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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL DRS45532-NHa-186

Short Title:	Allergy Safe Schools Act.	(Public)
Sponsors:	Senator Chitlik (Primary Sponsor).	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO INCREASE FOOD ALLERGY SAFETY IN PUBLIC SCHOOLS BY REQUIRING A NURSE IN EVERY SCHOOL, REQUIRING SCHOOL STAFF TO ATTEND TRAINING ON RECOGNIZING AND TREATING ANAPHYLAXIS, REQUIRING MEDICAL ACTION PLANS FOR STUDENTS WITH FOOD ALLERGIES, AND PROHIBITING FOOD AT SCHOOL CELEBRATIONS.

The General Assembly of North Carolina enacts:

PART I. A NURSE IN EVERY SCHOOL

SECTION 1.(a) G.S. 115C-47 is amended by adding a new subdivision to read:

"(73) To Provide at Least One School Nurse in Every School. – Local boards of education shall ensure that each school within the local school administrative unit is staffed by at least one full-time, permanent school nurse."

SECTION 1.(b) G.S. 115C-150.12C is amended by adding a new subdivision to read:

"(39) To provide at least one school nurse in every school. – The board of trustees shall ensure that each school is staffed by at least one full-time, permanent school nurse."

SECTION 1.(c) G.S. 115C-218.75 is amended by adding a new subsection to read:

"(p) At Least One School Nurse. – A charter school shall ensure that the school is staffed by at least one full-time, permanent school nurse."

SECTION 1.(d) G.S. 115C-238.66 is amended by adding a new subdivision to read:

"(23) At least one school nurse required. – A regional school shall ensure that the school is staffed by at least one full-time, permanent school nurse."

SECTION 1.(e) G.S. 116-239.8(b) is amended by adding a new subdivision to read:

"(26) At least one school nurse required. – A laboratory school shall ensure that the school is staffed by at least one full-time, permanent school nurse."

SECTION 1.(f) There is appropriated from the General Fund to the Department of Public Instruction the sum of ninety-two million dollars ($92,000,000) in recurring funds beginning with the 2026-2027 fiscal year to increase the School Health Personnel Allotment. These funds shall be used to increase positions for school nurses in order to provide at least one full-time, permanent school nurse in every school in a public school unit.

SECTION 1.(g) Funds provided pursuant to this act shall supplement and not supplant any funds from any source already provided for school nurses.

SECTION 1.(h) This section is effective July 1, 2026, and applies beginning with the 2026-2027 school year.

PART II. SCHOOL STAFF TRAINING ON RECOGNIZING AND TREATING ANAPHYLAXIS

SECTION 2.(a) The Department of Health and Human Services (DHHS), in consultation with the Department of Public Instruction (DPI) and experts in the field of food allergies and anaphylaxis, shall develop and publish to the DHHS website a uniform statewide training program and standardized guidelines for school personnel on the management of life-threatening allergies in schools. The training program and guidelines shall include at least all of the following components:

(1) Evidence-based training modules for school personnel on recognizing and responding to food allergies and anaphylaxis.

(2) Standardized guidelines for the management of life-threatening allergies in schools.

(3) Model plans for school districts to adopt or adapt to ensure compliance with medically accurate best practices.

SECTION 2.(b) The DHHS shall update the uniform statewide training program and standardized guidelines developed pursuant to subsection (a) of this section biennially to reflect current medical research and best practices.

SECTION 2.(c) There is appropriated from the General Fund to the Department of Health and Human Services, Division of Public Health, the sum of three hundred thousand dollars ($300,000) in nonrecurring funds for the 2026-2027 fiscal year to develop the uniform statewide training program and standardized guidelines described in subsection (a) of this section.

SECTION 2.(d) This section is effective July 1, 2026.

PART III. MEDICAL CONDITION ACTION PLANS

SECTION 3.(a) G.S. 115C-12 is amended by adding the following new subdivisions to read:

"(51) 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.

(52) 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 3.(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) Notwithstanding G.S. 90-21.10B, 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. ~~No employee, however, 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(51) for each student at risk of a medical emergency as diagnosed by a doctor. The medical condition action plan adopted by the State Board of Education shall include all of the following:

(1) A standard medical condition action plan form.

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

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

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

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

SECTION 3.(c) G.S. 115C-375.2A reads as rewritten:

"**§ 115C-375.2A. School supply of epinephrine delivery systems.**

(a) ~~A local board of education~~ Public school units shall provide for a supply of emergency epinephrine 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 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 delivery system" means 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.

(c) ~~The principal shall designate one or more school personnel, as part of the medical care program under G.S. 115C-375.1, to~~ All public school unit employees that routinely interact with students in the course of performing their duties shall receive ~~initial training and~~ annual ~~retraining~~ training from a school nurse or qualified representative of the local health department regarding the storage and emergency use of epinephrine 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 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~~ principal, or, if there is no principal, the staff member with the highest decision-making authority, shall collaborate with appropriate school personnel to develop an emergency action plan for the use of epinephrine 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 delivery systems by trained school personnel.

(2) ~~Training~~ Annual training of school personnel in recognizing symptoms of anaphylaxis.

(3) Emergency follow-up procedures, including calling emergency services and contacting a student's parent, guardian, and physician.

(4) Instruction and certification in cardiopulmonary resuscitation.

(e) A supply of emergency epinephrine 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 delivery system. Those students may be authorized to possess and self-administer their medication on school property under G.S. 115C-375.2.

(f) A ~~local board of education,~~ public school unit, 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 to any party for any act authorized by this section or for any omission relating to that act unless that act or omission amounts to gross negligence, wanton conduct, or intentional wrongdoing."

SECTION 3.(d) The State Board of Education may adopt temporary rules to implement this section.

SECTION 3.(e) G.S. 115C-47 is amended by adding the following new subdivisions to read:

"(74) To Implement a Medical Condition Action Plan. – Local boards of education shall implement the medical condition action plan adopted by the State Board of Education under G.S. 115C-12(50) and as provided in G.S. 115C-375.1.

(75) To Implement a Medical Emergency Plan. – Local boards of education shall implement the medical emergency plan adopted by the State Board of Education under G.S. 115C-12(51)."

SECTION 3.(f) G.S. 115C-218.75 is amended by adding the following new subsections to read:

"(e3) Medical Condition Action Plan. – A charter school shall implement the medical condition action plan adopted by the State Board of Education under G.S. 115C-12(51) and as provided in G.S. 115C-375.1.

(e4) Medical Emergency Plan. – A charter school shall implement the medical emergency plan adopted by the State Board of Education under G.S. 115C-12(52)."

SECTION 3.(g) G.S. 115C-238.66 is amended by adding the following new subdivisions to read:

"(7h) Medical condition action plan. – A regional school shall implement the medical condition action plan adopted by the State Board of Education under G.S. 115C-12(51) and as provided in G.S. 115C-375.1.

(7i) Medical emergency plan. – A regional school shall implement the medical emergency plan adopted by the State Board of Education under G.S. 115C-12(52)."

SECTION 3.(h) G.S. 116-239.8(b) is amended by adding the following new subdivisions to read:

"(27) Medical condition action plan. – A laboratory school shall implement the medical condition action plan adopted by the State Board of Education under G.S. 115C-12(51) and as provided in G.S. 115C-375.1.

(28) Medical emergency plan. – A laboratory school shall implement the medical emergency plan adopted by the State Board of Education under G.S. 115C-12(52)."

SECTION 3.(i) This section is effective when it becomes law and applies beginning with the 2026-2027 school year.

PART IV. PROHIBIT FOOD AT SCHOOL CELEBRATIONS

SECTION 4.(a) Part 2 of Article 17 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-264.6. Non-food celebrations.**

Local boards of education shall adopt policies for school, classroom, and birthday celebrations that are consistent with the following:

(1) For elementary and middle schools:

a. Requiring all celebrations to be non-food celebrations.

b. Include guidelines and activities for non-food celebrations, which shall be widely promoted to students, school staff, and parents.

c. Include a form with which an administrator or teacher may request an exception to the non-food policy, if a food-based activity is specifically tied to curriculum objectives and served as a community snack. The local board shall develop criteria for community snacks, including instructions for proper handling and storage of food.

(2) For high schools:

a. Prohibiting soft drinks from being served.

b. Encouraging teachers and parents to consider non-food options."

SECTION 4.(b) G.S. 115C-150.12C is amended by adding a new subdivision to read:

"(40) Non-food celebrations. – The board of trustees shall adopt a policy for non-food school celebrations that is consistent with G.S. 115C-264.6."

SECTION 4.(c) G.S. 115C-218.75 is amended by adding a new subsection to read:

"(q) Non-food Celebrations. – A charter school shall adopt a policy for non-food school celebrations that is consistent with G.S. 115C-264.6."

SECTION 4.(d) G.S. 115C-238.66 is amended by adding a new subdivision to read:

"(24) Non-food celebrations. – A regional school shall adopt a policy for non-food school celebrations that is consistent with G.S. 115C-264.6."

SECTION 4.(e) G.S. 116-239.8(b) is amended by adding a new subdivision to read:

"(29) Non-food celebrations. – A laboratory shall adopt a policy for non-food school celebrations that is consistent with G.S. 115C-264.6."

SECTION 4.(f) The section is effective when it becomes law and applies beginning with the 2026-2027 school year.

PART V. EFFECTIVE DATE

SECTION 5. Except as otherwise provided, this act is effective when it becomes law.