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

5510

2013-2014 Regular Sessions

I N A S S E M B L Y

February 28, 2013

Introduced by M. of A. GABRYSZAK, WEISENBERG, CASTRO -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to requiring training in cardiopulmonary resuscitation and in the use of automated external defibrillators for new certification and re-certification as a schoolteacher

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

Section 1. Section 3004 of the education law is amended by adding a new subdivision 7 to read as follows:

7. A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COMMISSIONER SHALL PRESCRIBE REGULATIONS REQUIRING THAT ALL PERSONS APPLYING, ON OR AFTER JULY FIRST, TWO THOUSAND THIRTEEN, FOR A CERTIFICATE OR LICENSE TO BE A TEACHER SHALL, IN ADDITION TO ALL THE OTHER CERTIFICATION OR LICENSURE REQUIREMENTS, HAVE COMPLETED ADEQUATE TRAINING IN CARDIOPULMONARY RESUSCITATION (CPR) AND IN THE USE OF AUTOMATED EXTERNAL DEFIBRILLATORS (AED). THE TRAINING SHALL BE OBTAINED FROM AN INSTITUTION OR PROVIDER WHICH HAS BEEN APPROVED BY THE DEPARTMENT TO PROVIDE SUCH TRAINING. EACH APPLICANT SHALL PROVIDE THE DEPARTMENT WITH DOCUMENTATION SHOWING THAT HE OR SHE HAS COMPLETED SUCH REQUIRED TRAINING.

B. THE COMMISSIONER SHALL PRESCRIBE REGULATIONS REQUIRING ALL SCHOOLS TO ENSURE THAT ANY PERSON EMPLOYED AS A TEACHER AT SUCH SCHOOL, WHO RECEIVED CERTIFICATION OR A LICENSE TO TEACH PRIOR TO JULY FIRST, TWO THOUSAND THIRTEEN, SHALL HAVE COMPLETED ADEQUATE TRAINING IN CARDIOPULMONARY RESUSCITATION AND IN THE USE OF AUTOMATED EXTERNAL DEFIBRILLATORS WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THIS SUBDIVISION.

C. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF ANY GENERAL, SPECIAL OR LOCAL LAW, ANY LICENSED OR CERTIFIED TEACHER WHO VOLUNTARILY AND WITHOUT THE EXPECTATION OF MONETARY COMPENSATION RENDERS CARDIOPULMONARY RESUSCITATION OR USES AN AUTOMATED EXTERNAL DEFIBRILLATOR ON SCHOOL PROPERTY, ON A PERSON WHO IS CHOKING OR IN DISTRESS, UNCONSCIOUS, ILL OR

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

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INJURED, SHALL NOT BE LIABLE FOR DAMAGES FOR INJURIES ALLEGED TO HAVE BEEN SUSTAINED BY SUCH PERSON OR FOR DAMAGES FOR THE DEATH OF SUCH PERSON ALLEGED TO HAVE OCCURRED BY REASON OF AN ACT OR OMISSION IN THE RENDERING OF SUCH CARDIOPULMONARY RESUSCITATION OR THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR, UNLESS IT IS ESTABLISHED THAT SUCH INJURIES WERE OR SUCH DEATH WAS CAUSED BY NEGLIGENCE ON THE PART OF SUCH TEACHER.

S 2. This act shall take effect immediately.