

2971

2011-2012 Regular Sessions

I N S E N A T E

February 4, 2011

Introduced by Sen. ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to requiring training in cardiopulmonary resuscitation and in the use of automated external defibrillators for new certification and re-certification as a school-teacher

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

1 Section 1. Section 3004 of the education law is amended by adding a
2 new subdivision 7 to read as follows:
3 7. A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COMMISSIONER
4 SHALL PRESCRIBE REGULATIONS REQUIRING THAT ALL PERSONS APPLYING, ON OR
5 AFTER JULY FIRST, TWO THOUSAND ELEVEN, FOR A CERTIFICATE OR LICENSE TO
6 BE A TEACHER SHALL, IN ADDITION TO ALL THE OTHER CERTIFICATION OR LICEN-
7 SURE REQUIREMENTS, HAVE COMPLETED ADEQUATE TRAINING IN CARDIOPULMONARY
8 RESUSCITATION (CPR) AND IN THE USE OF AUTOMATED EXTERNAL DEFIBRILLATORS
9 (AED). THE TRAINING SHALL BE OBTAINED FROM AN INSTITUTION OR PROVIDER
10 WHICH HAS BEEN APPROVED BY THE DEPARTMENT TO PROVIDE SUCH TRAINING. EACH
11 APPLICANT SHALL PROVIDE THE DEPARTMENT WITH DOCUMENTATION SHOWING THAT
12 HE OR SHE HAS COMPLETED SUCH REQUIRED TRAINING.
13 B. THE COMMISSIONER SHALL PRESCRIBE REGULATIONS REQUIRING ALL SCHOOLS
14 TO ENSURE THAT ANY PERSON EMPLOYED AS A TEACHER AT SUCH SCHOOL, WHO
15 RECEIVED CERTIFICATION OR A LICENSE TO TEACH PRIOR TO JULY FIRST, TWO
16 THOUSAND ELEVEN, SHALL HAVE COMPLETED ADEQUATE TRAINING IN CARDIOPULMO-
17 NARY RESUSCITATION AND IN THE USE OF AUTOMATED EXTERNAL DEFIBRILLATORS
18 WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THIS SUBDIVISION.
19 C. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF ANY GENERAL, SPECIAL
20 OR LOCAL LAW, ANY LICENSED OR CERTIFIED TEACHER WHO VOLUNTARILY AND
21 WITHOUT THE EXPECTATION OF MONETARY COMPENSATION RENDERS CARDIOPULMONARY
22 RESUSCITATION OR USES AN AUTOMATED EXTERNAL DEFIBRILLATOR ON SCHOOL
23 PROPERTY, ON A PERSON WHO IS CHOKING OR IN DISTRESS, UNCONSCIOUS, ILL OR

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

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1 INJURED, SHALL NOT BE LIABLE FOR DAMAGES FOR INJURIES ALLEGED TO HAVE
2 BEEN SUSTAINED BY SUCH PERSON OR FOR DAMAGES FOR THE DEATH OF SUCH
3 PERSON ALLEGED TO HAVE OCCURRED BY REASON OF AN ACT OR OMISSION IN THE
4 RENDERING OF SUCH CARDIOPULMONARY RESUSCITATION OR THE USE OF AN AUTO-
5 MATED EXTERNAL DEFIBRILLATOR, UNLESS IT IS ESTABLISHED THAT SUCH INJU-
6 RIES WERE OR SUCH DEATH WAS CAUSED BY NEGLIGENCE ON THE PART OF SUCH
7 TEACHER.

8 S 2. This act shall take effect immediately.