

5159

2013-2014 Regular Sessions

I N   S E N A T E

May 13, 2013

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Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to requiring epinephrine auto-injector devices at children's overnight, summer day and traveling summer camps

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

1     Section 1. Paragraph (a) of subdivision 1 of section 3000-c of the  
2     public health law, as amended by chapter 350 of the laws of 2001, is  
3     amended to read as follows:  
4     (a) "Eligible person, firm, organization, or other entity" means, (i)  
5     an ambulance service or advanced life support first response service; a  
6     certified first responder, emergency medical technician, or advanced  
7     emergency medical technician, who is employed by or an enrolled member  
8     of any such service; OR (ii) [a children's overnight camp as defined in  
9     subdivision one of section thirteen hundred ninety-two of this chapter,  
10    a summer day camp as defined in subdivision two of section thirteen  
11    hundred ninety-two of this chapter, a traveling summer day camp as  
12    defined in subdivision three of section thirteen hundred ninety-two of  
13    this chapter or a person employed by such a camp; or (iii)] any other  
14    person, firm, organization or entity designated pursuant to regulations  
15    of the commissioner in consultation with other appropriate agencies; and  
16    all subject to regulations of the commissioner.  
17    S 2. The public health law is amended by adding a new section 1392-b  
18    to read as follows:  
19    S 1392-B. EPINEPHRINE AUTO-INJECTOR DEVICES REQUIRED. 1. DEFINITIONS.  
20    AS USED IN THIS SECTION, "EMERGENCY HEALTH CARE PROVIDER" MEANS (A) A  
21    PHYSICIAN WITH KNOWLEDGE AND EXPERIENCE IN THE DELIVERY OF EMERGENCY  
22    CARE; OR (B) A HOSPITAL LICENSED UNDER ARTICLE TWENTY-EIGHT OF THIS  
23    CHAPTER THAT PROVIDES EMERGENCY CARE.

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

LBD02324-01-3

1 2. COLLABORATIVE AGREEMENT. (A) EVERY PERSON, FIRM, LIMITED LIABILITY  
2 COMPANY, ASSOCIATION AND CORPORATION WHICH OPERATES A CHILDREN'S OVER-  
3 NIGHT, SUMMER DAY AND TRAVELING SUMMER DAY CAMP, AS DEFINED IN THIS  
4 ARTICLE, SHALL MAINTAIN A COLLABORATIVE AGREEMENT WITH AN EMERGENCY  
5 HEALTH CARE PROVIDER AND SHALL HAVE ON THE PREMISES AN EPINEPHRINE  
6 AUTO-INJECTOR DEVICE.

7 (B) THE COLLABORATIVE AGREEMENT REQUIRED PURSUANT TO PARAGRAPH (A) OF  
8 THIS SUBDIVISION SHALL INCLUDE A WRITTEN AGREEMENT THAT INCORPORATES  
9 WRITTEN PRACTICE PROTOCOLS, AND POLICIES AND PROCEDURES THAT SHALL  
10 ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS SECTION. THE PERSON, FIRM,  
11 LIMITED LIABILITY COMPANY, ORGANIZATION OR ENTITY OPERATING THE CHIL-  
12 DREN'S OVERNIGHT, SUMMER DAY AND TRAVELING SUMMER DAY CAMP SHALL FILE A  
13 COPY OF THE COLLABORATIVE AGREEMENT WITH THE DEPARTMENT AND WITH THE  
14 APPROPRIATE REGIONAL COUNCIL PRIOR THE USING ANY EPINEPHRINE AUTO-INJEC-  
15 TOR DEVICE.

16 3. POSSESSION AND USE OF EPINEPHRINE AUTO-INJECTOR DEVICES. POSSESSION  
17 AND USE OF EPINEPHRINE AUTO-INJECTOR DEVICES SHALL BE LIMITED AS  
18 FOLLOWS:

19 (A) NO PERSON SHALL USE AN EPINEPHRINE AUTO-INJECTOR DEVICE UNLESS  
20 SUCH PERSON SHALL HAVE SUCCESSFULLY COMPLETED A TRAINING COURSE IN THE  
21 USE OF EPINEPHRINE AUTO-INJECTOR DEVICES APPROVED BY THE COMMISSIONER  
22 PURSUANT TO THE RULES OF THE DEPARTMENT. THIS SECTION DOES NOT PROHIBIT  
23 THE USE OF AN EPINEPHRINE AUTO-INJECTOR DEVICE (I) BY A HEALTH CARE  
24 PRACTITIONER LICENSED OR CERTIFIED UNDER TITLE EIGHT OF THE EDUCATION  
25 LAW ACTING WITHIN THE SCOPE OF HIS OR HER PRACTICE, OR (II) BY A PERSON  
26 ACTING PURSUANT TO A LAWFUL PRESCRIPTION.

27 (B) EVERY PERSON, FIRM, ORGANIZATION AND ENTITY AUTHORIZED TO POSSESS  
28 AND USE EPINEPHRINE AUTO-INJECTOR DEVICES PURSUANT TO THIS SECTION SHALL  
29 USE, MAINTAIN AND DISPOSE OF SUCH DEVICES PURSUANT TO REGULATIONS OF THE  
30 DEPARTMENT.

31 (C) EVERY USE OF AN EPINEPHRINE AUTO-INJECTOR DEVICE PURSUANT TO THIS  
32 SECTION SHALL IMMEDIATELY BE REPORTED TO THE EMERGENCY HEALTH CARE  
33 PROVIDER.

34 4. APPLICATION OF OTHER LAWS. (A) USE OF AN EPINEPHRINE AUTO-INJECTOR  
35 DEVICE PURSUANT TO THIS SECTION SHALL BE CONSIDERED FIRST AID OR EMER-  
36 GENCY TREATMENT FOR THE PURPOSE OF ANY STATUTE RELATING TO LIABILITY.

37 (B) PURCHASE, ACQUISITION, POSSESSION OR USE OF AN EPINEPHRINE  
38 AUTO-INJECTOR DEVICE PURSUANT TO THIS SECTION SHALL NOT CONSTITUTE THE  
39 UNLAWFUL PRACTICE OF A PROFESSION OR OTHER VIOLATION UNDER TITLE EIGHT  
40 OF THE EDUCATION LAW OR ARTICLE THIRTY-THREE OF THIS CHAPTER.

41 (C) ANY PERSON OTHERWISE AUTHORIZED TO SELL OR PROVIDE AN EPINEPHRINE  
42 AUTO-INJECTOR DEVICE MAY SELL OR PROVIDE IT TO A PERSON AUTHORIZED TO  
43 POSSESS IT PURSUANT TO THIS SECTION.

44 S 3. This act shall take effect on the one hundred eightieth day after  
45 it shall have become a law; provided that any rules and regulations  
46 necessary to implement the provisions of this act on its effective date  
47 are authorized and directed to be added, amended and/or repealed on or  
48 before such date.