

8438

2015-2016 Regular Sessions

I N A S S E M B L Y

October 9, 2015

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.