

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE DRH40343-MG-32C (02/09)

Short Title: Epi Pens in All Child-Serving Businesses. (Public)

Sponsors: Representatives McGrady, Avila, Stevens, and Glazier (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING HEALTH CARE PROVIDERS TO PRESCRIBE, AND
3 PHARMACISTS TO DISPENSE, EPINEPHRINE AUTO-INJECTORS TO
4 AUTHORIZED CHILD-SERVING ENTITIES OTHER THAN SCHOOLS FOR THE
5 EMERGENCY TREATMENT OF ANAPHYLAXIS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 1B of Chapter 90 of the General Statutes is amended by
8 adding a new section to read:

9 **"§ 90-21.15A. Emergency treatment using epinephrine auto-injector; immunity.**

10 (a) Definitions. – The following definitions apply in this section:

- 11 (1) Administer. – The direct application of an epinephrine auto-injector to the
12 body of an individual.
- 13 (2) Authorized entity. – Any entity or organization, other than a school
14 described in G.S. 115C-375.2A, at which allergens capable of causing
15 anaphylaxis may be present, including, but not limited to, recreation camps,
16 colleges, universities, day care facilities, youth sports leagues, amusement
17 parks, restaurants, places of employment, and sports arenas.
- 18 (3) Epinephrine auto-injector. – A single-use device used for the automatic
19 injection of a premeasured dose of epinephrine into the human body.
- 20 (4) Health care provider. – A health care provider licensed to prescribe drugs
21 under the laws of this State.
- 22 (5) Provide. – To supply one or more epinephrine auto-injectors to an
23 individual.

24 (b) Prescribing to Authorized Entities Permitted. – A health care provider may prescribe
25 epinephrine auto-injectors in the name of an authorized entity for use in accordance with this
26 section, and pharmacists and health care providers may dispense epinephrine auto-injectors
27 pursuant to a prescription issued in the name of an authorized entity. A prescription issued
28 pursuant to this section shall be valid for no more than two years.

29 (c) Authorized Entities Permitted to Maintain Supply. – An authorized entity may
30 acquire and stock a supply of epinephrine auto-injectors pursuant to a prescription issued in
31 accordance with this section. The supply of epinephrine auto-injectors shall be stored in a
32 location readily accessible in an emergency and in accordance with the epinephrine
33 auto-injector's instructions for use and any additional requirements that may be established by
34 the Department of Health and Human Services. An authorized entity shall designate employees
35 or agents to be responsible for the storage, maintenance, control, and general oversight of
36 epinephrine auto-injectors acquired by the authorized entity.



1 (d) Use of Epinephrine Auto-Injectors by Authorized Entities. – An employee or agent
2 of an authorized entity or other individual may use epinephrine auto-injectors prescribed
3 pursuant to G.S. 90-726.1 to do any of the following:

4 (1) Provide an epinephrine auto-injector to any individual who the employee,
5 agent, or other individual believes in good faith is experiencing anaphylaxis,
6 or the parent, guardian, or caregiver of such individual, for immediate
7 administration, regardless of whether the individual has a prescription for an
8 epinephrine auto-injector or has previously been diagnosed with an allergy.

9 (2) Administer an epinephrine auto-injector to any individual who the employee,
10 agent, or other individual believes in good faith is experiencing anaphylaxis,
11 regardless of whether the individual has a prescription for an epinephrine
12 auto-injector or has previously been diagnosed with an allergy.

13 (e) Mandatory Training Program. – Designated employees or agents of authorized
14 entities described in subsection (c) of this section shall complete an anaphylaxis training
15 program. The training shall be conducted by (i) a physician, physician assistant, or registered
16 nurse licensed to practice in this State; (ii) a nationally recognized organization experienced in
17 training laypersons in emergency health treatment; or (iii) an entity or individual approved by
18 the Department of Health and Human Services. The training may be conducted online or in
19 person, and shall at a minimum include all of the following components:

20 (1) How to recognize signs and symptoms of severe allergic reactions, including
21 anaphylaxis.

22 (2) Standards and procedures for the storage and administration of an
23 epinephrine auto-injector.

24 (3) Emergency follow-up procedures.

25 (f) Immunity. – None of the following persons shall be liable for any injuries or related
26 damages that result from any act or omission taken pursuant to this section:

27 (1) Any authorized entity that voluntarily and without expectation of payment
28 possesses and makes available epinephrine auto-injectors.

29 (2) Any employee or agent of an authorized entity, or any other individual, who
30 provides or administers an epinephrine auto-injector to an individual whom
31 the employee, agent, or other individual believes in good faith is
32 experiencing anaphylaxis.

33 (3) A health care provider that prescribes epinephrine auto-injectors to an
34 authorized entity.

35 (4) A pharmacist or health care provider that dispenses epinephrine
36 auto-injectors to an authorized entity.

37 (5) Any individual or entity that conducts the training mandated by subsection
38 (e) of this section.

39 The immunity conferred by this section does not (i) apply to acts or omissions constituting
40 gross negligence, wanton conduct, or intentional wrongdoing or (ii) eliminate, limit, or reduce
41 any other immunity or defense that may be available under State law, including that provided
42 under G.S. 90-21.14.

43 (g) Liability for Acts Outside of This State. – An authorized entity located in this State
44 shall not be liable under the laws of this State for any injuries or related damages resulting from
45 the provision or administration of an epinephrine auto-injector outside of this State under either
46 of the following circumstances:

47 (1) If the authorized entity would not have been liable for such injuries or
48 related damages if the epinephrine auto-injector had been provided or
49 administered within this State.

1 (2) If the authorized entity is not liable for such injuries or related damages
2 under the laws of the state in which the epinephrine auto-injector was
3 provided or administered.

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

7 **SECTION 2.** This act becomes effective October 1, 2015.