

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE BILL 226  
Health and Human Resources Committee Substitute Adopted 3/5/03

Short Title: Unauthorized Admin. Meds. by Child Care Fac.

(Public)

Sponsors:

Referred to:

February 26, 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.

The General Assembly of North Carolina enacts:

**SECTION 1.** This act shall be known as "Kaitlyn's Law".

**SECTION 2.** Chapter 110 of the General Statutes is amended by adding a  
new section to read:

**§ 110-102.1A. Unauthorized administration of medication.**

(a) It is unlawful for an employee, owner, household member, volunteer, or operator of a licensed or unlicensed child care facility to administer prescription or over-the-counter medications to a child attending the child care facility without written authorization from the child's parent or guardian in accordance with rules adopted by the North Carolina Child Care Commission.

(b) In the event of an emergency medical condition and the child's parent or guardian is unavailable, it shall not be unlawful to administer medication to a child attending the child care facility without written authorization from the child's parent or guardian if the medication is administered with the authorization and in accordance with instructions from a bona fide medical care provider. For purposes of this subsection, the following definitions apply:

(1) A bona fide medical care provider means an individual who is licensed, certified, or otherwise authorized to prescribe the medication.

(2) An emergency medical condition means circumstances where a prudent layperson acting reasonably would have believed that an emergency medical condition existed.

(c) A violation of this section that results in serious injury to the child shall be punished as a Class F felony.

(d) Any other violation of this section shall be punished as a Class H felony.

1                   **SECTION 3.** This act becomes effective December 1, 2003, and applies to  
2 offenses committed on or after that date.