

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 397
PROPOSED COMMITTEE SUBSTITUTE H397-PCS10299-CH-6

Short Title: Use of Epinephrine Nasal Spray.

(Public)

Sponsors:

Referred to:

March 17, 2025

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE USE OF EPINEPHRINE NASAL SPRAY IN ADDITION TO
3 AUTO-INJECTORS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** G.S. 115C-375.2(a) reads as rewritten:

6 "(a) Local boards of education shall adopt a policy authorizing a student with asthma or a
7 student subject to anaphylactic reactions, or both, to possess and self-administer asthma
8 medication on school property during the school day, at school-sponsored activities, or while in
9 transit to or from school or school-sponsored events. As used in this section, "asthma medication"
10 means a medicine prescribed for the treatment of asthma or anaphylactic reactions and includes
11 a prescribed asthma inhaler or epinephrine ~~auto-injector-delivery system~~. The policy shall
12 include a requirement that the student's parent or guardian provide to the school:

13"

14 **SECTION 1.(b)** G.S. 115C-375.2A reads as rewritten:

15 **"§ 115C-375.2A. School supply of epinephrine ~~auto-injectors-delivery systems~~.**

16 (a) A local board of education shall provide for a supply of emergency epinephrine
17 ~~auto-injectors-delivery systems~~ on school property for use by trained school personnel to provide
18 emergency medical aid to persons suffering from an anaphylactic reaction during the school day
19 and at school-sponsored events on school property. Each school shall store in a secure but
20 unlocked and easily accessible location a minimum of two epinephrine ~~auto-injectors-delivery~~
21 ~~systems~~. For purposes of this section, "school property" does not include transportation to or
22 from school.

23 (b) For the purposes of this section and G.S. 115C-375.2, "epinephrine ~~auto-injector-~~
24 ~~delivery system~~" means a disposable drug delivery system ~~with a spring-activated, concealed~~
25 ~~needle~~ that is designed for emergency administration of epinephrine to provide rapid, convenient
26 first aid for persons suffering a potentially fatal reaction to ~~anaphylaxis-anaphylaxis, including~~
27 ~~nasal sprays and injectors with a spring-activated, concealed needle~~.

28 (c) The principal shall designate one or more school personnel, as part of the medical
29 care program under G.S. 115C-375.1, to receive initial training and annual retraining from a
30 school nurse or qualified representative of the local health department regarding the storage and
31 emergency use of ~~an epinephrine auto-injector-delivery systems~~. Notwithstanding any other
32 provision of law to the contrary, the school nurse or other designated school personnel who has
33 received training under this subsection shall obtain a non-patient specific prescription for an
34 epinephrine ~~auto-injectors-delivery system~~ from a physician, physician assistant, or nurse
35 practitioner of the local health department serving the area in which the local school
36 administrative unit is located.



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1 (d) The principal shall collaborate with appropriate school personnel to develop an
2 emergency action plan for the use of epinephrine ~~auto-injectors~~ delivery systems in an
3 emergency. The plan shall include at least the following components:

- 4 (1) Standards and procedures for the storage and emergency use of epinephrine
5 ~~auto-injectors~~ delivery systems by trained school personnel.
- 6 (2) Training of school personnel in recognizing symptoms of anaphylaxis.
- 7 (3) Emergency follow-up procedures, including calling emergency services and
8 contacting a student's ~~parent and parent~~, guardian, and physician.
- 9 (4) Instruction and certification in cardiopulmonary resuscitation.

10 (e) A supply of emergency epinephrine ~~auto-injectors~~ delivery systems provided in
11 accordance with this section shall not be used as the sole medication supply for students known
12 to have a medical condition requiring the availability or use of an epinephrine ~~auto-injector~~
13 delivery system. Those students may be authorized to possess and self-administer their
14 medication on school property under G.S. 115C-375.2.

15"

16 **SECTION 1.(c)** G.S. 115C-218.75(a) reads as rewritten:

17 **"§ 115C-218.75. General operating requirements.**

18 (a) Health and Safety Standards. – A charter school shall meet the same health and safety
19 requirements required of a local school administrative ~~unit-unit~~, including the following:

- 20 (1) The Department of Public Instruction shall ensure that charter schools provide
21 parents and guardians with information about meningococcal meningitis and
22 influenza and their vaccines at the beginning of every school year. This
23 information shall include the causes, symptoms, and how meningococcal
24 meningitis and influenza are spread and the places where parents and
25 guardians may obtain additional information and vaccinations for their
26 children.
- 27 (2) The Department of Public Instruction shall also ensure that charter schools
28 provide parents and guardians with information about cervical cancer, cervical
29 dysplasia, human papillomavirus, and the vaccines available to prevent these
30 diseases. This information shall be provided at the beginning of the school
31 year to parents of children entering grades five through 12. This information
32 shall include the causes and symptoms of these diseases, how they are
33 transmitted, how they may be prevented by vaccination, including the benefits
34 and possible side effects of vaccination, and the places where parents and
35 guardians may obtain additional information and vaccinations for their
36 children.
- 37 (3) The Department of Public Instruction shall also ensure that charter schools
38 provide students in grades seven through 12 with information annually on the
39 preventable risks for preterm birth in subsequent pregnancies, including
40 induced abortion, smoking, alcohol consumption, the use of illicit drugs, and
41 inadequate prenatal care.
- 42 (4) The Department of Public Instruction shall also ensure that charter schools
43 provide students in grades nine through 12 with information annually on the
44 manner in which a parent may lawfully abandon a newborn baby with a
45 responsible person, in accordance with Article 5A of Chapter 7B of the
46 General Statutes.
- 47 (5) The Department of Public Instruction shall also ensure that the guidelines for
48 individual diabetes care plans adopted by the State Board of Education under
49 G.S. 115C-12(31) are implemented in charter schools in which students with
50 diabetes are enrolled and that charter schools otherwise comply with
51 G.S. 115C-375.3.

1 (6) The Department of Public Instruction shall ensure that charter schools comply
2 with G.S. 115C-375.2A. The board of directors of a charter school shall
3 provide the school with a supply of emergency epinephrine ~~auto-injectors~~
4 delivery systems necessary to meet the requirements of G.S. 115C-375.2A."

5 **SECTION 1.(d)** G.S. 115C-238.66(7) reads as rewritten:

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

9 The Department of Public Instruction shall ensure that regional schools
10 comply with G.S. 115C-375.2A. The board of directors of a regional school
11 shall provide the school with a supply of emergency epinephrine
12 ~~auto-injectors~~ delivery systems necessary to carry out the provisions of
13 G.S. 115C-375.2A."

14 **SECTION 1.(e)** G.S. 116-239.8(b)(9) reads as rewritten:

15 "(9) Health and safety. – The chancellor shall require that the laboratory school
16 meet the same health and safety standards required of a local school
17 administrative unit. The Department of Public Instruction shall ensure that
18 laboratory schools comply with G.S. 115C-375.2A. The chancellor shall
19 provide the laboratory school with a supply of emergency epinephrine
20 ~~auto-injectors~~ delivery systems necessary to carry out the provisions of
21 G.S. 115C-375.2A."

22 **SECTION 1.(f)** This section is effective when it becomes law and applies beginning
23 with the 2025-2026 school year.

24 **SECTION 2.** G.S. 90-21.15A reads as rewritten:

25 "**§ 90-21.15A. Emergency treatment using epinephrine ~~auto-injector~~; delivery systems;**
26 **immunity.**

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

28 (1) Administer. – The direct application of an epinephrine ~~auto-injector~~ delivery
29 system to the body of an individual.

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

37 (3) Epinephrine ~~auto-injector~~ delivery system. – ~~A single-use device used for the~~
38 ~~automatic injection of a premeasured dose of~~ disposable drug delivery system
39 that is designed for emergency administration of epinephrine into the human
40 body to provide rapid, convenient first aid for persons suffering a potentially
41 fatal reaction to anaphylaxis, including nasal sprays and injectors with a
42 spring-activated, concealed needle.

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

45 (5) Provide. – To supply one or more epinephrine ~~auto-injectors~~ delivery systems
46 to an individual.

47 (b) Prescribing to Authorized Entities Permitted. – A health care provider may prescribe
48 epinephrine ~~auto-injectors~~ delivery systems in the name of an authorized entity for use in
49 accordance with this section, and pharmacists and health care providers may dispense
50 epinephrine ~~auto-injectors~~ delivery systems pursuant to a prescription issued in the name of an

1 authorized entity. A prescription issued pursuant to this section shall be valid for no more than
2 two years.

3 (c) Authorized Entities Permitted to Maintain Supply. – An authorized entity may acquire
4 and stock a supply of epinephrine ~~auto-injectors~~ delivery systems pursuant to a prescription
5 issued in accordance with this section. An authorized entity that acquires and stocks epinephrine
6 ~~auto-injectors~~ delivery systems shall make a good-faith effort to store the supply of epinephrine
7 ~~auto-injectors~~ delivery systems in accordance with the epinephrine ~~auto-injector~~ delivery system
8 manufacturer's instructions for use and any additional requirements that may be established by
9 the Department of Health and Human Services. An authorized entity that acquires and stocks a
10 supply of epinephrine ~~auto-injectors~~ delivery systems pursuant to a prescription issued in
11 accordance with this section shall designate employees or agents to be responsible for the storage,
12 maintenance, control, and general oversight of epinephrine ~~auto-injectors~~ delivery systems
13 acquired by the authorized entity.

14 (d) Use of Epinephrine ~~Auto-Injectors~~ Delivery Systems by Authorized Entities. – An
15 employee or agent of an authorized entity or other individual who has completed the training
16 required by subsection (e) of this section may use epinephrine ~~auto-injectors~~ prescribed pursuant
17 ~~to G.S. 90-726.1~~ delivery systems to do any of the following:

- 18 (1) Provide an epinephrine ~~auto-injector~~ delivery system to any individual who
19 the employee, agent, or other individual believes in good faith is experiencing
20 anaphylaxis, or a person believed in good faith to be the parent, guardian, or
21 caregiver of such individual, for immediate administration, regardless of
22 whether the individual has a prescription for an epinephrine ~~auto-injector~~
23 delivery system or has previously been diagnosed with an allergy.
- 24 (2) Administer an epinephrine ~~auto-injector~~ delivery system to any individual
25 who the employee, agent, or other individual believes in good faith is
26 experiencing anaphylaxis, regardless of whether the individual has a
27 prescription for an epinephrine ~~auto-injector~~ delivery system or has previously
28 been diagnosed with an allergy.

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

- 34 (1) How to recognize signs and symptoms of severe allergic reactions, including
35 anaphylaxis.
- 36 (2) Standards and procedures for the storage and administration of an epinephrine
37 ~~auto-injector~~ delivery system.
- 38 (3) Emergency follow-up procedures.

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

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

48 (f) Immunity. –

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

- 1 a. Any authorized entity that voluntarily and without expectation of
2 payment possesses and makes available epinephrine
3 ~~auto-injectors-delivery systems~~.
- 4 b. Any employee or agent of an authorized entity, or any other individual,
5 who provides or administers an epinephrine ~~auto-injector-delivery~~
6 ~~system~~ to an individual whom the employee, agent, or other individual
7 believes in good faith is experiencing symptoms of anaphylaxis and
8 has completed the required training set forth in subsection (e) of this
9 section.
- 10 c. A health care provider that prescribes epinephrine ~~auto-injectors~~
11 ~~delivery systems~~ to an authorized entity.
- 12 d. A pharmacist or health care provider that dispenses epinephrine
13 ~~auto-injectors-delivery systems~~ to an authorized entity.
- 14 e. Any individual or entity that conducts the training mandated by
15 subsection (e) of this section.
- 16 (2) The immunity conferred by this section does not apply to acts or omissions
17 constituting willful or wanton conduct as defined in G.S. 1D-5(7) or
18 intentional wrongdoing.
- 19 (3) Nothing in this section creates or imposes any duty, obligation, or basis for
20 liability on any authorized entity, any employee or agent of an authorized
21 entity, or any other individual to acquire, possess, store, make available, or
22 administer an epinephrine ~~auto-injector-delivery system~~.
- 23 (4) This section does not eliminate, limit, or reduce any other immunity or defense
24 that may be available under State law, including the protections set forth in
25 G.S. 90-21.14.
- 26 (g) Liability for Acts Outside of This State. – An authorized entity located in this State
27 shall not be liable under the laws of this State for any injuries or related damages resulting from
28 the provision or administration of an epinephrine ~~auto-injector-delivery system~~ outside of this
29 State under either of the following circumstances:
- 30 (1) If the authorized entity would not have been liable for such injuries or related
31 damages if the epinephrine ~~auto-injector-delivery system~~ had been provided
32 or administered within this State.
- 33 (2) If the authorized entity is not liable for such injuries or related damages under
34 the laws of the state in which the epinephrine ~~auto-injector-delivery system~~
35 was provided or administered.
- 36 (h) Does Not Constitute Practice of Medicine. – The administration of an epinephrine
37 ~~auto-injector-delivery system~~ in accordance with this section is not the practice of medicine or
38 any other profession that otherwise requires licensure."

39 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
40 law.