

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 663

Short Title: Asthma Meds/Student Self-Administration. (Public)

Sponsors: Senators Purcell; Albertson, Dannelly, Dorsett, Forrester, Lucas, and
Malone.

Referred to: Health Care.

March 17, 2005

1 A BILL TO BE ENTITLED
2 AN ACT REQUIRING LOCAL SCHOOL BOARDS TO ADOPT POLICIES
3 AUTHORIZING STUDENTS TO SELF-ADMINISTER MEDICATION FOR
4 ASTHMA OR ANAPHYLAXIS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 115C-47 is amended by adding the following new
7 subdivision to read:

8 "(45) To Adopt Policies Authorizing Students to Self-Administer
9 Medication for Asthma or Anaphylaxis. – Each local board of
10 education shall adopt a policy for authorizing students to
11 self-administer medication for asthma or anaphylaxis while at school,
12 at school-sponsored activities, and in transit to or from school or
13 school-sponsored activities. The policy shall specify who is
14 responsible for granting authorization and shall provide that
15 authorization to self-administer medication for asthma or anaphylaxis
16 will be granted to any student who meets all of the following
17 requirements:

18 a. The student's parent or guardian must submit a written
19 treatment plan for managing asthma or anaphylaxis. The plan
20 must be prepared by a health care provider authorized to
21 prescribe the medication under State law, and must state:

22 1. That the student has asthma or anaphylaxis;

23 2. That self-administration of asthma or anaphylaxis
24 medication is part of the student's treatment plan;

25 3. That the student has been instructed in, and has
26 demonstrated to the health care provider, the skills
27 necessary to self-administer medication for asthma or
28 anaphylaxis; and

1 4. The name or type of medication that the student may
2 self-administer while in school, at school-sponsored
3 activities, or in transit to or from school or
4 school-sponsored activities.

5 b. The student's parent or guardian must submit to the school
6 written permission for the student to self-administer the
7 medication while in school at school-sponsored activities, or
8 while in transit from school or school-sponsored activities.

9 c. If the student's school is served by a school nurse, the student
10 must demonstrate to the school nurse that the student has the
11 skills necessary to self-administer medication for asthma or
12 anaphylaxis.

13 Each school shall maintain a student's completed documents on file
14 in a location that is easily accessible in the event of an asthma or
15 anaphylaxis emergency. A student may provide back-up medication to
16 be maintained by the school for use if the student has an asthma or
17 anaphylaxis emergency. If a student provides back-up medication, the
18 school shall maintain the medication in a location to which the student
19 has immediate access in the event of asthma or anaphylaxis emergency
20 that occurs while the student is in school.

21 A local board of education may authorize its School Health
22 Advisory Council to develop a comprehensive student asthma and
23 anaphylaxis management plan that incorporates the policy authorizing
24 students to self-administer the medication.

25 Any public school employee who is responsible for any act under a
26 local board's policy regarding self-administration of asthma or
27 anaphylaxis medication shall not be liable in civil damages for any act
28 or omission under the policy unless the act or omission amounts to
29 gross negligence, wanton misconduct, or intentional wrongdoing. Any
30 person serving in a voluntary position at the request of or with the
31 permission or consent of the board of education or its designee who
32 has been given the authority by the board of education or its designee
33 to act under a local board's policy regarding self-administration of
34 asthma or anaphylaxis medication shall not be liable in civil damages
35 for any act or omission under the policy unless the act or omission
36 amounts to gross negligence, wanton misconduct, or intentional
37 wrongdoing.

38 For purposes of this subdivision, the term "medication" includes an
39 inhaled bronchodilator or self-injected epinephrine."

40 **SECTION 2.** This act is effective when it becomes law and applies
41 beginning with the 2005-2006 school year.