STATE OF NEW YORK

9245

2025-2026 Regular Sessions

IN ASSEMBLY

November 7, 2025

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

AN ACT to amend the public health law, in relation to requiring epinephrine devices for anaphylaxis and staff trained to use them at child day care centers

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

Section 1. Section 2500-h of the public health law, as amended by chapter 254 of the laws of 2019, is renumbered section 2500-h-1.

§ 2. Paragraphs (b), (e), and (f) of subdivision 2 and subdivision 3 of section 2500-h-1 of the public health law, as amended and paragraph (f) of subdivision 2 as added by chapter 254 of the laws of 2019 and such section as renumbered by section one of this act, are amended, three new paragraphs (g), (h), and (i) are added to subdivision 2 and a new subdivision 6 is added to read as follows:

(b) a training course for appropriate school and child day care personnel for preventing and responding to anaphylaxis. **At least one staff member trained to administer an epinephrine device, as defined by paragraph (i) of this subdivision, shall be present at all times at all child day care facilities while any children are present.** The commissioner shall, in consultation with the commissioner of children and family services and the commissioner of education, consider existing training programs for responding to anaphylaxis in order to avoid duplicative training requirements. Such pre-existing program shall fulfill the requirement for a training course pursuant to this subdivision if the standards of such pre-existing program are deemed by the commissioner to be at least as stringent as the standards promulgated by the commissioner in the development of the training course by the state**. Such training shall include, but not be limited to:**

(i) how to recognize the signs and symptoms of severe allergic reactions and anaphylaxis;

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

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(ii) the recommended weight-based dosage of epinephrine devices for infants, toddlers, children, and adults;

(iii) standards and procedures for the storage and use of epinephrine devices; and

(iv) emergency follow-up procedures;

(e) strategies for the reduction of the risk of exposure to anaphylactic causative agents, including food and other allergens; [~~and~~]

(f) a communication plan for discussion with children that have developed adequate verbal communication and comprehension skills and with the parents or guardians of all children about foods that are safe and unsafe and about strategies to avoid exposure to unsafe food[~~.~~];

(g) the requirement that all child day care providers maintain on site at least two epinephrine devices, as defined by section three thousand-c of this chapter, in dosages deemed appropriate by the commissioner for children in the care of such child day care providers. At least one staff member shall be designated to oversee the storage, maintenance, control, and disposal of such epinephrine devices to ensure such epinephrine devices remain available for use and in unexpired, operable condition; and

(h) a plan to communicate any allergy-related illnesses, accidents, injuries, and epinephrine device administrations sustained by a child under the care of a child day care provider to such child's parent or guardian and reporting such incidents to the department within twenty-four hours of such incident.

(i) For the purposes of this section, "epinephrine auto-injector device" or "epinephrine device" means an epinephrine delivery device or product approved by the federal food and drug administration and used for the automatic injection or administration of a premeasured weight-based dosage of epinephrine into the human body for the purpose of emergency treatment of a person appearing to experience anaphylactic symptoms approved by the food and drug administration.

3. (a) At least once per calendar year, schools shall send a notification to the parents and/or guardians of all children under the care of such schools to make them aware of such anaphylactic policies, as developed by the commissioner. For children under the care of the child day care providers, such notification shall be provided by the child day care provider when the child is enrolled and annually thereafter. Such notifications shall include contact information for parents and guardians to engage further with the school or child day care provider to learn more about individualized aspects of such policies.

(b) All child day care providers shall maintain an incident log to be available to the department by request. Such log shall maintain a record of any allergy-related illnesses, accidents, injuries, and epinephrine device administrations. Such log shall include, but not be limited to, the child's name and date of birth, the date and time of the incident, names and positions of staff members and other adults present, a brief statement describing the incident, any emergency treatment received, and if parents or guardians were notified or an attempt to notify was made.

6. The office of children and family services shall create informational materials outlining the anaphylaxis policy required by this section. The office of children and family services and the department shall post these materials on their respective websites within six months of the effective date of this subdivision.

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