

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE BILL 496

Short Title: Student Asthma Medications. (Public)

Sponsors: Representatives Harrison, Insko (Primary Sponsors); B. Allen, Farmer-Butterfield, Glazier, and Luebke.

Referred to: Education.

March 7, 2005

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
 - 3. A statement provided by the school and signed by parent or guardian acknowledging that the school district and its

1 employees and agents are not liable for an injury arising
2 from a student's self-administration of asthma
3 medication or an epinephrine auto-injector or inhaler to
4 treat anaphylaxis.

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

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

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

19 e. Other requirements necessary to comply with applicable State
20 and federal laws.

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

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