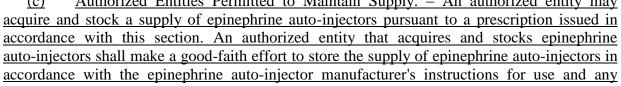
## GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2015

H 3

## **HOUSE BILL 647**

## Committee Substitute Favorable 4/20/15 Senate Rules and Operations of the Senate Committee Substitute Adopted 9/29/15

Short Tit	le: E	pi Pens in All Child-Serving Businesses.	(Public)
Sponsors	:		
Referred	to:		
		April 14, 2015	
A BILL TO BE ENTITLED  AN ACT AUTHORIZING HEALTH CARE PROVIDERS TO PRESCRIBE, AND PHARMACISTS TO DISPENSE, EPINEPHRINE AUTO-INJECTORS TO AUTHORIZED CHILD-SERVING ENTITIES OTHER THAN SCHOOLS FOR THE EMERGENCY TREATMENT OF ANAPHYLAXIS.  The General Assembly of North Carolina enacts:			
SECTION 1. Article 1B of Chapter 90 of the General Statutes is amended by adding a new section to read:  "§ 90-21.15A. Emergency treatment using epinephrine auto-injector; immunity.			
(a) Definitions. – The following definitions apply in this section:			
<u>(a)</u>	(1)	Administer. – The direct application of an epinephrine auto-inject	or to the
	(1)	body of an individual.	or to the
	<u>(2)</u>	Authorized entity. – Any entity or organization, other than	a school
	<u>(=)</u>	described in G.S. 115C-375.2A, at which allergens capable of	
		anaphylaxis may be present, including, but not limited to, recreation	_
		colleges, universities, day care facilities, youth sports leagues, an	-
		parks, restaurants, places of employment, and sports arenas. An ar	
		entity shall also include any person, corporation, or other entity that	
		operates any entity or organization listed.	
	(3)	Epinephrine auto-injector. – A single-use device used for the a	utomatic
		injection of a premeasured dose of epinephrine into the human body	<u>•</u>
	<u>(4)</u>	Health care provider. – A health care provider licensed to prescri	be drugs
		under the laws of this State.	
	<u>(5)</u>	Provide To supply one or more epinephrine auto-injector	rs to an
		<u>individual.</u>	
(b) Prescribing to Authorized Entities Permitted. – A health care provider may prescribe			
epinephrine auto-injectors in the name of an authorized entity for use in accordance with this			
section, and pharmacists and health care providers may dispense epinephrine auto-injectors			
pursuant to a prescription issued in the name of an authorized entity. A prescription issued			
pursuant to this section shall be valid for no more than two years.			
<u>(c)</u>	Auth	orized Entities Permitted to Maintain Supply An authorized en	<u>itity may</u>





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

- (d) Use of Epinephrine Auto-Injectors by Authorized Entities. An employee or agent of an authorized entity or other individual who has completed the training required by subsection (e) of this section may use epinephrine auto-injectors prescribed pursuant to G.S. 90-726.1 to do any of the following:
  - (1) Provide an epinephrine auto-injector to any individual who the employee, agent, or other individual believes in good faith is experiencing anaphylaxis, or a person believed in good faith to be the parent, guardian, or caregiver of such individual, for immediate administration, regardless of whether the individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.
  - (2) Administer an epinephrine auto-injector to any individual who the employee, agent, or other individual believes in good faith is experiencing anaphylaxis, regardless of whether the individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.
- (e) Mandatory Training Program. An authorized entity that elects to acquire and stock a supply of epinephrine auto-injectors as described in subsection (c) of this section shall designate employees or agents to complete an anaphylaxis training program. The training may be conducted online or in person and shall, at a minimum, include all of the following components:
  - (1) How to recognize signs and symptoms of severe allergic reactions, including anaphylaxis.
  - (2) Standards and procedures for the storage and administration of an epinephrine auto-injector.
  - (3) Emergency follow-up procedures.

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

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

- (f) Immunity.
  - (1) The following persons are immune from criminal liability and from suit in any civil action brought by any person for injuries or related damages that result from any act or omission taken pursuant to this section:
    - a. Any authorized entity that voluntarily and without expectation of payment possesses and makes available epinephrine auto-injectors.
    - b. Any employee or agent of an authorized entity, or any other individual, who provides or administers an epinephrine auto-injector to an individual whom the employee, agent, or other individual believes in good faith is experiencing symptoms of anaphylaxis and has completed the required training set forth in subsection (e) of this section.

Page 2 H647 [Edition 3]

(h) Does Not Constitute Practice of Medicine. – The administration of an epinephrine auto-injector in accordance with this section is not the practice of medicine or any other profession that otherwise requires licensure."

**SECTION 2.** The North Carolina Board of Pharmacy may adopt temporary and permanent rules addressing the authorization for authorized entities under Section 1 of this act to obtain a prescription for epinephrine for emergency health circumstances.

**SECTION 3.** This act becomes effective December 31, 2015.

28 29

30

31

32 33

H647 [Edition 3] Page 3