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

817

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. ABINANTI -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to authorizing school nurses to administer epinephrine auto-injectors in emergency situations

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

Section 1. The education law is amended by adding a new section 919-a to read as follows:

S 919-A. ON-SITE EPINEPHRINE AUTO-INJECTOR. 1. SCHOOL DISTRICTS, BOARDS OF COOPERATIVE EDUCATIONAL SERVICES, COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARDS AND CHARTER SCHOOLS SHALL PROVIDE AND MAINTAIN ON-SITE IN EACH INSTRUCTIONAL SCHOOL FACILITY EPINEPHRINE AUTO-INJECTORS IN QUANTITIES AND TYPES DEEMED BY THE COMMISSIONER IN CONSULTATION WITH THE COMMISSIONER OF HEALTH TO BE ADEQUATE TO ENSURE READY AND APPROPRIATE ACCESS FOR USE DURING EMERGENCIES. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SCHOOL NURSES ARE AUTHORIZED TO ADMINISTER EPINEPHRINE AUTO-INJECTORS IN THE EVENT OF AN EMERGENCY.

2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY NO PARTY SHALL HAVE A CAUSE OF ACTION FOR PERSONAL INJURY OR ANY OTHER CLAIM BASED ON THE USE OF AN EPINEPHRINE AUTO-INJECTOR BY A SCHOOL NURSE AT THE SCHOOL OR A SCHOOL-SPONSORED FUNCTION, PROVIDED THAT SUCH USE WAS PERFORMED REASONABLY AND IN GOOD FAITH.

3. THE COMMISSIONER SHALL BE AUTHORIZED TO PROMULGATE REGULATIONS FOR THE IMPLEMENTATION OF THIS SECTION.

S 2. 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.

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

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