

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 647
Committee Substitute Favorable 4/20/15
PROPOSED SENATE COMMITTEE SUBSTITUTE H647-PCS10460-SH-62

Short Title: Epi Pens in All Child-Serving Businesses.

(Public)

Sponsors:

Referred to:

April 14, 2015

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING HEALTH CARE PROVIDERS TO PRESCRIBE, AND
3 PHARMACISTS TO DISPENSE, EPINEPHRINE AUTO-INJECTORS TO
4 AUTHORIZED CHILD-SERVING ENTITIES OTHER THAN SCHOOLS FOR THE
5 EMERGENCY TREATMENT OF ANAPHYLAXIS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 1B of Chapter 90 of the General Statutes is amended by
8 adding a new section to read:

9 **"§ 90-21.15A. Emergency treatment using epinephrine auto-injector; immunity.**

10 (a) Definitions. – The following definitions apply in this section:

11 (1) Administer. – The direct application of an epinephrine auto-injector to the
12 body of an individual.

13 (2) Authorized entity. – Any entity or organization, other than a school
14 described in G.S. 115C-375.2A, at which allergens capable of causing
15 anaphylaxis may be present, including, but not limited to, recreation camps,
16 colleges, universities, day care facilities, youth sports leagues, amusement
17 parks, restaurants, places of employment, and sports arenas. An authorized
18 entity shall also include any person, corporation, or other entity that owns or
19 operates any entity or organization listed.

20 (3) Epinephrine auto-injector. – A single-use device used for the automatic
21 injection of a premeasured dose of epinephrine into the human body.

22 (4) Health care provider. – A health care provider licensed to prescribe drugs
23 under the laws of this State.

24 (5) Provide. – To supply one or more epinephrine auto-injectors to an
25 individual.

26 (b) Prescribing to Authorized Entities Permitted. – A health care provider may prescribe
27 epinephrine auto-injectors in the name of an authorized entity for use in accordance with this
28 section, and pharmacists and health care providers may dispense epinephrine auto-injectors
29 pursuant to a prescription issued in the name of an authorized entity. A prescription issued
30 pursuant to this section shall be valid for no more than two years.

31 (c) Authorized Entities Permitted to Maintain Supply. – An authorized entity may
32 acquire and stock a supply of epinephrine auto-injectors pursuant to a prescription issued in
33 accordance with this section. An authorized entity that acquires and stocks epinephrine
34 auto-injectors shall make a good-faith effort to store the supply of epinephrine auto-injectors in
35 accordance with the epinephrine auto-injector manufacturer's instructions for use and any



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1 additional requirements that may be established by the Department of Health and Human
2 Services. An authorized entity that acquires and stocks a supply of epinephrine auto-injectors
3 pursuant to a prescription issued in accordance with this section shall designate employees or
4 agents to be responsible for the storage, maintenance, control, and general oversight of
5 epinephrine auto-injectors acquired by the authorized entity.

6 (d) Use of Epinephrine Auto-Injectors by Authorized Entities. – An employee or agent
7 of an authorized entity or other individual who has completed the training required by
8 subsection (e) of this section may use epinephrine auto-injectors prescribed pursuant to
9 G.S. 90-726.1 to do any of the following:

10 (1) Provide an epinephrine auto-injector to any individual who the employee,
11 agent, or other individual believes in good faith is experiencing anaphylaxis,
12 or a person believed in good faith to be the parent, guardian, or caregiver of
13 such individual, for immediate administration, regardless of whether the
14 individual has a prescription for an epinephrine auto-injector or has
15 previously been diagnosed with an allergy.

16 (2) Administer an epinephrine auto-injector to any individual who the employee,
17 agent, or other individual believes in good faith is experiencing anaphylaxis,
18 regardless of whether the individual has a prescription for an epinephrine
19 auto-injector or has previously been diagnosed with an allergy.

20 (e) Mandatory Training Program. – An authorized entity that elects to acquire and stock
21 a supply of epinephrine auto-injectors as described in subsection (c) of this section shall
22 designate employees or agents to complete an anaphylaxis training program. The training may
23 be conducted online or in person and shall, at a minimum, include all of the following
24 components:

25 (1) How to recognize signs and symptoms of severe allergic reactions, including
26 anaphylaxis.

27 (2) Standards and procedures for the storage and administration of an
28 epinephrine auto-injector.

29 (3) Emergency follow-up procedures.

30 In-person training shall cover the three components listed in this subsection and be
31 conducted by (i) a physician, physician assistant, or registered nurse licensed to practice in this
32 State; (ii) a nationally recognized organization experienced in training laypersons in emergency
33 health treatment; or (iii) an entity or individual approved by the Department of Health and
34 Human Services.

35 Online training shall cover the three components listed in this subsection and be offered (i)
36 by a nationally recognized organization experienced in training laypersons in emergency health
37 treatment; (ii) by an entity or individual approved by the Department of Health and Human
38 Services; or (iii) by means of an online training course that has been approved by another state.

39 (f) Immunity. –

40 (1) The following persons are immune from criminal liability and from suit in
41 any civil action brought by any person for injuries or related damages that
42 result from any act or omission taken pursuant to this section:

43 a. Any authorized entity that voluntarily and without expectation of
44 payment possesses and makes available epinephrine auto-injectors.

45 b. Any employee or agent of an authorized entity, or any other
46 individual, who provides or administers an epinephrine auto-injector
47 to an individual whom the employee, agent, or other individual
48 believes in good faith is experiencing symptoms of anaphylaxis and
49 has completed the required training set forth in subsection (e) of this
50 section.

- 1 c. A health care provider that prescribes epinephrine auto-injectors to
2 an authorized entity.
- 3 d. A pharmacist or health care provider that dispenses epinephrine
4 auto-injectors to an authorized entity.
- 5 e. Any individual or entity that conducts the training mandated by
6 subsection (e) of this section.
- 7 (2) The immunity conferred by this section does not apply to acts or omissions
8 constituting willful or wanton conduct as defined in G.S. 1D-5(7) or
9 intentional wrongdoing.
- 10 (3) Nothing in this section creates or imposes any duty, obligation, or basis for
11 liability on any authorized entity, any employee or agent of an authorized
12 entity, or any other individual to acquire, possess, store, make available, or
13 administer an epinephrine auto-injector.
- 14 (4) This section does not eliminate, limit, or reduce any other immunity or
15 defense that may be available under State law, including the protections set
16 forth in G.S. 90-21.14.
- 17 (g) Liability for Acts Outside of This State. – An authorized entity located in this State
18 shall not be liable under the laws of this State for any injuries or related damages resulting from
19 the provision or administration of an epinephrine auto-injector outside of this State under either
20 of the following circumstances:
- 21 (1) If the authorized entity would not have been liable for such injuries or
22 related damages if the epinephrine auto-injector had been provided or
23 administered within this State.
- 24 (2) If the authorized entity is not liable for such injuries or related damages
25 under the laws of the state in which the epinephrine auto-injector was
26 provided or administered.
- 27 (h) Does Not Constitute Practice of Medicine. – The administration of an epinephrine
28 auto-injector in accordance with this section is not the practice of medicine or any other
29 profession that otherwise requires licensure."
- 30 **SECTION 2.** The North Carolina Board of Pharmacy may adopt temporary and
31 permanent rules addressing the authorization for authorized entities under Section 1 of this act
32 to obtain a prescription for epinephrine for emergency health circumstances.
- 33 **SECTION 3.** This act becomes effective December 31, 2015.