

8438

2015-2016 Regular Sessions

I N   A S S E M B L Y

October 9, 2015

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Introduced by M. of A. ORTIZ -- read once and referred to the Committee  
on Codes

AN ACT to amend the penal law, in relation to creating the offense of  
failure to administer cardiopulmonary resuscitation; and to amend the  
general municipal law, in relation to requiring paid emergency respon-  
ders to be retrained annually in cardiopulmonary resuscitation

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

1     Section 1. Short title. This act shall be known and may be cited as  
2     "Briana's Law".

3     S 2. Title H of part 3 of the penal law is amended by adding a new  
4     article 137 to read as follows:

5     ARTICLE 137

6                     FAILURE TO ADMINISTER CARDIOPULMONARY RESUSCITATION  
7     SECTION 137.00 FAILURE TO ADMINISTER CARDIOPULMONARY RESUSCITATION IN  
8                     THE SECOND DEGREE.

9                     137.05 FAILURE TO ADMINISTER CARDIOPULMONARY RESUSCITATION IN  
10                     THE FIRST DEGREE.

11     S 137.00 FAILURE TO ADMINISTER CARDIOPULMONARY RESUSCITATION IN THE  
12                     SECOND DEGREE.

13     A PERSON IS GUILTY OF FAILURE TO ADMINISTER CARDIOPULMONARY RESUSCI-  
14     TATION IN THE SECOND DEGREE WHEN HE OR SHE, ACTING IN HIS OR HER CAPACI-  
15     TY AS A PAID EMERGENCY RESPONDER INCLUDING POLICE OFFICERS; FIREFIGHT-  
16     ERS; AND EMERGENCY MEDICAL TECHNICIANS REFUSES TO ADMINISTER  
17     CARDIOPULMONARY RESUSCITATION, AS DEFINED BY SUBDIVISION SIX OF SECTION  
18     SIX HUNDRED TWENTY-ONE OF THE GENERAL BUSINESS LAW, TO SOMEONE IN NEED  
19     OF SUCH CARDIOPULMONARY RESUSCITATION.

20     FAILURE TO ADMINISTER CARDIOPULMONARY RESUSCITATION IN THE SECOND  
21     DEGREE IS A CLASS A MISDEMEANOR.

22     S 137.05 FAILURE TO ADMINISTER CARDIOPULMONARY RESUSCITATION IN THE  
23                     FIRST DEGREE.

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

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1 A PERSON IS GUILTY OF FAILURE TO ADMINISTER CARDIOPULMONARY RESUSCI-  
2 TATION IN THE SECOND DEGREE WHEN HE OR SHE, ACTING IN HIS OR HER CAPACI-  
3 TY AS A PAID EMERGENCY RESPONDER INCLUDING POLICE OFFICERS; FIREFIGHT-  
4 ERS; AND EMERGENCY MEDICAL TECHNICIANS REFUSES TO ADMINISTER  
5 CARDIOPULMONARY RESUSCITATION, AS DEFINED BY SUBDIVISION SIX OF SECTION  
6 SIX HUNDRED TWENTY-ONE OF THE GENERAL BUSINESS LAW, TO SOMEONE IN NEED  
7 OF SUCH CARDIOPULMONARY RESUSCITATION AND THE PERSON IN NEED OF SUCH  
8 CARDIOPULMONARY RESUSCITATION BECOMES PERMANENTLY DISABLED OR DIES.

9 FAILURE TO ADMINISTER CARDIOPULMONARY RESUSCITATION IN THE FIRST  
10 DEGREE IN A CLASS E FELONY.

11 S 3. The general municipal law is amended by adding a new section  
12 208-h to read as follows:

13 S 208-H. ANNUAL CARDIOPULMONARY RESUSCITATION RETRAINING. EVERY PAID  
14 EMERGENCY RESPONDER INCLUDING: POLICE OFFICERS; FIREFIGHTERS; AND EMER-  
15 GENCY MEDICAL TECHNICIANS SHALL BE ANNUALLY:

16 1. RETRAINED IN CARDIOPULMONARY RESUSCITATION AS DEFINED BY SUBDIVI-  
17 SION SIX OF SECTION SIX HUNDRED TWENTY-ONE OF THE GENERAL BUSINESS LAW;  
18 AND

19 2. REQUIRED TO DEMONSTRATE THE SATISFACTORY COMPLETION OF TRAINING IN  
20 CARDIOPULMONARY RESUSCITATION.

21 S 4. This act shall take effect on the sixtieth day after it shall  
22 have become a law.