

2566--B

2013-2014 Regular Sessions

I N A S S E M B L Y

January 16, 2013

Introduced by M. of A. ORTIZ, GALEF, BOYLAND, ROSENTHAL, CURRAN, SIMA-NOWITZ, ENGLEBRIGHT, RA, McDONOUGH, MONTESANO, ZEBROWSKI, OTIS, LAVINE, CAHILL, FINCH, RYAN -- Multi-Sponsored by -- M. of A. ABBATE, BORELLI, BRAUNSTEIN, BRENNAN, COOK, CORWIN, CROUCH, FAHY, GABRYSZAK, GIBSON, GRAF, HEASTIE, HIKIND, HOOPER, JACOBS, KEARNS, MAYER, McLAUGHLIN, MILLMAN, MOYA, PALMESANO, PERRY, RIVERA, SALADINO, SCHIMEL, SOLAGES, THIELE, TITONE, WALTER, WEISENBERG, WRIGHT -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the use of prescribed auto-injectable epinephrine by students

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

1 Section 1. The education law is amended by adding a new section 921 to
2 read as follows:
3 S 921. PUPILS AFFLICTED WITH SEVERE FOOD OR OTHER ALLERGIES. 1. THE
4 BOARD OF EDUCATION OR TRUSTEES OF EACH SCHOOL DISTRICT AND BOARD OF
5 COOPERATIVE EDUCATIONAL SERVICES SHALL ALLOW PUPILS WHO HAVE BEEN DIAG-
6 NOSED BY A PHYSICIAN OR OTHER DULY AUTHORIZED HEALTH CARE PROVIDER WITH
7 A SEVERE FOOD OR OTHER ALLERGY TO CARRY AND USE PRESCRIBED AUTO-INJECTA-
8 BLE EPINEPHRINE, DURING THE SCHOOL DAY AND DURING SCHOOL SPONSORED
9 ACTIVITIES THAT OCCUR AFTER THE REGULAR SCHOOL DAY OR OUTSIDE OF THE
10 SCHOOL, WITH THE WRITTEN PERMISSION OF A PHYSICIAN OR OTHER DULY AUTHOR-
11 IZED HEALTH CARE PROVIDER, AND WRITTEN PARENTAL CONSENT, BASED ON SUCH
12 PHYSICIAN'S OR PROVIDER'S DETERMINATION THAT SUCH PUPIL IS SUBJECT TO
13 ALLERGIC ATTACKS SEVERE ENOUGH TO DEBILITATE SUCH PUPIL. A RECORD OF
14 SUCH PERMISSION SHALL BE MAINTAINED IN THE OFFICE OF THE SCHOOL NURSE OR
15 IF NOT AVAILABLE IN THE SCHOOL OFFICE.

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

LBD06864-05-3

1 2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO
2 THE CONTRARY NO PARTY SHALL HAVE A CAUSE OF ACTION FOR PERSONAL INJURY
3 OR ANY OTHER CLAIM BASED ON THE USE OF PRESCRIBED AUTO-INJECTABLE
4 EPINEPHRINE BY A SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL
5 SERVICES, ITS AGENT, A SCHOOL OFFICER, EMPLOYEE OR VOLUNTEER AT THE
6 SCHOOL OR A SCHOOL-SPONSORED FUNCTION, PROVIDED THAT SUCH USE WAS
7 PERFORMED REASONABLY AND IN GOOD FAITH.

8 S 2. This act shall take effect on the one hundred twentieth day after
9 it shall have become a law; provided, however, that effective immediate-
10 ly the commissioner of education is authorized to promulgate rules and
11 regulations for the implementation of this act on such effective date.