; and

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

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

(i) storing:

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

(B) stock albuterol on the qualified stock albuterol entity's premises; and

(ii) use by a qualified adult in accordance with Subsection (3) or (4).

(b) A qualified epinephrine auto-injector entity shall:

(i) designate an individual to complete an initial and annual refresher training program regarding the proper storage and emergency use of an epinephrine auto-injector available to a qualified adult; and

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

(c) A qualified stock albuterol entity shall:

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

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

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

26B-4-410. Immunity from liability.

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

HB0475S01 compared with HB0475

- (a) a qualified adult;
- (b) a physician, pharmacist, or any other person or entity authorized to prescribe or dispense prescription drugs;
- (c) a person who conducts training described in Section 26B-4-407 or 26B-4-408;
- (d) a qualified epinephrine auto-injector entity; ~~[and]~~
- (e) a qualified stock albuterol entity~~[-]~~;
- (f) the department;
- (g) a local health department;
- (h) a local education agency; and
- (i) a local emergency medical services entity.

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

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

Section 4. Section ~~{53G-9-501}~~ 58-17b-1005 is amended to read:

~~{53G-9-501. Definitions.~~

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

~~———— (1) "Department health care provider" means a health care provider acting in the capacity of a health care provider during employment for}~~ 58-17b-1005. Standing

prescription drug orders for epinephrine auto-injectors and stock albuterol.

~~———— (1) A physician acting in the physician's capacity as an employee of the Department of Health {and Human Services.~~

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

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

~~———— (b) requesting that the student's public school identify and train school personnel who volunteer to be trained in the administration of glucagon}~~ or as a medical director of a local health department may issue a standing prescription drug order authorizing the dispensing of an epinephrine auto-injector under Section 58-17b-1004 in accordance with ~~{this section; and~~

~~———— (c) authorizing the administration of glucagon in an emergency to the student}~~ a protocol that:]

HB0475S01 compared with HB0475

~~[(a) requires the physician to specify the persons, by professional license number, authorized to dispense the epinephrine auto-injector;]~~

~~[(b) requires the physician to review at least annually the dispensing practices of those authorized by the physician to dispense the epinephrine auto-injector;]~~

~~[(c) requires those authorized by the physician to dispense the epinephrine auto-injector to make and retain a record of each dispensing, including:]~~

~~[(i) the name of the qualified adult or qualified epinephrine auto-injector entity to whom the epinephrine auto-injector is dispensed;]~~

~~[(ii) a description of the epinephrine auto-injector dispensed; and]~~

~~[(iii) other relevant information; and]~~

~~[(d) is approved by the division by administrative rule made in accordance with {this section.~~

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

~~— (a) a physician under } Title {58} 63G, Chapter {67} 3, Utah {Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;~~

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

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

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

~~— Section 5. Section 53G-9-504 is amended to read:~~

~~— 53G-9-504. Administration of glucagon -- Training of volunteer school personnel -- Authority to use glucagon -- Immunity from liability.~~

~~— [Administrative Rulemaking Act, in collaboration with the Physicians Licensing Board created in Section 58-67-201 and the Board of Pharmacy.]~~

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

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

~~— [(b) requesting that the student's public school identify and train school personnel who volunteer to be trained in the administration of glucagon:]~~

~~(a) "Epinephrine protocol" means a protocol that:~~

~~(i) requires a physician to specify the persons, by professional license number, authorized to dispense the epinephrine auto-injector;~~

HB0475S01 compared with HB0475

(ii) requires a physician to review at least annually the dispensing practices of the persons authorized by the physician to dispense the epinephrine auto-injector;

(iii) requires those authorized by a physician to dispense the epinephrine auto-injector to make and retain a record of each dispensing, including:

(A) the name of the qualified adult or qualified epinephrine auto-injector entity to whom the epinephrine auto-injector is dispensed;

(B) a description of the epinephrine auto-injector dispensed; and

(C) other relevant information; and

(iv) is approved by the division through rule made in accordance with ~~{this section; and}~~

~~_____ [(c) authorizing the administration of glucagon in an emergency to the student; Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in collaboration with the Physicians Licensing Board created in Section 58-67-201 and the board.~~

(b) "Stock albuterol protocol" means a protocol that:

(i) requires a physician to specify the persons, by professional license number, authorized to dispense the stock albuterol;

(ii) requires a physician to review at least annually the dispensing practices of the persons authorized by the physician to dispense the stock albuterol;

(iii) requires those authorized by the physician to dispense the stock albuterol to make and retain a record of each dispensing, including:

(A) the name of the qualified adult or qualified stock albuterol entity to whom the stock albuterol is dispensed;

(B) a description of the stock albuterol dispensed; and

(C) other relevant information; and

(iv) is approved by the division through rule made in accordance with ~~{this section.}~~

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

~~_____ (b) A public school shall allow all willing school personnel to receive training in the administration of glucagon, and the school shall assist and may not obstruct the identification~~

HB0475S01 compared with HB0475

~~or training of volunteers under this Subsection [(2)] (1):~~

~~_____ (c) The Utah Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in collaboration with the Physicians Licensing Board created in Section 58-67-201 and the board.~~

~~_____ [(2) A physician acting in the physician's capacity as an employee of the Department of Health and Human Services, in cooperation with the state superintendent, shall design a glucagon authorization form to be used by public schools; or as a medical director of a local health department may issue a standing prescription drug order authorizing the dispensing of stock albuterol under Section 58-17b-1004 in accordance with this section.~~

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

~~_____ (i) techniques for recognizing the symptoms that warrant the administration of glucagon;~~

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

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

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

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

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

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

~~_____ (i) the student is exhibiting the symptoms that warrant the administration of glucagon; and~~

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

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

~~_____ (5) (a) The school district physician, a department health care provider, the medical director of the local health department, or the local emergency medical services director shall provide a prescription for glucagon to be administered} a protocol that:~~

HB0475S01 compared with HB0475

~~[(a) requires the physician to specify the persons, by professional license number, authorized to dispense the stock albuterol;]~~

~~[(b) requires the physician to review at least annually the dispensing practices of those authorized by the physician to dispense the stock albuterol;]~~

~~[(c) requires those authorized by the physician to dispense the stock albuterol to make and retain a record of each dispensing, including:]~~

~~[(i) the name of the qualified adult or qualified stock albuterol entity to whom the stock albuterol is dispensed;]~~

~~[(ii) a description of the stock albuterol dispensed; and]~~

~~[(iii) other relevant information; and]~~

~~[(d) is approved by the division by administrative rule made in accordance with {this section if requested by school personnel, who are trained to administer glucagon, or the school nurse:~~

~~—— (b) School personnel or a school nurse that obtains glucagon in accordance with this section may only use the glucagon in accordance with this section:~~

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

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

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

~~—— (c) } Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in collaboration with the Physicians Licensing Board created in Section 58-67-201 and the board.}]~~

~~(2) Under Section 58-17b-1004, the Department of Health and Human Services{;~~

~~—— (d) } shall have a physician acting in the physician's capacity as an employee of the Department of Health and Human Services issue a standing prescription drug order authorizing the dispensing of:~~

~~(a) an epinephrine auto-injector in accordance with an epinephrine protocol; and~~

~~(b) stock albuterol in accordance with a stock albuterol protocol.~~

~~(3) Under Section 58-17b-1004, a medical director of a local health department{;~~

~~—— (c) a local education agency; and~~

HB0475S01 compared with HB0475

- ~~(f) a local emergency medical services entity;~~
- ~~(7) Section 53G-9-502 does not apply to the administration of glucagon;~~ may issue a standing prescription drug order authorizing the dispensing of:
 - (a) an epinephrine auto-injector in accordance with ~~this section.~~
- ~~(8) Section 53G-8-205 does not apply to the possession and administration of glucagon;~~ an epinephrine protocol; or
 - (b) stock albuterol in accordance with ~~this section.~~
- ~~(9) The unlawful or unprofessional conduct provisions of Title 58, Occupations and Professions, do not apply to a person licensed as a health professional under Title 58, Occupations and Professions, including a nurse, physician, physician assistant, or pharmacist who, in good faith[.];~~
- ~~(a) trains nonlicensed volunteers to administer glucagon in accordance with this section[.]; or~~
- ~~(b) provides glucagon or a glucagon prescription in accordance with Subsection (5)(a);~~
- ~~Section 6;~~ a stock albuterol protocol.

Section 5. Effective date.

This bill takes effect on ~~May~~ August 1, 2024.