S T A T E O F N E W Y O R K

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:

Section 1. Section 916 of the education law, as amended by chapter 524 of the laws of 2006, is amended to read as follows:

S 916. Pupils afflicted with asthma OR OTHER POTENTIALLY LIFE-THREATENING RESPIRATORY ILLNESSES. The board of education or trustees of each school district and board of cooperative educational services shall allow pupils who have been diagnosed by a physician or other duly authorized health care provider with a severe asthmatic condition OR OTHER POTENTIALLY LIFE-THREATENING RESPIRATORY ILLNESSES to carry and use a prescribed inhaler during the school day, with the written permission of a physician or other duly authorized health care provider, and parental consent, based on such physician's or provider's determination that such pupil is subject to sudden asthmatic attacks severe enough to debilitate such pupil. A record of such permission shall be maintained in the school office. In addition, upon the written request of a parent or person in parental relation, the board of education or trustees of a school district and board of cooperative educational services shall allow such pupils to maintain an extra such inhaler in the care and custody of a registered professional nurse employed by such district or board of cooperative educational services. Nothing in this section shall require a school district or board of cooperative educational 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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custody of a spare inhaler, or require that a school nurse be available at all times in a school building for such purpose.

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

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

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