STATE OF NEW YORK

3858

2025-2026 Regular Sessions

IN SENATE

January 30, 2025

Introduced by Sen. HOYLMAN-SIGAL -- 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 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:

Section 1. Paragraph (a) of subdivision 1 of section 3000-c of the public health law, as amended by chapter 472 of the laws of 2024, is amended to read as follows:

(a) "Eligible person or entity" means: (i) an ambulance service or advanced life support first response service; a certified first responder, firefighter in a county, city, town or village having a population of less than two million provided such county is not wholly located within a city with a population of more than one million, emergency medical technician, or advanced emergency medical technician, who is employed by or an enrolled member of any such service; (ii) [~~a children's overnight camp as defined in subdivision one of section thirteen hundred ninety-two of this chapter, a summer day camp as defined in subdivision two of section thirteen hundred ninety-two of this chapter, a traveling summer day camp as defined in subdivision three of section thirteen hundred ninety-two of this chapter or a person employed by such a camp; (iii)~~] a school district, board of cooperative educational services, county vocational education and extension board, charter school, and non-public elementary and secondary school in this state or any person employed by any such entity, or employed by a contractor of such an entity while performing services for the entity; [~~(iv)~~] **(iii)** a sports, entertainment, amusement, education, government, day care or retail facility; an educational institution, youth organization or sports league; an establishment that serves food; or a person employed by such entity; [~~(v)~~] **(iv)** a police officer or peace officer in a county, city, town or village having a population of less than two million provided such county is not wholly located within a city with a population of more than one million; [~~(vi)~~] **(v)** forest rangers, park rangers

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

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and environmental conservation police officers; [~~and (vii)~~] **or (vi)** any other person or entity designated or approved, or in a category designated or approved pursuant to regulations of the commissioner in consultation with other appropriate agencies.

§ 2. The public health law is amended by adding a new section 1392-b to read as follows:

§ 1392-b. Epinephrine devices required. 1. Definitions. As used in this section, "emergency health care provider" means (a) a physician with knowledge and experience in the delivery of emergency care; or (b) a hospital licensed under article twenty-eight of this chapter that provides emergency care.

2. Collaborative agreement. (a) Every person, firm, limited liability company, association and corporation which operates a children's overnight, summer day and traveling summer day camp, as defined in this article, shall maintain a collaborative agreement with an emergency health care provider and shall have on the premises an epinephrine device.

(b) The collaborative agreement required pursuant to paragraph (a) of this subdivision shall include a written agreement that incorporates written practice protocols, and policies and procedures that shall ensure compliance with the provisions of this section. The person, firm, limited liability company, organization or entity operating the children's overnight, summer day and traveling summer day camp shall file a copy of the collaborative agreement with the department and with the appropriate regional council prior to using any epinephrine device.

3. Possession and use of epinephrine devices. Possession and use of epinephrine devices shall be limited as follows:

(a) No person shall use an epinephrine device unless such person shall have successfully completed a training course in the use of epinephrine devices approved by the commissioner pursuant to the rules of the department. This section does not prohibit the use of an epinephrine device (i) by a health care practitioner licensed or certified under title eight of the education law acting within the scope of such practitioner's practice, or (ii) by a person acting pursuant to a lawful prescription.

(b) Every person, firm, organization and entity authorized to possess and use epinephrine devices pursuant to this section shall use, maintain and dispose of such devices pursuant to regulations of the department.

(c) Every use of an epinephrine device pursuant to this section shall immediately be reported to the emergency health care provider.

4. Application of other laws. (a) Use of an epinephrine device pursuant to this section shall be considered first aid or emergency treatment for the purpose of any statute relating to liability.

(b) Purchase, acquisition, possession or use of an epinephrine device pursuant to this section shall not constitute the unlawful practice of a profession or other violation under title eight of the education law or article thirty-three of this chapter.

(c) Any person otherwise authorized to sell or provide an epinephrine device may sell or provide it to a person authorized to possess it pursuant to this section.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.