

§ 90-21.15A. Emergency treatment using epinephrine delivery systems; immunity.

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

- (1) Administer. – The direct application of an epinephrine 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 delivery system. – a disposable drug delivery system that is designed for emergency administration of epinephrine to provide rapid, convenient first aid for persons suffering a potentially fatal reaction to anaphylaxis, including nasal sprays and injectors that are approved by the United States Food and Drug Administration with a premeasured, appropriate weight-based dose of epinephrine.
- (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 delivery systems to an individual.

(b) Prescribing to Authorized Entities Permitted. – A health care provider may prescribe epinephrine 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 delivery systems pursuant to a prescription issued in the name of an authorized entity. A prescription issued pursuant to this section shall be valid for no more than two years.

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

(d) Use of Epinephrine Delivery Systems by Authorized Entities. – An employee or agent of an authorized entity or other individual who has completed the training required by subsection (e) of this section may use epinephrine delivery systems to do any of the following:

- (1) Provide an epinephrine delivery system to any individual who the employee, agent, or other individual believes in good faith is experiencing anaphylaxis, or a person believed in good faith to be the parent, guardian, or caregiver of such individual, for immediate administration, regardless of whether the individual has a prescription for an epinephrine delivery system or has previously been diagnosed with an allergy.
- (2) Administer an epinephrine delivery system 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 delivery system or has previously been diagnosed with an allergy.

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

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

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

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

(f) Immunity. –

- (1) The following persons are immune from criminal liability and from suit in any civil action brought by any person for injuries or related damages that result from any act or omission taken pursuant to this section:
 - a. Any authorized entity that voluntarily and without expectation of payment possesses and makes available epinephrine delivery systems.
 - b. Any employee or agent of an authorized entity, or any other individual, who provides or administers an epinephrine delivery system to an individual whom the employee, agent, or other individual believes in good faith is experiencing symptoms of anaphylaxis and has completed the required training set forth in subsection (e) of this section.
 - c. A health care provider that prescribes epinephrine delivery systems to an authorized entity.
 - d. A pharmacist or health care provider that dispenses epinephrine delivery systems to an authorized entity.
 - e. Any individual or entity that conducts the training mandated by subsection (e) of this section.
- (2) The immunity conferred by this section does not apply to acts or omissions constituting willful or wanton conduct as defined in G.S. 1D-5(7) or intentional wrongdoing.
- (3) Nothing in this section creates or imposes any duty, obligation, or basis for liability on any authorized entity, any employee or agent of an authorized entity, or any other individual to acquire, possess, store, make available, or administer an epinephrine delivery system.
- (4) This section does not eliminate, limit, or reduce any other immunity or defense that may be available under State law, including the protections set forth in G.S. 90-21.14.

(g) Liability for Acts Outside of This State. – An authorized entity located in this State shall not be liable under the laws of this State for any injuries or related damages resulting from the provision or administration of an epinephrine delivery system outside of this State under either of the following circumstances:

- (1) If the authorized entity would not have been liable for such injuries or related damages if the epinephrine delivery system had been provided or administered within this State.
 - (2) If the authorized entity is not liable for such injuries or related damages under the laws of the state in which the epinephrine delivery system was provided or administered.
- (h) Does Not Constitute Practice of Medicine. – The administration of an epinephrine delivery system in accordance with this section is not the practice of medicine or any other profession that otherwise requires licensure. (2015-274, s. 1; 2025-60, s. 4.1.)