

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

D

HOUSE BILL 824
PROPOSED COMMITTEE SUBSTITUTE H824-PCS30475-TB-12

Short Title: Epi Pen in Schools.

(Public)

Sponsors:

Referred to:

April 11, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE PUBLIC SCHOOLS TO HAVE EMERGENCY EPINEPHRINE
3 AUTO-INJECTORS ON SCHOOL PROPERTY FOR USE IN AN EMERGENCY.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 25A of Chapter 115C of the General Statutes is amended by
6 adding a new section to read:

7 **"§ 115C-375.2A. School supply of epinephrine auto-injectors.**

8 (a) A local board of education shall provide for a supply of emergency epinephrine
9 auto-injectors on school property and at school-sponsored events on school grounds for use by
10 trained school personnel to provide emergency medical aid to persons suffering from an
11 anaphylactic reaction. Each school shall store in a secure but easily accessible location a
12 minimum of two epinephrine auto-injectors. For purposes of this section, "school property"
13 does not include transportation to or from school.

14 (b) For the purposes of this section and G.S. 115C-375.2, "epinephrine auto-injector"
15 means a disposable drug delivery system with a spring-activated, concealed needle that is
16 designed for emergency administration of epinephrine to provide rapid, convenient first aid for
17 persons suffering a potentially fatal reaction to anaphylaxis.

18 (c) The principal shall designate one or more school personnel, as part of the medical
19 care program under G.S. 115C-375.1, to receive initial training and annual retraining from a
20 school nurse or qualified representative of the local health department regarding the storage and
21 emergency use of an epinephrine auto-injector. The school nurse or other designated school
22 personnel who has received training under this subsection shall obtain a prescription for
23 epinephrine auto-injectors from the medical director of the local health department or the local
24 emergency medical services director in the local school administrative unit.

25 (d) The principal shall collaborate with appropriate school personnel to develop an
26 emergency action plan for the use of epinephrine auto-injectors in an emergency. The plan shall
27 include at least the following components:

- 28 (1) Standards and procedures for the storage and emergency use of epinephrine
29 auto-injectors by trained school personnel.
30 (2) Techniques for recognizing symptoms of anaphylaxis.
31 (3) Emergency follow-up procedures, including calling emergency services and
32 contacting a student's parent and physician.
33 (4) Instruction and certification in cardiopulmonary resuscitation.

34 (e) A supply of emergency epinephrine auto-injectors provided in accordance with this
35 section shall not be used as the sole medication supply for students known to have a medical
36 condition requiring the availability or use of an epinephrine auto-injector. Those students may



* H 8 2 4 - P C S 3 0 4 7 5 - T B - 1 2 *

1 be authorized to possess and self-administer their asthma medication on school property under
2 G.S. 115C-375.2.

3 (f) No local board of education, nor its members, employees, designees, agents, or
4 volunteers, shall be liable in civil damages to any party for any act authorized by this section or
5 for any omission relating to that act unless that act or omission amounts to gross negligence,
6 wanton conduct, or intentional wrongdoing."

7 **SECTION 2.** G.S. 115C-238.29F(a) reads as rewritten:

8 "(a) Health and Safety Standards. – A charter school shall meet the same health and
9 safety requirements required of a local school administrative unit. The Department of Public
10 Instruction shall ensure that charter schools provide parents and guardians with information
11 about meningococcal meningitis and influenza and their vaccines at the beginning of every
12 school year. This information shall include the causes, symptoms, and how meningococcal
13 meningitis and influenza are spread and the places where parents and guardians may obtain
14 additional information and vaccinations for their children.

15 The Department of Public Instruction shall also ensure that charter schools provide parents
16 and guardians with information about cervical cancer, cervical dysplasia, human
17 papillomavirus, and the vaccines available to prevent these diseases. This information shall be
18 provided at the beginning of the school year to parents of children entering grades five through
19 [through] 12. This information shall include the causes and symptoms of these diseases, how
20 they are transmitted, how they may be prevented by vaccination, including the benefits and
21 possible side effects of vaccination, and the places where parents and guardians may obtain
22 additional information and vaccinations for their children.

23 The Department of Public Instruction shall also ensure that charter schools provide students
24 in grades nine through 12 with information annually on the manner in which a parent may
25 lawfully abandon a newborn baby with a responsible person, in accordance with G.S. 7B-500.

26 The Department of Public Instruction shall also ensure that the guidelines for individual
27 diabetes care plans adopted by the State Board of Education under G.S. 115C-12(31) are
28 implemented in charter schools in which students with diabetes are enrolled and that charter
29 schools otherwise comply with the provisions of G.S. 115C-375.3.

30 The Department of Public Instruction shall ensure that charter schools comply with
31 G.S. 115C-375.2A. The board of directors of a charter school shall provide the school with a
32 supply of emergency epinephrine auto-injectors necessary to carry out the provisions of
33 G.S. 115C-375.2A."

34 **SECTION 3.** G.S. 115C-238.66(7) reads as rewritten:

35 "(7) Health and safety. – The board of directors shall require that the regional
36 school meet the same health and safety standards required of a local school
37 administrative unit.

38 The Department of Public Instruction shall ensure that regional schools
39 comply with G.S. 115C-375.2A. The board of directors of a regional school
40 shall provide the school with a supply of emergency epinephrine
41 auto-injectors necessary to carry out the provisions of G.S. 115C-375.2A."

42 **SECTION 4.** This act is effective when it becomes law and applies beginning with
43 the 2013-2014 school year.