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2015-2016 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2015

Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Education

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

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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 added by chapter 42 of the
3 laws of 2014, 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, BOARD OF COOPERATIVE EDUCATIONAL
10 SERVICES, COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARD, CHARTER
11 SCHOOL, NON-PUBLIC ELEMENTARY AND/OR SECONDARY SCHOOL IN THE STATE OR
12 ANY PERSON EMPLOYED BY SUCH DISTRICT, BOARD OR SCHOOL.
13 S 2. Subdivision 4 of section 3309 of the public health law, as
14 amended by chapter 42 of the laws of 2014, is amended to read as
15 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 statute relating to liability.
18 A recipient, opioid overdose prevention program, SCHOOL DISTRICT,
19 BOARD OF COOPERATIVE EDUCATIONAL SERVICES, COUNTY VOCATIONAL EDUCATION
20 AND EXTENSION BOARD, CHARTER SCHOOL, NON-PUBLIC ELEMENTARY AND/OR
21 SECONDARY SCHOOL IN THE STATE, OR ANY PERSON EMPLOYED BY SUCH DISTRICT,
22 BOARD OR SCHOOL under this section, acting reasonably and in good faith
23

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

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1 in compliance with this section, shall not be subject to criminal, civil
2 or administrative liability solely by reason of such action.

3 S 3. Subdivision 3 of section 3309 of the public health law, as added
4 by chapter 34 of the laws of 2014, is renumbered subdivision 3-a.

5 S 4. The education law is amended by adding a new section 922 to read
6 as follows:

7 S 922. OPIOID OVERDOSE PREVENTION. 1. SCHOOL DISTRICTS, BOARDS OF
8 COOPERATIVE EDUCATIONAL SERVICES, COUNTY VOCATIONAL EDUCATION AND EXTEN-
9 SION BOARDS, CHARTER SCHOOLS, AND NON-PUBLIC ELEMENTARY AND SECONDARY
10 SCHOOLS IN THIS STATE MAY PROVIDE AND MAINTAIN ON-SITE IN EACH INSTRU-
11 TIONAL SCHOOL FACILITY OPIOID ANTAGONISTS, AS DEFINED IN SECTION THREE
12 THOUSAND THREE HUNDRED NINE OF THE PUBLIC HEALTH LAW, IN QUANTITIES AND
13 TYPES DEEMED BY THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER
14 OF HEALTH, TO BE ADEQUATE TO ENSURE READY AND APPROPRIATE ACCESS FOR USE
15 DURING EMERGENCIES TO ANY STUDENT OR STAFF HAVING OPIOID OVERDOSE WHETH-
16 ER OR NOT THERE IS A PREVIOUS HISTORY OF OPIOID ABUSE.

17 2. SCHOOL DISTRICTS, BOARDS OF COOPERATIVE EDUCATIONAL SERVICES, COUN-
18 TY VOCATIONAL EDUCATION AND EXTENSION BOARDS, CHARTER SCHOOLS, AND NON-
19 PUBLIC ELEMENTARY AND SECONDARY SCHOOLS IN THIS STATE OR ANY PERSON
20 EMPLOYED BY ANY SUCH ENTITY MAY ADMINISTER AN OPIOID ANTAGONIST IN THE
21 EVENT OF AN EMERGENCY PURSUANT TO THE REQUIREMENTS OF SECTION THREE
22 THOUSAND THREE HUNDRED NINE OF THE PUBLIC HEALTH LAW.

23 S 5. This act shall take effect immediately.