

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 172
Committee Substitute Favorable 3/28/23

Short Title: Samantha Rose Davis Act.

(Public)

Sponsors:

Referred to:

February 23, 2023

A BILL TO BE ENTITLED

AN ACT TO REQUIRE MEDICAL CONDITION ACTION PLANS FOR CERTAIN
STUDENTS AND MEDICAL EMERGENCY PLANS IN ALL PUBLIC SCHOOL UNITS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 115C-12 is amended by adding the following new subdivisions
to read:

"(49) Medical Condition Action Plan. – The State Board of Education shall adopt a
rule establishing a medical condition action plan as provided in
G.S. 115C-375.1 to be implemented by each public school unit for each
student at risk for a medical emergency as diagnosed by a doctor.

(50) Medical Emergency Plan. – The State Board of Education, in consultation
with the Department of Public Instruction and the Department of Health and
Human Services, shall adopt a rule establishing the required response of
public school unit employees when a student has a medical emergency not
otherwise covered by a medical condition action plan implemented in
accordance with G.S. 115C-375.1. The Department of Public Instruction shall
provide each public school unit with a copy of the rule, and each public school
unit shall implement the rule."

SECTION 1.(b) G.S. 115C-375.1 reads as rewritten:

"§ 115C-375.1. **To provide some medical care to ~~students~~, students and implement medical
condition action plans.**

(a) It is within the scope of duty of teachers, including substitute teachers, teacher
assistants, student teachers, or any other public school employee when authorized by the ~~board~~
~~of education governing body of a public school unit~~ or its designee, (i) to administer any drugs
or medication prescribed by a doctor upon written request of the parents, or as described in the
medical condition action plan required by subsection (b) of this section, (ii) to give emergency
health care when reasonably apparent circumstances indicate that any delay would seriously
worsen the physical condition or endanger the life of the ~~pupil, student,~~ and (iii) to perform any
other first aid or lifesaving techniques in which the employee has been trained in a program
approved by the State Board of Education. At least one public school unit employee per school
shall be trained in first aid and lifesaving techniques, including seizure recognition. No public
school unit employee, ~~however,~~ other than a school administrator, shall be required to administer
drugs or medication or attend lifesaving techniques programs.

(b) Each governing body of a public school unit shall implement the medical condition
action plan adopted by the State Board of Education pursuant to G.S. 115C-12(49) for each



1 student at risk of a medical emergency as diagnosed by a doctor. The medical condition action
2 plan adopted by the State Board of Education shall include all of the following:

3 (1) A standard medical condition action plan form.

4 (2) Detailed instructions in the medical condition action plan form to ensure that
5 all individuals designated by the principal, or, if there is no principal, the staff
6 member with the highest decision-making authority, to provide medical care
7 for a student at risk for a medical emergency as diagnosed by a doctor, know
8 how to address the medical emergency.

9 (3) Information detailing the method by which and by whom any medical
10 emergency will be handled when the student is at a school-sponsored activity
11 that is not on the campus of the public school unit, including field trips and
12 interscholastic athletic activities.

13 (c) Any public school unit employee, authorized by the ~~board of education governing~~
14 body of a public school unit or its designee to act under (i), (ii), or (iii) above, subsections (a)
15 and (b) of this section, shall not be liable in civil damages for any authorized act or for any
16 omission relating to that act unless the act or omission amounts to gross negligence, wanton
17 conduct, or intentional wrongdoing. Any person, serving in a voluntary position at the request of
18 or with the permission or consent of the ~~board of education governing~~ body of a public school
19 unit or its designee, who has been given the authority by the ~~board of education governing~~ body
20 of a public school unit or its designee to ~~act under (ii) above~~ give emergency health care when
21 reasonably apparent circumstances indicate that any delay would seriously worsen the physical
22 condition or endanger the life of the student shall not be liable in civil damages for any authorized
23 act or for any omission relating to the act unless the act amounts to gross negligence, wanton
24 conduct, or intentional wrongdoing.

25 (d) At the commencement of each school year, but before the beginning of classes, and
26 thereafter as circumstances require, the principal of each ~~school~~ school, or, if there is no principal,
27 the staff member with the highest decision-making authority, shall determine which persons will
28 participate in the medical care program."

29 **SECTION 1.(c)** The State Board of Education may adopt temporary rules to
30 implement this section.

31 **SECTION 2.(a)** G.S. 115C-47 is amended by adding the following new subdivisions
32 to read:

33 "(68) To Implement a Medical Condition Action Plan. – Local boards of education
34 shall implement the medical condition action plan adopted by the State Board
35 of Education under G.S. 115C-12(49) and as provided in G.S. 115C-375.1.

36 (69) To Implement a Medical Emergency Plan. – Local boards of education shall
37 implement the medical emergency plan adopted by the State Board of
38 Education under G.S. 115C-12(50)."

39 **SECTION 2.(b)** G.S. 115C-218.75 is amended by adding the following new
40 subsections to read:

41 "(e3) Medical Condition Action Plan. – A charter school shall implement the medical
42 condition action plan adopted by the State Board of Education under G.S. 115C-12(49) and as
43 provided in G.S. 115C-375.1.

44 (e4) Medical Emergency Plan. – A charter school shall implement the medical emergency
45 plan adopted by the State Board of Education under G.S. 115C-12(50)."

46 **SECTION 2.(c)** G.S. 115C-238.66 is amended by adding the following new
47 subdivisions to read:

48 "(7g) Medical condition action plan. – A regional school shall implement the
49 medical condition action plan adopted by the State Board of Education under
50 G.S. 115C-12(49) and as provided in G.S. 115C-375.1.

1 (7h) Medical emergency plan. – A regional school shall implement the medical
2 emergency plan adopted by the State Board of Education under
3 G.S. 115C-12(50)."

4 **SECTION 2.(d)** G.S. 116-239.8(b) is amended by adding the following new
5 subdivisions to read:

6 "(22) A laboratory school shall implement the medical condition action plan
7 adopted by the State Board of Education under G.S. 115C-12(49) and as
8 provided in G.S. 115C-375.1.

9 (23) A laboratory school shall implement the medical emergency plan adopted by
10 the State Board of Education under G.S. 115C-12(50)."

11 **SECTION 2.(e)** Subdivision (2) of Section 6(d) of S.L. 2018-32 is amended by
12 adding the following new sub-subdivisions to read:

13 "q. (68) [To Implement a Medical Condition Action Plan].

14 r. (69) [To Implement a Medical Emergency Plan]."

15 **SECTION 3.** This act is effective when it becomes law and applies beginning with
16 the 2023-2024 school year.