

8249--A

2013-2014 Regular Sessions

I N A S S E M B L Y

November 6, 2013

Introduced by M. of A. ROSENTHAL, SCHIMEL, WEPRIN -- Multi-Sponsored by
-- M. of A. MILLMAN -- read once and referred to the Committee on
Health -- reported and referred to the Committee on Codes -- committee
discharged, bill amended, ordered reprinted as amended and recommitted
to said committee

AN ACT to amend the public health law, in relation to epinephrine auto-
injectors in schools

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

1 Section 1. The public health law is amended by adding a new section
2 3000-cc to read as follows:
3 S 3000-CC. EPINEPHRINE IN SCHOOLS. 1. FOR PURPOSES OF THIS SECTION:
4 (A) "ANAPHYLAXIS" MEANS A POTENTIALLY LIFE-THREATENING HYPERSENSITIVI-
5 TY OR ALLERGIC REACTION TO A SUBSTANCE.
6 I. SYMPTOMS OF ANAPHYLAXIS MAY INCLUDE SHORTNESS OF BREATH, WHEEZING,
7 DIFFICULTY BREATHING, DIFFICULTY TALKING OR SWALLOWING, HIVES, ITCHING,
8 SWELLING, SHOCK, OR ASTHMA.
9 II. CAUSES OF ANAPHYLAXIS MAY INCLUDE, BUT ARE NOT LIMITED TO, INSECT
10 STINGS OR BITES, FOODS, DRUGS, AND OTHER ALLERGENS, AS WELL AS IDIOPATH-
11 IC OR EXERCISE-INDUCED ANAPHYLAXIS.
12 (B) "TRAINED PERSONNEL" WITH RESPECT TO AN ELEMENTARY OR SECONDARY
13 SCHOOL SHALL MEAN AN INDIVIDUAL:
14 I. WHO HAS BEEN DESIGNATED BY THE PRINCIPAL (OR OTHER APPROPRIATE
15 ADMINISTRATIVE STAFF) OF THE SCHOOL TO ADMINISTER EPINEPHRINE ON A
16 VOLUNTARY BASIS OUTSIDE THEIR SCOPE OF EMPLOYMENT;
17 II. WHO HAS RECEIVED TRAINING IN THE ADMINISTRATION OF EPINEPHRINE;
18 AND
19 III. WHOSE TRAINING IN THE ADMINISTRATION OF EPINEPHRINE MEETS APPRO-
20 PRIATE MEDICAL STANDARDS.

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

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1 2. (A) EACH SCHOOL SHALL TRAIN SCHOOL PERSONNEL TO ADMINISTER EPINEPH-
2 RINE TO ANY STUDENT OF THE SCHOOL REASONABLY BELIEVED TO BE SUFFERING
3 FROM ANAPHYLAXIS.

4 (B) THE MINIMUM TRAINING PROVIDED BY EACH SCHOOL IN THE ADMINISTRATION
5 OF EPINEPHRINE SHALL INCLUDE BUT NOT BE LIMITED TO:

6 I. TECHNIQUES FOR RECOGNIZING CIRCUMSTANCES, SIGNS, AND SYMPTOMS OF
7 ANAPHYLAXIS; AND

8 II. STANDARDS AND PROCEDURES FOR PROPER STORAGE AND EMERGENCY USE OF
9 EPINEPHRINE AUTO-INJECTORS.

10 3. EACH SCHOOL SHALL MAINTAIN AT LEAST TWO EPINEPHRINE AUTO-INJECTORS
11 (EPI-PENS) IN SEPARATE, SECURE LOCATIONS THAT ARE EASILY ACCESSIBLE BY
12 THE RELEVANT TRAINED PERSONNEL OF THE SCHOOL FOR THE PURPOSE OF ADMINIS-
13 TRATION TO ANY STUDENT OF THE SCHOOL REASONABLY BELIEVED TO BE SUFFERING
14 FROM ANAPHYLAXIS.

15 4. EACH SCHOOL IS REQUIRED TO HAVE IN PLACE A PLAN FOR HAVING ON THE
16 PREMISES OF THE SCHOOL DURING ALL OPERATING HOURS, ONE OR MORE INDIVID-
17 UALS WHO ARE TRAINED PERSONNEL IN THE ADMINISTRATION OF EPINEPHRINE.

18 5. EACH SCHOOL SHALL SEND NOTIFICATION HOME AT THE BEGINNING OF THE
19 SCHOOL YEAR TO ALL PARENTS AND/OR GUARDIANS INFORMING THEM THAT AN
20 EPINEPHRINE AUTO-INJECTOR COULD BE ADMINISTERED TO THEIR CHILD IN THE
21 EVENT OF AN ANAPHYLACTIC REACTION.

22 6. SCHOOL OFFICIALS SHALL OBTAIN EPI-PENS FROM THE APPROPRIATE MEDICAL
23 PROFESSIONALS, BUT A PRESCRIPTION IS NOT REQUIRED FOR THEIR ADMINIS-
24 TRATION.

25 7. SCHOOL OFFICIALS SHALL CALL 911 EMERGENCY SERVICES AS SOON AS SAFE-
26 LY POSSIBLE AFTER ADMINISTERING AN EPI-PEN.

27 8. SCHOOLS AND/OR STAFF MEMBERS WHO ARE OTHERWISE IN COMPLIANCE WITH
28 THE REQUIREMENTS OF THIS SECTION SHALL NOT BE HELD LIABLE FOR THE
29 REASONABLE AND GOOD FAITH ADMINISTRATION OF THE EPI-PEN PURSUANT TO THIS
30 SECTION.

31 S 2. This act shall take effect on the ninetieth day after it shall
32 have become a law.