

STATE OF NEW YORK

300

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. L. ROSENTHAL, WEPRIN -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to epinephrine auto-injectors in schools

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The public health law is amended by adding a new section
2 3000-cc to read as follows:

3 § 3000-cc. Epinephrine in schools. 1. For purposes of this section:

4 (a) "Anaphylaxis" means a potentially life-threatening hypersensitivity or allergic reaction to a substance.

5 i. Symptoms of anaphylaxis may include shortness of breath, wheezing,
6 difficulty breathing, difficulty talking or swallowing, hives, itching,
7 swelling, shock, or asthma.

8 ii. Causes of anaphylaxis may include, but are not limited to, insect
9 stings or bites, foods, drugs, and other allergens, as well as idiopath-
10 ic or exercise-induced anaphylaxis.

11 (b) "Trained personnel" with respect to an elementary or secondary
12 school shall mean an individual:

13 i. who has been designated by the principal (or other appropriate
14 administrative staff) of the school to administer epinephrine on a
15 voluntary basis outside their scope of employment;

16 ii. who has received training in the administration of epinephrine;
17 and

18 iii. whose training in the administration of epinephrine meets appro-
19 priate medical standards.

20 2. (a) Each school shall train school personnel to administer epineph-
21 rine to any student of the school reasonably believed to be suffering
22 from anaphylaxis.
23

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

LBD00429-01-1

1 (b) The minimum training provided by each school in the administration
2 of epinephrine shall include but not be limited to:

3 i. Techniques for recognizing circumstances, signs, and symptoms of
4 anaphylaxis; and

5 ii. Standards and procedures for proper storage and emergency use of
6 epinephrine auto-injectors.

7 3. Each school shall maintain at least two epinephrine auto-injectors
8 (epi-pens) in separate, secure locations that are easily accessible by
9 the relevant trained personnel of the school for the purpose of adminis-
10 tration to any student of the school reasonably believed to be suffering
11 from anaphylaxis.

12 4. Each school is required to have in place a plan for having on the
13 premises of the school during all operating hours, one or more individ-
14 uals who are trained personnel in the administration of epinephrine.

15 5. Each school shall send notification home at the beginning of the
16 school year to all parents and/or guardians informing them that an
17 epinephrine auto-injector could be administered to their child in the
18 event of an anaphylactic reaction.

19 6. School officials shall obtain epi-pens from the appropriate medical
20 professionals, but a prescription is not required for their adminis-
21 tration.

22 7. School officials shall call 911 emergency services as soon as safe-
23 ly possible after administering an epi-pen.

24 8. Schools and/or staff members who are otherwise in compliance with
25 the requirements of this section shall not be held liable for the
26 reasonable and good faith administration of the epi-pen pursuant to this
27 section.

28 § 2. This act shall take effect on the ninetieth day after it shall
29 have become a law.