

935

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. ORTIZ, JACOBS, MILLMAN, HOYT, CASTRO -- Multi-Sponsored by -- M. of A. BING, FARRELL, V. LOPEZ, MAYERSOHN, PERRY, J. RIVERA, ROBINSON, SALADINO -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to the use of inhalers and nebulizers

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

1 Section 1. Section 916 of the education law, as amended by chapter 524
2 of the laws of 2006, is amended to read as follows:
3 S 916. Pupils afflicted with asthma OR OTHER POTENTIALLY LIFE-THREAT-
4 ENING RESPIRATORY ILLNESSES. The board of education or trustees of each
5 school district and board of cooperative educational services shall
6 allow pupils who have been diagnosed by a physician or other duly
7 authorized health care provider with a severe asthmatic condition OR
8 OTHER POTENTIALLY LIFE-THREATENING RESPIRATORY ILLNESSES to carry and
9 use a prescribed inhaler during the school day, with the written permis-
10 sion of a physician or other duly authorized health care provider, and
11 parental consent, based on such physician's or provider's determination
12 that such pupil is subject to sudden asthmatic attacks severe enough to
13 debilitate such pupil. A record of such permission shall be maintained
14 in the school office. In addition, upon the written request of a parent
15 or person in parental relation, the board of education or trustees of a
16 school district and board of cooperative educational services shall
17 allow such pupils to maintain an extra such inhaler in the care and
18 custody of a registered professional nurse employed by such district or
19 board of cooperative educational services. Nothing in this section
20 shall require a school district or board of cooperative educational
21 services to retain a school nurse solely for the purpose of taking

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

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1 custody of a spare inhaler, or require that a school nurse be available
2 at all times in a school building for such purpose.

3 S 2. The education law is amended by adding a new section 921 to read
4 as follows:

5 S 921. ASTHMA ACTION PLANS. EACH PUPIL AUTHORIZED TO USE ANY ASTHMA
6 MEDICATION SHALL HAVE AN ASTHMA ACTION PLAN PREPARED BY THE PHYSICIAN OR
7 OTHER DULY AUTHORIZED HEALTH CARE PROVIDER OF THE PUPIL, WHICH IDENTI-
8 FIES, AT A MINIMUM, ASTHMA TRIGGERS, THE TREATMENT PLAN, AND SUCH OTHER
9 ELEMENTS AS SHALL BE DETERMINED BY THE COMMISSIONER IN CONSULTATION WITH
10 THE COMMISSIONER OF HEALTH.

11 S 3. This act shall take effect on the one hundred twentieth day after
12 it shall have become a law; provided, however, that effective immediate-
13 ly the commissioner of education is authorized to promulgate rules and
14 regulations for the implementation of this act on such effective date.