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I N   S E N A T E

May 23, 2014

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Introduced by Sens. HANNON, BALL, BONACIC, BOYLE, CARLUCCI, FELDER, GALLIVAN, GOLDEN, GRIFFO, LANZA, LARKIN, LITTLE, MARCELLINO, MARCHIONE, MARTINS, MAZIARZ, NOZZOLIO, O'MARA, RANZENHOFER, RITCHIE, ROBACH, SAVINO, SEWARD, VALESKY, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law and the education law, in relation to providing for the use of opioid antagonists in schools for opioid overdose prevention

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

1     Section 1. Subparagraph (iv) of paragraph (a) of subdivision 3 of  
2     section 3309 of the public health law, as added by a chapter of the laws  
3     of 2014 amending the public health law relating to use of opioid antag-  
4     onists, as proposed in legislative bills numbers S. 6477-B and A.  
5     8637-B, is amended to read as follows:  
6     (iv) "Opioid antagonist recipient" or "recipient" means a person at  
7     risk of experiencing an opioid-related overdose, or a family member,  
8     friend or other person in a position to assist a person experiencing or  
9     at risk of experiencing an opioid-related overdose, or an organization  
10    registered as an opioid overdose prevention program pursuant to this  
11    section, OR A SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL  
12    SERVICES, COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARD, CHARTER  
13    SCHOOL, NON-PUBLIC ELEMENTARY AND/OR SECONDARY SCHOOL IN THE STATE OR  
14    ANY PERSON EMPLOYED BY SUCH DISTRICT, BOARD OR SCHOOL.  
15    S 2. Subdivision 4 of section 3309 of the public health law, as  
16    amended by a chapter of the laws of 2014 amending the public health law  
17    relating to use of opioid antagonists, as proposed in legislative bills  
18    numbers S. 6477-B and A. 8637-B, is amended to read as follows:  
19    4. Use of an opioid antagonist pursuant to this section shall be  
20    considered first aid or emergency treatment for the purpose of any stat-  
21    ute relating to liability.  
22    A recipient, opioid overdose prevention program, SCHOOL DISTRICT,  
23    BOARD OF COOPERATIVE EDUCATIONAL SERVICES, COUNTY VOCATIONAL EDUCATION  
24    AND EXTENSION BOARD, CHARTER SCHOOL, NON-PUBLIC ELEMENTARY AND/OR

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

1 SECONDARY SCHOOL IN THE STATE, OR ANY PERSON EMPLOYED BY SUCH DISTRICT,  
2 BOARD OR SCHOOL under this section, acting reasonably and in good faith  
3 in compliance with this section, shall not be subject to criminal, civil  
4 or administrative liability solely by reason of such action.

5 S 3. The education law is amended by adding a new section 922 to read  
6 as follows:

7 S 922. OPIOID OVERDOSE PREVENTION. 1. SCHOOL DISTRICTS, BOARDS OF  
8 COOPERATIVE EDUCATIONAL SERVICES, COUNTY VOCATIONAL EDUCATION AND EXTEN-  
9 SION BOARDS, CHARTER SCHOOLS, AND NON-PUBLIC ELEMENTARY AND SECONDARY  
10 SCHOOLS IN THIS STATE MAY PROVIDE AND MAINTAIN ON-SITE IN EACH INSTRU-  
11 TIONAL SCHOOL FACILITY OPIOID ANTAGONISTS, AS DEFINED IN SECTION THREE  
12 THOUSAND THREE HUNDRED NINE OF THE PUBLIC HEALTH LAW, IN QUANTITIES AND  
13 TYPES DEEMED BY THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER  
14 OF HEALTH, TO BE ADEQUATE TO ENSURE READY AND APPROPRIATE ACCESS FOR USE  
15 DURING EMERGENCIES TO ANY STUDENT OR STAFF HAVING OPIOID OVERDOSE WHETH-  
16 ER OR NOT THERE IS A PREVIOUS HISTORY OF OPIOID ABUSE.

17 2. SCHOOL DISTRICTS, BOARDS OF COOPERATIVE EDUCATIONAL SERVICES, COUN-  
18 TY VOCATIONAL EDUCATION AND EXTENSION BOARDS, CHARTER SCHOOLS, AND NON-  
19 PUBLIC ELEMENTARY AND SECONDARY SCHOOLS IN THIS STATE OR ANY PERSON  
20 EMPLOYED BY ANY SUCH ENTITY MAY ADMINISTER AN OPIOID ANTAGONIST IN THE  
21 EVENT OF AN EMERGENCY PURSUANT TO THE REQUIREMENTS OF SECTION THREE  
22 THOUSAND THREE HUNDRED NINE OF THE PUBLIC HEALTH LAW.

23 S 4. This act shall take effect on the same date and in the same  
24 manner as a chapter of the laws of 2014 amending the public health law  
25 relating to use of opioid antagonists, as proposed in legislative bills  
26 numbers S. 6477-B and A. 8637-B, takes effect.