

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

H

D

HOUSE BILL 172  
PROPOSED COMMITTEE SUBSTITUTE H172-PCS40269-BN-4

Short Title: Samantha Rose Davis Act.

(Public)

Sponsors:

Referred to:

February 23, 2023

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE MEDICAL CONDITION ACTION PLANS FOR CERTAIN  
3 STUDENTS AND MEDICAL EMERGENCY PLANS IN ALL PUBLIC SCHOOL UNITS.  
4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** G.S. 115C-12 is amended by adding the following new subdivisions  
6 to read:

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

11 (50) Medical Emergency Plan. – The State Board of Education, in consultation  
12 with the Department of Public Instruction and the Department of Health and  
13 Human Services, shall adopt a rule establishing the required response of  
14 public school unit employees when a student has a medical emergency not  
15 otherwise covered by a medical condition action plan implemented in  
16 accordance with G.S. 115C-375.1. The Department of Public Instruction shall  
17 provide each public school unit with a copy of the rule, and each public school  
18 unit shall implement the rule."

19 **SECTION 1.(b)** G.S. 115C-375.1 reads as rewritten:

20 **"§ 115C-375.1. To provide some medical care to ~~students~~, students and implement medical**  
21 **condition action plans.**

22 (a) It is within the scope of duty of teachers, including substitute teachers, teacher  
23 assistants, student teachers, or any other public school employee when authorized by the ~~board~~  
24 ~~of education~~ governing body of a public school unit or its designee, (i) to administer any drugs  
25 or medication prescribed by a doctor upon written request of the parents, ~~or as described in the~~  
26 medical condition action plan required by subsection (b) of this section, (ii) to give emergency  
27 health care when reasonably apparent circumstances indicate that any delay would seriously  
28 worsen the physical condition or endanger the life of the ~~pupil~~, student, and (iii) to perform any  
29 other first aid or lifesaving techniques in which the employee has been trained in a program  
30 approved by the State Board of Education. ~~At least one public school unit employee per school~~  
31 ~~shall be trained in first aid and lifesaving techniques, including seizure recognition.~~ No public  
32 school unit employee, ~~however~~, other than a school administrator, shall be required to administer  
33 drugs or medication or attend lifesaving techniques programs.

34 (b) Each governing body of a public school unit shall implement the medical condition  
35 action plan adopted by the State Board of Education pursuant to G.S. 115C-12(49) for each



\* H 1 7 2 - P C S 4 0 2 6 9 - B N - 4 \*

1 student at risk of a medical emergency as diagnosed by a doctor. The medical condition action  
2 plan adopted by the State Board of Education shall include all of the following:

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

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

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

13 (c) Any public school unit employee, authorized by the board of education governing  
14 body of a public school unit or its designee to act under (i), (ii), or (iii) above, subsections (a)  
15 and (b) of this section, shall not be liable in civil damages for any authorized act or for any  
16 omission relating to that act unless the act or omission amounts to gross negligence, wanton  
17 conduct, or intentional wrongdoing. Any person, serving in a voluntary position at the request of  
18 or with the permission or consent of the board of education governing body of a public school  
19 unit or its designee, who has been given the authority by the board of education governing body  
20 of a public school unit or its designee to act under (ii) above give emergency health care when  
21 reasonably apparent circumstances indicate that any delay would seriously worsen the physical  
22 condition or endanger the life of the student shall not be liable in civil damages for any authorized  
23 act or for any omission relating to the act unless the act amounts to gross negligence, wanton  
24 conduct, or intentional wrongdoing.

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

29 **SECTION 1.(c)** The State Board of Education may adopt temporary rules to  
30 implement this section.

31 **SECTION 2.(a)** G.S. 115C-47 is amended by adding the following new subdivisions  
32 to read:

33 "(68) To Implement a Medical Condition Action Plan. – Local boards of education  
34 shall implement the medical condition action plan adopted by the State Board  
35 of Education under G.S. 115C-12(49) and as provided in G.S. 115C-375.1.

36 "(69) To Implement a Medical Emergency Plan. – Local boards of education shall  
37 implement the medical emergency plan adopted by the State Board of  
38 Education under G.S. 115C-12(50)."

39 **SECTION 2.(b)** G.S. 115C-218.75 is amended by adding the following new  
40 subsections to read:

41 "(e3) Medical Condition Action Plan. – A charter school shall implement the medical  
42 condition action plan adopted by the State Board of Education under G.S. 115C-12(49) and as  
43 provided in G.S. 115C-375.1.

44 (e4) Medical Emergency Plan. – A charter school shall implement the medical emergency  
45 plan adopted by the State Board of Education under G.S. 115C-12(50)."

46 **SECTION 2.(c)** G.S. 115C-238.66 is amended by adding the following new  
47 subdivisions to read:

48 "(7g) Medical condition action plan. – A regional school shall implement the  
49 medical condition action plan adopted by the State Board of Education under  
50 G.S. 115C-12(49) and as provided in G.S. 115C-375.1.

1           (7h) Medical emergency plan. – A regional school shall implement the medical  
2           emergency plan adopted by the State Board of Education under  
3           G.S. 115C-12(50)."

4           **SECTION 2.(d)** G.S. 116-239.8(b) is amended by adding the following new  
5 subdivisions to read:

6           "(22) A laboratory school shall implement the medical condition action plan  
7           adopted by the State Board of Education under G.S. 115C-12(49) and as  
8           provided in G.S. 115C-375.1.

9           (23) A laboratory school shall implement the medical emergency plan adopted by  
10           the State Board of Education under G.S. 115C-12(50)."

11           **SECTION 2.(e)** Subdivision (2) of Section 6(d) of S.L. 2018-32 is amended by  
12 adding the following new sub-subdivisions to read:

13           "q. (68) [To Implement a Medical Condition Action Plan].

14           r. (69) [To Implement a Medical Emergency Plan]."

15           **SECTION 3.** This act is effective when it becomes law and applies beginning with  
16 the 2023-2024 school year.