



# HOUSE BILL 647: Epi Pens in All Child-Serving Businesses

2015-2016 General Assembly

**Committee:**

**Introduced by:**

**Analysis of:** S.L. 2015-274

**Date:**

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Legislative Analyst

**SUMMARY:** *S.L. 2015-274 permits the prescribing and dispensing of epinephrine auto-injectors to authorized entities where allergens capable of causing anaphylaxis may be present. The act allows trained employees or agents of the authorized entities to provide or administer epinephrine under certain circumstances to specified individuals and provides immunity for individuals acting in accordance with the act. Actions taken pursuant to the act do not constitute the practice of medicine. Additionally, the act permits the Board of Pharmacy to adopt rules pertaining to the authorization necessary for entities to obtain an epinephrine prescription for emergency health circumstances.*

*This act became effective December 31, 2015.*

## **CURRENT LAW:**

G.S. 115C-375.2A requires a local board of education to provide for an emergency supply of epinephrine auto-injectors on school property for use by trained school personnel to provide emergency aid to persons suffering from an anaphylactic reaction on school property. Designated personnel must undergo training related to the use of the epinephrine auto-injector and the principal must develop an emergency plan for the use of the auto-injectors. A local board of education, its members, employees, designees, agents, or volunteers, and a physician, physician assistant, or nurse practitioner of the local health department shall not be liable in civil damages for actions taken under the statute unless those actions constitute gross negligence, wanton conduct, or intentional wrongdoing.

## **BILL ANALYSIS:**

The act allows any entity or organization, other than a school described in G.S. 115C-375.2A, where allergens capable of causing anaphylaxis may be present to maintain a supply of epinephrine auto-injectors. Epinephrine auto-injectors are defined as "a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body." The act allows a health care provider to prescribe epinephrine auto-injectors in the name of the authorized entity and for pharmacists and health care providers to dispense epinephrine auto-injectors to the authorized entities. The prescription will be valid for no more than 2 years and the authorized entity that acquires and stocks epinephrine auto-injectors must make a good faith effort to store epinephrine auto-injectors in accordance with manufacturer's instructions and any requirements specified by the Department of Health and Human Services. The epinephrine auto-injectors may be provided to any individual who the employee, agent or other individual believes in good faith is experiencing anaphylaxis, regardless of whether the individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.

The act requires mandatory training and specifies three components that must be included in the requirements outlined for in person training and online training. The act provides immunity to specified individuals for any injuries or related damages that result from any act or omission taken pursuant to the act, but would not apply to acts or omissions constituting willful or wanton conduct or intentional wrongdoing.

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The act provides that the administration of epinephrine auto-injectors does not constitute the practice of medicine or any other profession requiring licensure. Section 2 of the act allows the North Carolina Board of Pharmacy to adopt rules addressing the authorization for authorized entities to obtain a prescription for epinephrine auto-injectors.

**EFFECTIVE DATE:** This act becomes effective December 31, 2015.