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

7661

I N S E N A T E

May 23, 2014

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:

Section 1. Subparagraph (iv) of paragraph (a) of subdivision 3 of section 3309 of the public health law, as added by a chapter of the laws of 2014 amending the public health law relating to use of opioid antagonists, as proposed in legislative bills numbers S. 6477-B and A. 8637-B, is amended to read as follows:

(iv) "Opioid antagonist recipient" or "recipient" means a person at risk of experiencing an opioid-related overdose, or a family member, friend or other person in a position to assist a person experiencing or at risk of experiencing an opioid-related overdose, or an organization registered as an opioid overdose prevention program pursuant to this section, OR A SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES, COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARD, CHARTER SCHOOL, NON-PUBLIC ELEMENTARY AND/OR SECONDARY SCHOOL IN THE STATE OR ANY PERSON EMPLOYED BY SUCH DISTRICT, BOARD OR SCHOOL.

S 2. Subdivision 4 of section 3309 of the public health law, as amended by a chapter of the laws of 2014 amending the public health law relating to use of opioid antagonists, as proposed in legislative bills numbers S. 6477-B and A. 8637-B, is amended to read as follows:

4. Use of an opioid antagonist pursuant to this section shall be considered first aid or emergency treatment for the purpose of any statute relating to liability.

A recipient, opioid overdose prevention program, SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES, COUNTY VOCATIONAL EDUCATION 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.

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

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

S 922. OPIOID OVERDOSE PREVENTION. 1. 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 OPIOID ANTAGONISTS, AS DEFINED IN SECTION THREE THOUSAND THREE HUNDRED NINE OF THE PUBLIC HEALTH LAW, 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 HAVING OPIOID OVERDOSE WHETHER OR NOT THERE IS A PREVIOUS HISTORY OF OPIOID ABUSE.

2. 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 ANY PERSON EMPLOYED BY ANY SUCH ENTITY MAY ADMINISTER AN OPIOID ANTAGONIST IN THE EVENT OF AN EMERGENCY PURSUANT TO THE REQUIREMENTS OF SECTION THREE THOUSAND THREE HUNDRED NINE OF THE PUBLIC HEALTH LAW.

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