

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 647
PROPOSED COMMITTEE SUBSTITUTE H647-PCS10346-TK-11

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

(Public)

Sponsors:

Referred to:

April 14, 2015

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
32 accordance with the epinephrine auto-injector manufacturer's instructions for use and any
33 additional requirements that may be established by the Department of Health and Human
34 Services. An authorized entity that acquires and stocks a supply of epinephrine auto-injectors
35 pursuant to a prescription issued in accordance with this section shall designate employees or



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1 agents to be responsible for the storage, maintenance, control, and general oversight of
2 epinephrine auto-injectors acquired by the authorized entity.

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

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

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

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

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

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

26 (3) Emergency follow-up procedures.

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

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

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

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

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

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

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

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

49 (1) If the authorized entity would not have been liable for such injuries or
50 related damages if the epinephrine auto-injector had been provided or
51 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.** The North Carolina Board of Pharmacy may adopt temporary and
- 8 permanent rules addressing the authorization for authorized entities under Section 1 of this act
- 9 to obtain a prescription for epinephrine for emergency health circumstances.
- 10 **SECTION 3.** This act becomes effective October 1, 2015.