

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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HOUSE BILL 152

Short Title: Unauthorized Meds./Prevent SIDS/Child Care. (Public)

Sponsors: Representatives Alexander; Dickson, Farmer-Butterfield, Glazier, Goodwin, Hackney, Haire, Hill, Holliman, Hunter, Insko, Kiser, Lucas, Luebke, McAllister, Michaux, Miller, Munford, Nesbitt, Parmon, Rapp, Ross, Sherrill, and Weiss.

Referred to: Children, Youth and Families.

March 3, 2003

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE ADMINISTRATION OF MEDICATION TO A CHILD IN A LICENSED OR UNLICENSED CHILD CARE FACILITY WITHOUT PROPER AUTHORIZATION FROM THE CHILD'S PARENT OR GUARDIAN OR A BONA FIDE MEDICAL CARE PROVIDER, TO PROHIBIT A CHILD CARE FACILITY FROM PLACING A CHILD IN A SLEEPING POSITION THAT MAY INCREASE THE RISK OF SUDDEN INFANT DEATH SYNDROME (SIDS), AND TO REQUIRE CERTAIN AGENCIES AND THE MEDICAL COMMUNITY TO WORK JOINTLY IN INVESTIGATING VIOLATIONS OF THESE LAWS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 110 of the General Statutes is amended by adding a new section to read:

**"§ 110-102.1A. Unauthorized administration of medication; improper placement of sleeping child; investigations.**

(a) It is unlawful for an employee, owner, or operator of a licensed or unlicensed child care facility to:

(1) Administer any type of medication to a child attending the child care facility without first obtaining written or oral authorization from the child's parent or guardian or a bona fide medical care provider. For purposes of this subdivision, the term 'bona fide medical care provider' is limited to medical doctors, physician's assistants, registered nurses, or licensed practical nurses, emergency medical technicians, and paramedics.

(2) Place a child in any position that may increase the risk of Sudden Infant Death Syndrome "SIDS" while the child is sleeping. All child

1                   care facilities shall ensure that employees receive training in the proper  
2                   sleeping position to reduce the risk of SIDS.

3           (b)   Any person who violates this section is guilty of a Class A1 misdemeanor.

4           (c)   The Division of Child Development, local departments of social services,  
5 local law enforcement personnel, and the medical community shall communicate and  
6 cooperate jointly to ensure that violations of this section are properly investigated."

7           **SECTION 2.** This act becomes effective December 1, 2003, and applies to  
8 offenses committed on or after that date.