

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 695
PROPOSED COMMITTEE SUBSTITUTE S695-PCS45420-RQ-18

Short Title: Statewide Medical Action Plan for Schools.

(Public)

Sponsors:

Referred to:

April 8, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE MEDICAL CONDITION ACTION PLANS FOR CERTAIN
3 STUDENTS IN ALL PUBLIC SCHOOL UNITS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 115C-12 is amended by adding a new subdivision to read:

6 "(47) Statewide Medical Condition Action Plan. – The State Board of Education
7 shall adopt a rule establishing a medical condition action plan as provided in
8 G.S. 115C-375.1 to be implemented by each public school unit for each
9 student at risk for a medical emergency as diagnosed by a doctor."

10 **SECTION 2.** G.S. 115C-375.1 reads as rewritten:

11 "**§ 115C-375.1. To provide some medical care to ~~students~~ students and implement medical**
12 **condition action plans.**

13 (a) It is within the scope of duty of teachers, including substitute teachers, teacher
14 assistants, student teachers, or any other public school employee when authorized by the ~~board~~
15 ~~of education~~ governing board of a public school unit or its designee, (i) to administer any drugs
16 or medication prescribed by a doctor upon written request of the parents, or as described in the
17 medical condition action plan required by subsection (b) of this section, (ii) to give emergency
18 health care when reasonably apparent circumstances indicate that any delay would seriously
19 worsen the physical condition or endanger the life of the ~~pupil~~ student, and (iii) to perform any
20 other first aid or lifesaving techniques in which the employee has been trained in a program
21 approved by the State Board of Education. No public school unit employee, however, shall be
22 required to administer drugs or medication or attend lifesaving techniques programs.

23 (b) The medical condition action plan adopted by the State Board of Education as
24 provided in G.S. 115C-12(47) and implemented by each governing board of a public school unit
25 for each student at risk for a medical emergency as diagnosed by a doctor shall include all of the
26 following:

27 (1) A standard medical condition action plan form.

28 (2) Detailed instructions in the medical condition action plan form to ensure that
29 all individuals designated by the principal, or if there is no principal the staff
30 member with the highest decision-making authority, to provide medical care
31 for a student at risk for a medical emergency as diagnosed by a doctor, know
32 how to address the medical emergency.

33 (3) Information detailing the method by which and by whom any medical
34 emergency will be handled when the student is at a school-sponsored activity
35 that is not on the campus of the public school unit, including field trips and
36 interscholastic athletic activities.



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1 (c) Any public school unit employee, authorized by the ~~board of education governing~~
2 board of a public school unit or its designee to act under (i), (ii), or (iii) above, ~~subsections (a)~~
3 and (b) of this section shall not be liable in civil damages for any authorized act or for any
4 omission relating to that act unless the act or omission amounts to gross negligence, wanton
5 conduct, or intentional wrongdoing. Any person, serving in a voluntary position at the request of
6 or with the permission or consent of the ~~board of education governing board of a public school~~
7 unit or its designee, who has been given the authority by the ~~board of education governing board~~
8 of a public school unit or its designee to ~~act under (ii) above~~ give emergency health care when
9 reasonably apparent circumstances indicate that any delay would seriously worsen the physical
10 condition or endanger the life of the student shall not be liable in civil damages for any authorized
11 act or for any omission relating to the act unless the act amounts to gross negligence, wanton
12 conduct, or intentional wrongdoing.

13 (d) At the commencement of each school year, but before the beginning of classes, and
14 thereafter as circumstances require, the principal of each ~~school~~ school, or if there is no principal
15 the staff member with the highest decision-making authority, shall determine which persons will
16 participate in the medical care program."

17 **SECTION 3.** G.S. 115C-47 is amended by adding a new subdivision to read:

18 "(65) To Implement a Medical Condition Action Plan. – Local boards of education
19 shall implement the medical condition action plan adopted by the State Board
20 of Education under G.S. 115C-12(47) and as provided in G.S. 115C-375.1."

21 **SECTION 4.** G.S. 115C-218.75 is amended by adding a new subsection to read:

22 "(e2) Medical Condition Action Plan. – A charter school shall implement the medical
23 condition action plan adopted by the State Board of Education under G.S. 115C-12(47) and as
24 provided in G.S. 115C-375.1."

25 **SECTION 5.** G.S. 115C-238.66 is amended by adding a new subdivision to read:

26 "(7f) Medical condition action plan. – A regional school shall implement the
27 medical condition action plan adopted by the State Board of Education under
28 G.S. 115C-12(47) and as provided in G.S. 115C-375.1."

29 **SECTION 6.** G.S. 116-239.8(b) is amended by adding a new subdivision to read:

30 "(19) A laboratory school shall implement the medical condition action plan
31 adopted by the State Board of Education under G.S. 115C-12(47) and as
32 provided in G.S. 115C-375.1."

33 **SECTION 7.** Section 6(d) of S.L. 2018-32 is amended by adding a new
34 sub-subdivision to read:

35 "p. (65) [To Implement a Medical Condition Action Plan]."

36 **SECTION 8.** This act is effective when it becomes law and applies beginning with
37 the 2021-2022 school year.