GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2005

S SENATE DRS65129-LN-116 (3/3)

Short Title:	Asthma Meds/Student Self-Administration.	(Public)
Sponsors:	Senator Purcell.	
Referred to:		

1 A BILL TO BE ENTITLED

AN ACT REQUIRING LOCAL SCHOOL BOARDS TO ADOPT POLICIES AUTHORIZING STUDENTS TO SELF-ADMINISTER MEDICATION FOR ASTHMA OR ANAPHYLAXIS.

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 Authorizing Students to Self-Administer Medication for Asthma or Anaphylaxis. Each local board of education shall adopt a policy for authorizing students to self-administer medication for asthma or anaphylaxis while at school, at school-sponsored activities, and in transit to or from school or school-sponsored activities. The policy shall specify who is responsible for granting authorization and shall provide that authorization to self-administer medication for asthma or anaphylaxis will be granted to any student who meets all of the following requirements:
 - a. The student's parent or guardian must submit a written treatment plan for managing asthma or anaphylaxis. The plan must be prepared by a health care provider authorized to prescribe the medication under State law, and must state:
 - 1. That the student has asthma or anaphylaxis;
 - 2. That self-administration of asthma or anaphylaxis medication is part of the student's treatment plan;
 - 3. That the student has been instructed in, and has demonstrated to the health care provider, the skills

1	necessary to self-administer medication for asthma or
2	anaphylaxis; and
3	4. The name or type of medication that the student may
4	self-administer while in school, at school-sponsored
5	activities, or in transit to or from school or
6	school-sponsored activities.
7	b. The student's parent or guardian must submit to the school
8	written permission for the student to self-administer the
9	medication while in school at school-sponsored activities, or
10	while in transit from school or school-sponsored activities.
11	c. If the student's school is served by a school nurse, the student
12	must demonstrate to the school nurse that the student has the
13	skills necessary to self-administer medication for asthma or
14	anaphylaxis.
15	Each school shall maintain a student's completed documents on file
16	in a location that is easily accessible in the event of an asthma or
17	anaphylaxis emergency. A student may provide back-up medication to
18	be maintained by the school for use if the student has an asthma or
19	anaphylaxis emergency. If a student provides back-up medication, the
20	school shall maintain the medication in a location to which the student
21	has immediate access in the event of asthma or anaphylaxis emergency
22	that occurs while the student is in school.
23	A local board of education may authorize its School Health
24	Advisory Council to develop a comprehensive student asthma and
25	anaphylaxis management plan that incorporates the policy authorizing
26	students to self-administer the medication.
27	Any public school employee who is responsible for any act under a
28	local board's policy regarding self-administration of asthma or
29	anaphylaxis medication shall not be liable in civil damages for any act
30	or omission under the policy unless the act or omission amounts to
31	gross negligence, wanton misconduct, or intentional wrongdoing. Any
32	person serving in a voluntary position at the request of or with the
33	permission or consent of the board of education or its designee who
34	has been given the authority by the board of education or its designee
35	to act under a local board's policy regarding self-administration of
36	asthma or anaphylaxis medication shall not be liable in civil damages
37	for any act or omission under the policy unless the act or omission
38	amounts to gross negligence, wanton misconduct, or intentional
39	wrongdoing.
40	For purposes of this subdivision, the term "medication" includes an
41	inhaled bronchodilator or self-injected epinephrine."
42	SECTION 2. This act is effective when it becomes law and applies

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beginning with the 2005-2006 school year.

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