

9884

I N A S S E M B L Y

February 5, 2010

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 epineph-
rine 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 ASSEM-
BLY, 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.

24 2. COLLABORATIVE AGREEMENT. (A) EVERY PERSON, FIRM, LIMITED LIABILITY
25 COMPANY, ASSOCIATION AND CORPORATION WHICH OPERATES A CHILDREN'S OVER-
26 NIGHT, SUMMER DAY AND TRAVELING SUMMER DAY CAMP, AS DEFINED IN THIS
27 ARTICLE, SHALL MAINTAIN A COLLABORATIVE AGREEMENT WITH AN EMERGENCY

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

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1 HEALTH CARE PROVIDER AND SHALL HAVE ON THE PREMISES AN EPINEPHRINE
2 AUTO-INJECTOR DEVICE.

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

12 3. POSSESSION AND USE OF EPINEPHRINE AUTO-INJECTOR DEVICES. POSSESSION
13 AND USE OF EPINEPHRINE AUTO-INJECTOR DEVICES SHALL BE LIMITED AS
14 FOLLOWS:

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

23 (B) EVERY PERSON, FIRM, ORGANIZATION AND ENTITY AUTHORIZED TO POSSESS
24 AND USE EPINEPHRINE AUTO-INJECTOR DEVICES PURSUANT TO THIS SECTION SHALL
25 USE, MAINTAIN AND DISPOSE OF SUCH DEVICES PURSUANT TO REGULATIONS OF THE
26 DEPARTMENT.

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

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

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

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

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