

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

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**HOUSE DRH30061-LN-90 (2/22)**

Short Title: Student Asthma Medications.

(Public)

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Sponsors: Representatives Harrison and Insko (Primary Sponsors).

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Referred to:

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A BILL TO BE ENTITLED

AN ACT REQUIRING LOCAL SCHOOL BOARDS TO ADOPT POLICIES  
PERMITTING STUDENTS DIAGNOSED WITH ASTHMA TO POSSESS AND  
SELF-ADMINISTER CERTAIN ASTHMA OR ANAPHYLAXIS  
MEDICATIONS.

The General Assembly of North Carolina enacts:

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

"(45) To Adopt Policies Regarding the Possession and Self-Administration  
of Asthma or Anaphylaxis Medications by Asthmatic Students. –  
Local boards of education shall adopt a policy authorizing a student to  
self-administer asthma medication and to possess at all times an  
epinephrine auto-injector to treat anaphylaxis. The policy shall  
include:

a. A requirement that the student's parent or guardian provide to  
the school:

1. Written authorization for the student to self-administer  
asthma medication or epinephrine auto-injector to treat  
anaphylaxis;

2. Written statement and emergency protocol from the  
student's health care practitioner who prescribed the  
asthma medication or epinephrine auto-injector verifying  
that the student has asthma or an allergy that could result  
in an anaphylactic reaction and has been instructed in  
self-administration of asthma medications and an  
epinephrine auto-injector to treat anaphylaxis; and

1                   3.     A statement provided by the school and signed by parent  
2                   or guardian acknowledging that the school district and its  
3                   employees and agents are not liable for an injury arising  
4                   from a student's self-administration of asthma  
5                   medication or an epinephrine auto-injector or inhaler to  
6                   treat anaphylaxis.

7                   b.     Authorization for a student with a diagnosis of asthma to  
8                   possess and self-administer inhaled asthma medications during  
9                   the school day, at school-sponsored activities, or while on a  
10                  school bus or other school property.

11                  c.     If a student uses medication prescribed for the student in a  
12                  manner other than as prescribed, a school may impose on the  
13                  student disciplinary action according to school codes. A school  
14                  may not impose disciplinary action that limits or restricts the  
15                  student's immediate access to the prescribed medication.

16                  d.     The requirement that permission granted for a student with a  
17                  diagnosis of asthma to possess and self-administer inhaled  
18                  asthma medications shall be effective for one school year and  
19                  must be renewed annually. As used in this paragraph, a "school  
20                  year" means 365 calendar days.

21                  e.     Other requirements necessary to comply with applicable State  
22                  and federal laws.

23                  As used in this subdivision, "asthma medication" includes a  
24                  prescribed, inhaled asthma medication and a prescribed epinephrine  
25                  auto-injector."

26                  **SECTION 2.** This act is effective when it becomes law.