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

1582

2015-2016 Regular Sessions

I N A S S E M B L Y

January 12, 2015

Introduced by M. of A. ROSENTHAL, SCHIMEL, WEPRIN -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to epinephrine auto-injectors in schools

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

Section 1. The public health law is amended by adding a new section 3000-cc to read as follows:

S 3000-CC. EPINEPHRINE IN SCHOOLS. 1. FOR PURPOSES OF THIS SECTION:

(A) "ANAPHYLAXIS" MEANS A POTENTIALLY LIFE-THREATENING HYPERSENSITIVITY OR ALLERGIC REACTION TO A SUBSTANCE.

I. SYMPTOMS OF ANAPHYLAXIS MAY INCLUDE SHORTNESS OF BREATH, WHEEZING, DIFFICULTY BREATHING, DIFFICULTY TALKING OR SWALLOWING, HIVES, ITCHING, SWELLING, SHOCK, OR ASTHMA.

II. CAUSES OF ANAPHYLAXIS MAY INCLUDE, BUT ARE NOT LIMITED TO, INSECT STINGS OR BITES, FOODS, DRUGS, AND OTHER ALLERGENS, AS WELL AS IDIOPATHIC OR EXERCISE-INDUCED ANAPHYLAXIS.

(B) "TRAINED PERSONNEL" WITH RESPECT TO AN ELEMENTARY OR SECONDARY SCHOOL SHALL MEAN AN INDIVIDUAL:

I. WHO HAS BEEN DESIGNATED BY THE PRINCIPAL (OR OTHER APPROPRIATE ADMINISTRATIVE STAFF) OF THE SCHOOL TO ADMINISTER EPINEPHRINE ON A VOLUNTARY BASIS OUTSIDE THEIR SCOPE OF EMPLOYMENT;

II. WHO HAS RECEIVED TRAINING IN THE ADMINISTRATION OF EPINEPHRINE; AND

III. WHOSE TRAINING IN THE ADMINISTRATION OF EPINEPHRINE MEETS APPROPRIATE MEDICAL STANDARDS.

2. (A) EACH SCHOOL SHALL TRAIN SCHOOL PERSONNEL TO ADMINISTER EPINEPHRINE TO ANY STUDENT OF THE SCHOOL REASONABLY BELIEVED TO BE SUFFERING FROM ANAPHYLAXIS.

(B) THE MINIMUM TRAINING PROVIDED BY EACH SCHOOL IN THE ADMINISTRATION OF EPINEPHRINE SHALL INCLUDE BUT NOT BE LIMITED TO:

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

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I. TECHNIQUES FOR RECOGNIZING CIRCUMSTANCES, SIGNS, AND SYMPTOMS OF ANAPHYLAXIS; AND

II. STANDARDS AND PROCEDURES FOR PROPER STORAGE AND EMERGENCY USE OF EPINEPHRINE AUTO-INJECTORS.

3. EACH SCHOOL SHALL MAINTAIN AT LEAST TWO EPINEPHRINE AUTO-INJECTORS (EPI-PENS) IN SEPARATE, SECURE LOCATIONS THAT ARE EASILY ACCESSIBLE BY THE RELEVANT TRAINED PERSONNEL OF THE SCHOOL FOR THE PURPOSE OF ADMINISTRATION TO ANY STUDENT OF THE SCHOOL REASONABLY BELIEVED TO BE SUFFERING FROM ANAPHYLAXIS.

4. EACH SCHOOL IS REQUIRED TO HAVE IN PLACE A PLAN FOR HAVING ON THE PREMISES OF THE SCHOOL DURING ALL OPERATING HOURS, ONE OR MORE INDIVIDUALS WHO ARE TRAINED PERSONNEL IN THE ADMINISTRATION OF EPINEPHRINE.

5. EACH SCHOOL SHALL SEND NOTIFICATION HOME AT THE BEGINNING OF THE SCHOOL YEAR TO ALL PARENTS AND/OR GUARDIANS INFORMING THEM THAT AN EPINEPHRINE AUTO-INJECTOR COULD BE ADMINISTERED TO THEIR CHILD IN THE EVENT OF AN ANAPHYLACTIC REACTION.

6. SCHOOL OFFICIALS SHALL OBTAIN EPI-PENS FROM THE APPROPRIATE MEDICAL PROFESSIONALS, BUT A PRESCRIPTION IS NOT REQUIRED FOR THEIR ADMINISTRATION.

7. SCHOOL OFFICIALS SHALL CALL 911 EMERGENCY SERVICES AS SOON AS SAFELY POSSIBLE AFTER ADMINISTERING AN EPI-PEN.

8. SCHOOLS AND/OR STAFF MEMBERS WHO ARE OTHERWISE IN COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION SHALL NOT BE HELD LIABLE FOR THE REASONABLE AND GOOD FAITH ADMINISTRATION OF THE EPI-PEN PURSUANT TO THIS SECTION.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.