

10364

I N   A S S E M B L Y

May 24, 2016

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Introduced by M. of A. GOTTFRIED -- read once and referred to the  
Committee on Health

AN ACT to amend the public health law and the education law, in relation  
to authorizing the use of opioid antagonists by public libraries for  
opioid overdose prevention

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

1     Section 1. Subparagraph (iv) of paragraph (a) of subdivision 3 of  
2     section 3309 of the public health law, as amended by section 1 of part V  
3     of chapter 57 of the laws of 2015, is amended to read as follows:  
4     (iv) "Opioid antagonist recipient" or "recipient" means a person at  
5     risk of experiencing an opioid-related overdose, or a family member,  
6     friend or other person in a position to assist a person experiencing or  
7     at risk of experiencing an opioid-related overdose, or an organization  
8     registered as an opioid overdose prevention program pursuant to this  
9     section or a school district, PUBLIC LIBRARY, board of cooperative  
10    educational services, county vocational education and extension board,  
11    charter school, non-public elementary and/or secondary school in this  
12    state or any person employed by such district, LIBRARY board or school.  
13    S 2. Subdivision 4 of section 3309 of the public health law, as  
14    amended by section 2 of part V of chapter 57 of the laws of 2015, is  
15    amended to read as follows:  
16    4. Use of an opioid antagonist pursuant to this section shall be  
17    considered first aid or emergency treatment for the purpose of any stat-  
18    ute relating to liability.  
19    A recipient, opioid overdose prevention program, school district,  
20    PUBLIC LIBRARY, board of cooperative educational services, county voca-  
21    tional education and extension board, charter school, non-public elemen-  
22    tary school and/or secondary school in the state, or any person employed  
23    by such district, PUBLIC LIBRARY, board or school under this section,  
24    acting reasonably and in good faith in compliance with this section,  
25    shall not be subject to criminal, civil or administrative liability  
26    solely by reason of such action.

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

LBD15492-02-6

1 S 3. Section 922 of the education law, as added by section 4 of part V  
2 of chapter 57 of the laws of 2015, is amended to read as follows:

3 S 922. Opioid overdose prevention. 1. School districts, PUBLIC  
4 LIBRARIES, boards of cooperative educational services, county vocational  
5 education and extension boards, charter schools, and non-public elemen-  
6 tary and secondary schools in this state may provide and maintain  
7 on-site in each instructional school facility OR LIBRARY, opioid antag-  
8 onists, as defined in section three thousand three hundred nine of the  
9 public health law, in quantities and types deemed by the commissioner,  
10 in consultation with the commissioner of health, to be adequate to  
11 ensure ready and appropriate access for use during emergencies to any  
12 student, INDIVIDUAL ON LIBRARY PREMISES or staff suspected of having  
13 opioid overdose whether or not there is a previous history of opioid  
14 abuse.

15 2. School districts, PUBLIC LIBRARIES, boards of cooperative educa-  
16 tional services, county vocational education and extension boards, char-  
17 ter schools, and non-public elementary and secondary schools in this  
18 state may elect to participate as an opioid antagonist recipient and any  
19 person employed by any such entity that has elected to participate may  
20 administer an opioid antagonist in the event of an emergency, provided  
21 that such person shall have been trained by a program approved under  
22 section three thousand three hundred nine of the public health law. Any  
23 school district, PUBLIC LIBRARY, board of cooperative educational  
24 services, county vocational education and extension board, charter  
25 school, and non-public elementary and secondary school that has employ-  
26 ees trained in accordance with this section shall comply with the  
27 requirements of section three thousand three hundred nine of the public  
28 health law including, but not limited to, appropriate clinical over-  
29 sight, record keeping and reporting. No person shall be required to  
30 participate in the program and any participation by an individual shall  
31 be voluntary.

32 S 4. This act shall take effect immediately.