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

4137--C

2015-2016 Regular Sessions

I N A S S E M B L Y

January 29, 2015

Introduced by M. of A. ROSENTHAL, ORTIZ, MILLER, MOSLEY, PICHARDO, GOTTFRIED, COOK, ARROYO, PERRY, STECK, BRABENEC, LUPINACCI, JOYNER, RAMOS, BARRON, HOOPER, THIELE, McDONALD, CURRAN, GRAF, RAIA, McDONOUGH -- Multi-Sponsored by -- M. of A. BLAKE, BRENNAN, DILAN, GALEF, SALADINO, SCHIMEL -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to requiring public schools to display a poster depicting the first aid procedures used to treat upper airway obstructions by foreign objects

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

Section 1. Legislative intent. It is important that teachers, administrators and students in the state of New York are well informed about first aid responses to treat upper airway obstructions by foreign objects as it is reported that at least one child dies from choking on food every five days in the United States, and more than 10,000 children are taken to a hospital emergency room each year for food-choking injuries. It is the intent of this legislature to help prevent future deaths resulting from upper airway obstructions by expanding the choking prevention requirement of section 2500-i of the public health law, known as J.T.'s Law, by requiring public schools to post a visible poster that graphically depicts the first aid procedures used to treat upper airway obstructions caused by food or foreign objects.

S 2. The education law is amended by adding a new section 409-l to read as follows:

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

LBD06926-05-6

S 409-L. CHOKING POSTER. 1. EVERY PUBLIC SCHOOL INCLUDING CHARTER SCHOOLS SHALL POST A VISIBLE POSTER GRAPHICALLY DEPICTING THE FIRST AID PROCEDURES USED TO TREAT UPPER AIRWAY OBSTRUCTIONS CAUSED BY FOOD OR FOREIGN OBJECTS, INCLUDING BUT NOT LIMITED TO BACK BLOWS, ABDOMINAL THRUSTS AND CHEST COMPRESSIONS.

2. THE COMMISSIONER SHALL ADOPT RULES AND REGULATIONS IN CONSULTATION WITH THE COMMISSIONER OF HEALTH RELATING TO THE POSTING REQUIRED BY SUBDIVISION ONE OF THIS SECTION. SUCH RULES AND REGULATIONS SHALL BE CONSISTENT WITH THE PROVISIONS OF SECTION TWO THOUSAND FIVE HUNDRED-I OF THE PUBLIC HEALTH LAW RELATED TO CHILD FOOD CHOKING PREVENTION. SUCH RULES AND REGULATIONS SHALL REQUIRE THAT A POSTER BE DISPLAYED IN EACH ESTABLISHMENT WHERE FOOD IS SOLD AND IN SPACES DESIGNATED SPECIFICALLY AS EATING AREAS, INCLUDING BUT NOT LIMITED TO SCHOOL CAFETERIAS AND PROVIDED FURTHER THAT SUCH POSTER SHALL BE APPROVED BY THE COMMISSIONER OF HEALTH IN CONSULTATION WITH THE COMMISSIONER.

3. NOTHING CONTAINED IN THIS SECTION SHALL IMPOSE ANY AFFIRMATIVE DUTY TO ACT IN COMPLIANCE WITH THE POSTER. A SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND/OR THEIR EMPLOYEES OR OTHER PERSON SHALL INCUR NO LEGAL OR FINANCIAL LIABILITY AS A RESULT OF ANY HARM OR INJURY SUSTAINED BY A STUDENT OR OTHER PERSON CAUSED BY REASONABLE AND GOOD FAITH COMPLIANCE WITH THIS SECTION.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the commissioner of education is authorized to promulgate any and all rules and regulations and take any other measures necessary to implement this act on its effective date on or before such date.