

5500--A

2011-2012 Regular Sessions

I N   S E N A T E

May 26, 2011

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Introduced by Sens. RANZENHOFER, MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the use of epinephrine by students

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The education law is amended by adding a new section 921 to  
2     read as follows:  
3     S 921. PUPILS AFFLICTED WITH SEVERE FOOD OR OTHER ALLERGIES. 1.     THE  
4     BOARD OF EDUCATION OR TRUSTEES OF EACH SCHOOL DISTRICT AND BOARD OF  
5     COOPERATIVE EDUCATIONAL SERVICES SHALL ALLOW PUPILS WHO HAVE BEEN DIAG-  
6     NOSED BY A PHYSICIAN OR OTHER DULY AUTHORIZED HEALTH CARE PROVIDER WITH  
7     A SEVERE FOOD OR OTHER ALLERGY TO CARRY AND USE THE PRESCRIBED MEDICA-  
8     TION EPINEPHRINE AND A DEVICE TO SELF-ADMINISTER EPINEPHRINE, SUCH AS AN  
9     EPINEPHRINE AUTO-INJECTOR, DURING THE SCHOOL DAY AND DURING SCHOOL SPON-  
10    SORED ACTIVITIES THAT OCCUR AFTER THE REGULAR SCHOOL DAY OR OUTSIDE OF  
11    THE SCHOOL, WITH THE WRITTEN PERMISSION OF A PHYSICIAN OR OTHER DULY  
12    AUTHORIZED HEALTH CARE PROVIDER, AND WRITTEN PARENTAL CONSENT, BASED ON  
13    SUCH PHYSICIAN'S OR PROVIDER'S DETERMINATION THAT SUCH PUPIL IS SUBJECT  
14    TO ALLERGIC ATTACKS SEVERE ENOUGH TO DEBILITATE SUCH PUPIL. A RECORD OF  
15    SUCH PERMISSION SHALL BE MAINTAINED IN THE SCHOOL OFFICE.  
16    2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO  
17    THE CONTRARY NO PARTY SHALL HAVE A CAUSE OF ACTION FOR PERSONAL INJURY  
18    OR ANY OTHER CLAIM BASED ON THE USE OF AN EPINEPHRINE AUTO-INJECTOR BY A  
19    SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES, ITS AGENT,  
20    A SCHOOL OFFICER, EMPLOYEE OR VOLUNTEER AT THE SCHOOL OR A SCHOOL-SPON-  
21    SORED FUNCTION, PROVIDED THAT SUCH USE WAS PERFORMED REASONABLY AND IN  
22    GOOD FAITH.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

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1     S 2. This act shall take effect on the one hundred twentieth day after  
2     it shall have become a law; provided, however, that effective immediate-  
3     ly the commissioner of education is authorized to promulgate rules and  
4     regulations for the implementation of this act on such effective date.