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

5789

2013-2014 Regular Sessions

I N S E N A T E

June 14, 2013

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

AN ACT to amend the education law and the public health law, in relation to on-site epinephrine auto-injectors

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. SCHOOL DISTRICTS, BOARDS OF COOPERATIVE EDUCATIONAL SERVICES, COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARDS, CHARTER SCHOOLS, AND NON-PUBLIC ELEMENTARY AND SECONDARY SCHOOLS IN THIS STATE MAY 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 TO ANY STUDENT OR STAFF MEMBER HAVING ANAPHYLACTIC SYMPTOMS WHETHER OR NOT THERE IS A PREVIOUS HISTORY OF SEVERE ALLERGIC REACTION.

S 2. Paragraph (a) of subdivision 1 of section 3000-c of the public health law, as amended by chapter 350 of the laws of 2001, is amended to read as follows:

(a) "Eligible person, firm, organization, or other entity" means, (i) an ambulance service or advanced life support first response service; a certified first responder, emergency medical technician, or advanced emergency medical technician, who is employed by or an enrolled member of any such service; (ii) a children's overnight camp as defined in subdivision one of section thirteen hundred ninety-two of this chapter, a summer day camp as defined in subdivision two of section thirteen hundred ninety-two of this chapter, a traveling summer day camp as defined in subdivision three of section thirteen hundred ninety-two of this chapter or a person employed by such a camp; or (iii) SCHOOLS

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

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DISTRICTS, BOARDS OF COOPERATIVE EDUCATIONAL SERVICES, COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARDS, CHARTER SCHOOLS, AND NON-PUBLIC ELEMENTARY AND SECONDARY SCHOOLS IN THIS STATE OR A DULY HIRED NURSE OR ANY PERSON EMPLOYED BY ANY SUCH ENTITY; OR (IV) any other person, firm, organization or entity designated pursuant to regulations of the commissioner in consultation with other appropriate agencies; and all subject to regulations of the commissioner.

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

S 921. EPINEPHRINE AUTO-INJECTORS. IN ACCORDANCE WITH SECTION THREE THOUSAND-C OF THE PUBLIC HEALTH LAW, ELIGIBLE SCHOOL DISTRICTS, BOARDS OF COOPERATIVE EDUCATIONAL SERVICES, COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARDS, CHARTER SCHOOLS, AND NON-PUBLIC ELEMENTARY AND SECONDARY SCHOOLS IN THIS STATE OR A DULY HIRED NURSE OR ANY PERSON EMPLOYED BY ANY SUCH ENTITY MAY ADMINISTER EPINEPHRINE AUTO-INJECTORS IN THE EVENT OF AN EMERGENCY CONTINGENT ON THE INDIVIDUAL OR ENTITY COMPLETING THE APPROPRIATE TRAINING AND HAVING A COLLABORATIVE AGREEMENT WITH A PHYSICIAN OR HOSPITAL.

S 4. 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, eligible person, firm, organization, or other entity or individual at the school or a school-sponsored function, provided that such use was performed reasonably and in good faith.

S 5. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the commissioner of education, in consultation with the commissioner of health, is authorized to promulgate any rule or regulation necessary for the timely implementation of this act on its effective date.