

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 397
Committee Substitute Favorable 4/1/25

Short Title: Use of Epinephrine Nasal Spray.

(Public)

Sponsors:

Referred to:

March 17, 2025

A BILL TO BE ENTITLED
AN ACT TO ALLOW THE USE OF EPINEPHRINE NASAL SPRAY IN ADDITION TO
AUTO-INJECTORS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 115C-375.2(a) reads as rewritten:

"(a) Local boards of education shall adopt a policy authorizing a student with asthma or a student subject to anaphylactic reactions, or both, to possess and self-administer asthma medication on school property during the school day, at school-sponsored activities, or while in transit to or from school or school-sponsored events. As used in this section, "asthma medication" means a medicine prescribed for the treatment of asthma or anaphylactic reactions and includes a prescribed asthma inhaler or epinephrine ~~auto-injector-delivery system~~. The policy shall include a requirement that the student's parent or guardian provide to the school:

...."

SECTION 1.(b) G.S. 115C-375.2A reads as rewritten:

"§ 115C-375.2A. School supply of epinephrine ~~auto-injectors-delivery systems~~.

(a) A local board of education shall provide for a supply of emergency epinephrine ~~auto-injectors-delivery systems~~ on school property for use by trained school personnel to provide emergency medical aid to persons suffering from an anaphylactic reaction during the school day and at school-sponsored events on school property. Each school shall store in a secure but unlocked and easily accessible location a minimum of two epinephrine ~~auto-injectors-delivery systems~~. For purposes of this section, "school property" does not include transportation to or from school.

(b) For the purposes of this section and G.S. 115C-375.2, "epinephrine ~~auto-injector-delivery system~~" means a disposable drug delivery system ~~with a spring-activated, concealed needle~~ that is designed for emergency administration of epinephrine to provide rapid, convenient first aid for persons suffering a potentially fatal reaction to ~~anaphylaxis-anaphylaxis, including nasal sprays and injectors with a spring-activated, concealed needle~~.

(c) The principal shall designate one or more school personnel, as part of the medical care program under G.S. 115C-375.1, to receive initial training and annual retraining from a school nurse or qualified representative of the local health department regarding the storage and emergency use of ~~an epinephrine auto-injector-delivery systems~~. Notwithstanding any other provision of law to the contrary, the school nurse or other designated school personnel who has received training under this subsection shall obtain a non-patient specific prescription for an epinephrine ~~auto-injectors-delivery system~~ from a physician, physician assistant, or nurse practitioner of the local health department serving the area in which the local school administrative unit is located.



(d) The principal shall collaborate with appropriate school personnel to develop an emergency action plan for the use of epinephrine ~~auto-injectors-delivery systems~~ in an emergency. The plan shall include at least the following components:

- (1) Standards and procedures for the storage and emergency use of epinephrine ~~auto-injectors-delivery systems~~ by trained school personnel.
- (2) Training of school personnel in recognizing symptoms of anaphylaxis.
- (3) Emergency follow-up procedures, including calling emergency services and contacting a student's ~~parent and parent, guardian, and~~ physician.
- (4) Instruction and certification in cardiopulmonary resuscitation.

(e) A supply of emergency epinephrine ~~auto-injectors-delivery systems~~ provided in accordance with this section shall not be used as the sole medication supply for students known to have a medical condition requiring the availability or use of an epinephrine ~~auto-injector-delivery system~~. Those students may be authorized to possess and self-administer their medication on school property under G.S. 115C-375.2.

...."

SECTION 1.(c) G.S. 115C-218.75(a) reads as rewritten:

"§ 115C-218.75. General operating requirements.

(a) Health and Safety Standards. – A charter school shall meet the same health and safety requirements required of a local school administrative ~~unit-unit~~, including the following:

- (1) The Department of Public Instruction shall ensure that charter schools provide parents and guardians with information about meningococcal meningitis and influenza and their vaccines at the beginning of every school year. This information shall include the causes, symptoms, and how meningococcal meningitis and influenza are spread and the places where parents and guardians may obtain additional information and vaccinations for their children.
- (2) The Department of Public Instruction shall also ensure that charter schools provide parents and guardians with information about cervical cancer, cervical dysplasia, human papillomavirus, and the vaccines available to prevent these diseases. This information shall be provided at the beginning of the school year to parents of children entering grades five through 12. This information shall include the causes and symptoms of these diseases, how they are transmitted, how they may be prevented by vaccination, including the benefits and possible side effects of vaccination, and the places where parents and guardians may obtain additional information and vaccinations for their children.
- (3) The Department of Public Instruction shall also ensure that charter schools provide students in grades seven through 12 with information annually on the preventable risks for preterm birth in subsequent pregnancies, including induced abortion, smoking, alcohol consumption, the use of illicit drugs, and inadequate prenatal care.
- (4) The Department of Public Instruction shall also ensure that charter schools provide students in grades nine through 12 with information annually on the manner in which a parent may lawfully abandon a newborn baby with a responsible person, in accordance with Article 5A of Chapter 7B of the General Statutes.
- (5) The Department of Public Instruction shall also ensure that the guidelines for individual diabetes care plans adopted by the State Board of Education under G.S. 115C-12(31) are implemented in charter schools in which students with diabetes are enrolled and that charter schools otherwise comply with G.S. 115C-375.3.

(6) The Department of Public Instruction shall ensure that charter schools comply with G.S. 115C-375.2A. The board of directors of a charter school shall provide the school with a supply of emergency epinephrine ~~auto-injectors~~ delivery systems necessary to meet the requirements of G.S. 115C-375.2A."

SECTION 1.(d) G.S. 115C-238.66(7) reads as rewritten:

"(7) Health and safety. – The board of directors shall require that the regional school meet the same health and safety standards required of a local school administrative unit.

The Department of Public Instruction shall ensure that regional schools comply with G.S. 115C-375.2A. The board of directors of a regional school shall provide the school with a supply of emergency epinephrine ~~auto-injectors~~ delivery systems necessary to carry out the provisions of G.S. 115C-375.2A."

SECTION 1.(e) G.S. 116-239.8(b)(9) reads as rewritten:

"(9) Health and safety. – The chancellor shall require that the laboratory school meet the same health and safety standards required of a local school administrative unit. The Department of Public Instruction shall ensure that laboratory schools comply with G.S. 115C-375.2A. The chancellor shall provide the laboratory school with a supply of emergency epinephrine ~~auto-injectors~~ delivery systems necessary to carry out the provisions of G.S. 115C-375.2A."

SECTION 1.(f) This section is effective when it becomes law and applies beginning with the 2025-2026 school year.

SECTION 2. G.S. 90-21.15A reads as rewritten:

"§ 90-21.15A. Emergency treatment using epinephrine ~~auto-injector~~; delivery systems; immunity.

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

(1) Administer. – The direct application of an epinephrine ~~auto-injector~~ delivery system to the body of an individual.

(2) Authorized entity. – Any entity or organization, other than a school described in G.S. 115C-375.2A, at which allergens capable of causing anaphylaxis may be present, including, but not limited to, recreation camps, colleges, universities, day care facilities, youth sports leagues, amusement parks, restaurants, places of employment, and sports arenas. An authorized entity shall also include any person, corporation, or other entity that owns or operates any entity or organization listed.

(3) Epinephrine ~~auto-injector~~ delivery system. – ~~A single-use device used for the automatic injection of a premeasured dose of disposable drug delivery system that is designed for emergency administration of epinephrine into the human body to provide rapid, convenient first aid for persons suffering a potentially fatal reaction to anaphylaxis, including nasal sprays and injectors with a spring-activated, concealed needle.~~

(4) Health care provider. – A health care provider licensed to prescribe drugs under the laws of this State.

(5) Provide. – To supply one or more epinephrine ~~auto-injectors~~ delivery systems to an individual.

(b) Prescribing to Authorized Entities Permitted. – A health care provider may prescribe epinephrine ~~auto-injectors~~ delivery systems in the name of an authorized entity for use in accordance with this section, and pharmacists and health care providers may dispense epinephrine ~~auto-injectors~~ delivery systems pursuant to a prescription issued in the name of an

1 authorized entity. A prescription issued pursuant to this section shall be valid for no more than
2 two years.

3 (c) Authorized Entities Permitted to Maintain Supply. – An authorized entity may acquire
4 and stock a supply of epinephrine ~~auto-injectors-delivery systems~~ pursuant to a prescription
5 issued in accordance with this section. An authorized entity that acquires and stocks epinephrine
6 ~~auto-injectors-delivery systems~~ shall make a good-faith effort to store the supply of epinephrine
7 ~~auto-injectors-delivery systems~~ in accordance with the epinephrine ~~auto-injector-delivery system~~
8 manufacturer's instructions for use and any additional requirements that may be established by
9 the Department of Health and Human Services. An authorized entity that acquires and stocks a
10 supply of epinephrine ~~auto-injectors-delivery systems~~ pursuant to a prescription issued in
11 accordance with this section shall designate employees or agents to be responsible for the storage,
12 maintenance, control, and general oversight of epinephrine ~~auto-injectors-delivery systems~~
13 acquired by the authorized entity.

14 (d) Use of Epinephrine ~~Auto-Injectors-Delivery Systems~~ by Authorized Entities. – An
15 employee or agent of an authorized entity or other individual who has completed the training
16 required by subsection (e) of this section may use epinephrine ~~auto-injectors~~ ~~prescribed pursuant~~
17 ~~to G.S. 90-726.1~~ ~~delivery systems~~ to do any of the following:

- 18 (1) Provide an epinephrine ~~auto-injector-delivery system~~ to any individual who
19 the employee, agent, or other individual believes in good faith is experiencing
20 anaphylaxis, or a person believed in good faith to be the parent, guardian, or
21 caregiver of such individual, for immediate administration, regardless of
22 whether the individual has a prescription for an epinephrine ~~auto-injector~~
23 ~~delivery system~~ or has previously been diagnosed with an allergy.
- 24 (2) Administer an epinephrine ~~auto-injector-delivery system~~ to any individual
25 who the employee, agent, or other individual believes in good faith is
26 experiencing anaphylaxis, regardless of whether the individual has a
27 prescription for an epinephrine ~~auto-injector-delivery system~~ or has previously
28 been diagnosed with an allergy.

29 (e) Mandatory Training Program. – An authorized entity that elects to acquire and stock
30 a supply of epinephrine ~~auto-injectors-delivery systems~~ as described in subsection (c) of this
31 section shall designate employees or agents to complete an anaphylaxis training program. The
32 training may be conducted online or in person and shall, at a minimum, include all of the
33 following components:

- 34 (1) How to recognize signs and symptoms of severe allergic reactions, including
35 anaphylaxis.
- 36 (2) Standards and procedures for the storage and administration of an epinephrine
37 ~~auto-injector-delivery system~~.
- 38 (3) Emergency follow-up procedures.

39 In-person training shall cover the three components listed in this subsection and be conducted
40 by (i) a physician, physician assistant, or registered nurse licensed to practice in this State; (ii) a
41 nationally recognized organization experienced in training laypersons in emergency health
42 treatment; or (iii) an entity or individual approved by the Department of Health and Human
43 Services.

44 Online training shall cover the three components listed in this subsection and be offered (i)
45 by a nationally recognized organization experienced in training laypersons in emergency health
46 treatment; (ii) by an entity or individual approved by the Department of Health and Human
47 Services; or (iii) by means of an online training course that has been approved by another state.

48 (f) Immunity. –

- 49 (1) The following persons are immune from criminal liability and from suit in any
50 civil action brought by any person for injuries or related damages that result
51 from any act or omission taken pursuant to this section:

- 1 a. Any authorized entity that voluntarily and without expectation of
2 payment possesses and makes available epinephrine
3 ~~auto-injectors-delivery systems~~.
- 4 b. Any employee or agent of an authorized entity, or any other individual,
5 who provides or administers an epinephrine ~~auto-injector-delivery~~
6 ~~system~~ to an individual whom the employee, agent, or other individual
7 believes in good faith is experiencing symptoms of anaphylaxis and
8 has completed the required training set forth in subsection (e) of this
9 section.
- 10 c. A health care provider that prescribes epinephrine ~~auto-injectors~~
11 ~~delivery systems~~ to an authorized entity.
- 12 d. A pharmacist or health care provider that dispenses epinephrine
13 ~~auto-injectors-delivery systems~~ to an authorized entity.
- 14 e. Any individual or entity that conducts the training mandated by
15 subsection (e) of this section.
- 16 (2) The immunity conferred by this section does not apply to acts or omissions
17 constituting willful or wanton conduct as defined in G.S. 1D-5(7) or
18 intentional wrongdoing.
- 19 (3) Nothing in this section creates or imposes any duty, obligation, or basis for
20 liability on any authorized entity, any employee or agent of an authorized
21 entity, or any other individual to acquire, possess, store, make available, or
22 administer an epinephrine ~~auto-injector-delivery system~~.
- 23 (4) This section does not eliminate, limit, or reduce any other immunity or defense
24 that may be available under State law, including the protections set forth in
25 G.S. 90-21.14.
- 26 (g) Liability for Acts Outside of This State. – An authorized entity located in this State
27 shall not be liable under the laws of this State for any injuries or related damages resulting from
28 the provision or administration of an epinephrine ~~auto-injector-delivery system~~ outside of this
29 State under either of the following circumstances:
- 30 (1) If the authorized entity would not have been liable for such injuries or related
31 damages if the epinephrine ~~auto-injector-delivery system~~ had been provided
32 or administered within this State.
- 33 (2) If the authorized entity is not liable for such injuries or related damages under
34 the laws of the state in which the epinephrine ~~auto-injector-delivery system~~
35 was provided or administered.
- 36 (h) Does Not Constitute Practice of Medicine. – The administration of an epinephrine
37 ~~auto-injector-delivery system~~ in accordance with this section is not the practice of medicine or
38 any other profession that otherwise requires licensure."
- 39 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
40 law.