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

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I N S E N A T E

May 11, 2016

Introduced by Sen. O'MARA -- (at request of the Division of Homeland Security and Emergency Services) -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to burn injury reporting

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

Section 1. Section 265.26 of the penal law, as added by chapter 201 of the laws of 1985, is amended to read as follows:

S 265.26 Burn injury and wounds to be reported.

Every case of a burn injury or wound, where the victim sustained second or third degree burns to five percent or more of the body and/or any burns to the upper respiratory tract or laryngeal edema due to the inhalation of super-heated air, *EVERY BURN INJURY OR WOUND CAUSED BY POSSESSION OR USE OF A SPARKLING DEVICE, FIREWORKS OR DANGEROUS FIREWORKS,* and every case of a burn injury or wound which is likely to or may result in death, shall be reported at once to the office of fire prevention and control. The state fire administrator shall accept the report and notify the proper investigatory agency. A written report shall also be provided to the office of fire prevention and control within seventy-two hours. The report shall be made by (a) the physician attending or treating the case; [or] *(b) THE CORONER OR MEDICAL EXAMINER INVESTIGATING THE DEATH OF A PERSON OR PERSONS; OR (C)* the manager, superintendent or other person in charge, whenever such case is treated in a hospital, sanitarium, institution or other medical facility.

The intentional failure to make such report is a class A misdemeanor.

S 2. This act shall take effect immediately.

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

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