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I N S E N A T E

May 23, 2014

Introduced by Sens. HANNON, BALL, BONACIC, BOYLE, CARLUCCI, FELDER, GALLIVAN, GOLDEN, GRIFFO, LANZA, LARKIN, LITTLE, MARCELLINO, MARCHIONE, MARTINS, MAZIARZ, NOZZOLIO, O'MARA, RANZENHOFER, RITCHIE, ROBACH, SAVINO, SEWARD, VALESKY, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law and the education law, in relation to providing for the use of opioid antagonists in schools for opioid overdose prevention

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

1 Section 1. Subparagraph (iv) of paragraph (a) of subdivision 3 of
2 section 3309 of the public health law, as added by a chapter of the laws
3 of 2014 amending the public health law relating to use of opioid antag-
4 onists, as proposed in legislative bills numbers S. 6477-B and A.
5 8637-B, is amended to read as follows:
6 (iv) "Opioid antagonist recipient" or "recipient" means a person at
7 risk of experiencing an opioid-related overdose, or a family member,
8 friend or other person in a position to assist a person experiencing or
9 at risk of experiencing an opioid-related overdose, or an organization
10 registered as an opioid overdose prevention program pursuant to this
11 section, OR A SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL
12 SERVICES, COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARD, CHARTER
13 SCHOOL, NON-PUBLIC ELEMENTARY AND/OR SECONDARY SCHOOL IN THE STATE OR
14 ANY PERSON EMPLOYED BY SUCH DISTRICT, BOARD OR SCHOOL.
15 S 2. Subdivision 4 of section 3309 of the public health law, as
16 amended by a chapter of the laws of 2014 amending the public health law
17 relating to use of opioid antagonists, as proposed in legislative bills
18 numbers S. 6477-B and A. 8637-B, is amended to read as follows:
19 4. Use of an opioid antagonist pursuant to this section shall be
20 considered first aid or emergency treatment for the purpose of any stat-
21 ute relating to liability.
22 A recipient, opioid overdose prevention program, SCHOOL DISTRICT,
23 BOARD OF COOPERATIVE EDUCATIONAL SERVICES, COUNTY VOCATIONAL EDUCATION
24 AND EXTENSION BOARD, CHARTER SCHOOL, NON-PUBLIC ELEMENTARY AND/OR

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

1 SECONDARY SCHOOL IN THE STATE, OR ANY PERSON EMPLOYED BY SUCH DISTRICT,
2 BOARD OR SCHOOL under this section, acting reasonably and in good faith
3 in compliance with this section, shall not be subject to criminal, civil
4 or administrative liability solely by reason of such action.

5 S 3. The education law is amended by adding a new section 922 to read
6 as follows:

7 S 922. OPIOID OVERDOSE PREVENTION. 1. SCHOOL DISTRICTS, BOARDS OF
8 COOPERATIVE EDUCATIONAL SERVICES, COUNTY VOCATIONAL EDUCATION AND EXTEN-
9 SION BOARDS, CHARTER SCHOOLS, AND NON-PUBLIC ELEMENTARY AND SECONDARY
10 SCHOOLS IN THIS STATE MAY PROVIDE AND MAINTAIN ON-SITE IN EACH INSTRU-
11 TIONAL SCHOOL FACILITY OPIOID ANTAGONISTS, AS DEFINED IN SECTION THREE
12 THOUSAND THREE HUNDRED NINE OF THE PUBLIC HEALTH LAW, IN QUANTITIES AND
13 TYPES DEEMED BY THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER
14 OF HEALTH, TO BE ADEQUATE TO ENSURE READY AND APPROPRIATE ACCESS FOR USE
15 DURING EMERGENCIES TO ANY STUDENT OR STAFF HAVING OPIOID OVERDOSE WHETH-
16 ER OR NOT THERE IS A PREVIOUS HISTORY OF OPIOID ABUSE.

17 2. SCHOOL DISTRICTS, BOARDS OF COOPERATIVE EDUCATIONAL SERVICES, COUN-
18 TY VOCATIONAL EDUCATION AND EXTENSION BOARDS, CHARTER SCHOOLS, AND NON-
19 PUBLIC ELEMENTARY AND SECONDARY SCHOOLS IN THIS STATE OR ANY PERSON
20 EMPLOYED BY ANY SUCH ENTITY MAY ADMINISTER AN OPIOID ANTAGONIST IN THE
21 EVENT OF AN EMERGENCY PURSUANT TO THE REQUIREMENTS OF SECTION THREE
22 THOUSAND THREE HUNDRED NINE OF THE PUBLIC HEALTH LAW.

23 S 4. This act shall take effect on the same date and in the same
24 manner as a chapter of the laws of 2014 amending the public health law
25 relating to use of opioid antagonists, as proposed in legislative bills
26 numbers S. 6477-B and A. 8637-B, takes effect.