



HOUSE BILL 172: Samantha Rose Davis Act.

2023-2024 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	April 4, 2023
Introduced by:	Reps. Kidwell, Hardister, Biggs, Cairns	Prepared by:	Samantha Yarborough
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *The 2nd Edition of House Bill 172 would do the following:*

- *Require the State Board of Education (SBE) to adopt a medical condition action plan and a medical emergency plan for use by PSUs when responding to student medical conditions and emergencies.*
- *Require each PSU to have at least one person per school trained in first aid and lifesaving techniques.*

CURRENT LAW: Under G.S. 115C-375.1, it is within the scope of duty of teachers and other public school employees authorized by the governing body to (i) administer any drugs or medication prescribed by a doctor upon written parent request, (ii) give emergency health care when delay would worsen the student's condition or endanger his or her life, and (iii) perform any other first aid or lifesaving techniques in which the employee has been trained in a program approved by the SBE. No employee can be required to administer drugs or medication or attend lifesaving techniques programs. Individuals authorized to act are not liable in civil damages for any authorized act or any omission unless the act or omission amounts to gross negligence, wanton conduct, or intentional wrongdoing.

G.S. 115C-375.2A requires the principal of each public school to designate one or more school personnel to receive training on epinephrine auto-injectors. G.S. 115C-375.3 requires local boards of education and boards of directors of charter schools to follow guidelines adopted by the SBE to develop and implement diabetes care plans.

BILL ANALYSIS: House Bill 172 would require the SBE to adopt rules establishing the following for use by each PSU:

- A medical condition action plan for students at risk for a medical emergency as diagnosed by a doctor. The plan would include (i) a standard medical condition action plan form, (ii) detailed instructions on the form to ensure that all individuals designated by the principal to provide medical care know how to address the emergency, and (iii) information detailing the method by which and by whom any medical emergency will be handled when the student is at an off-campus school-sponsored activity.
- A medical emergency plan with the required response of PSU employees when a student has a medical emergency not otherwise covered by a medical condition action plan.

The SBE would be authorized to adopt temporary rules to implement these requirements.

Each PSU would be required to have at least one employee per school trained in first aid and lifesaving techniques. School administrators may be required to administer drugs or medications and attend lifesaving techniques programs.

EFFECTIVE DATE: House Bill 172 would be effective when it becomes law and apply beginning with the 2023-2024 school year.

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Legislative Analysis
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