

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 226
Health and Human Resources Committee Substitute Adopted 3/5/03
Judiciary II Committee Substitute Adopted 4/8/03

Short Title: Unauthorized Admin. Meds. by Child Care Fac.

(Public)

Sponsors:

Referred to:

February 26, 2003

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE ADMINISTRATION OF MEDICATION TO A CHILD
IN A LICENSED OR UNLICENSED CHILD CARE FACILITY WITHOUT
PROPER AUTHORIZATION FROM THE CHILD'S PARENT OR GUARDIAN.

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known as "Kaitlyn's Law".

SECTION 2. Article 7 of Chapter 110 of the General Statutes is amended by
adding a new section to read:

"§ 110-102.1A. Unauthorized administration of medication.

(a) It is unlawful for an employee, owner, household member, volunteer, or operator of a licensed or unlicensed child care facility as defined in G.S. 110-86, to intentionally administer prescription or over-the-counter medication to a child attending the child care facility without written authorization. For the purposes of this section, written authorization shall include the child's name, date, dosage instructions, and signature of the child's parent or guardian.

(b) If a child attending a child care facility arrives at the facility with prescription or over-the-counter medication but without written authorization as required by this section, it shall not be unlawful to administer the medication on that day if oral authorization is obtained from the child's parent or guardian prior to administering the medication, providing that when the child is picked up from the facility on that day, the parent or guardian shall sign a written authorization for the medication that was administered pursuant to the oral authorization.

(c) In the event of an emergency medical condition and the child's parent or guardian is unavailable, it shall not be unlawful to administer medication to a child attending the child care facility without written authorization as required under subsection (a) of this section if the medication is administered with the authorization and in accordance with instructions from a bona fide medical care provider. For purposes of this subsection, the following definitions apply:

- 1 (1) A bona fide medical care provider means an individual who is
2 licensed, certified, or otherwise authorized to prescribe the medication.
3 (2) An emergency medical condition means circumstances where a
4 prudent layperson acting reasonably would have believed that an
5 emergency medical condition existed.
6 (d) A violation of this section that results in serious injury to the child shall be
7 punished as a Class F felony.
8 (e) Any other violation of this section shall be punished as a Class H felony."
9 **SECTION 3.** This act becomes effective December 1, 2003, and applies to
10 offenses committed on or after that date.