

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to requiring epinephrine auto-injector devices at children's overnight, summer day and traveling summer camps

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

1 Section 1. Paragraph (a) of subdivision 1 of section 3000-c of the
2 public health law, as amended by chapter 424 of the laws of 2014, is
3 amended to read as follows:
4 (a) "Eligible person, firm, organization, or other entity" means, (i)
5 an ambulance service or advanced life support first response service; a
6 certified first responder, emergency medical technician, or advanced
7 emergency medical technician, who is employed by or an enrolled member
8 of any such service; OR (ii) [a children's overnight camp as defined in
9 subdivision one of section thirteen hundred ninety-two of this chapter,
10 a summer day camp as defined in subdivision two of section thirteen
11 hundred ninety-two of this chapter, a traveling summer day camp as
12 defined in subdivision three of section thirteen hundred ninety-two of
13 this chapter or a person employed by such a camp; or (iii)] school
14 districts, boards of cooperative educational services, county vocational
15 education and extension boards, charter schools, and non-public elemen-
16 tary and secondary schools in this state or any person employed by any
17 such entity; or [(iv)] (III) any other person, firm, organization or
18 entity designated pursuant to regulations of the commissioner in consul-
19 tation with other appropriate agencies; and all subject to regulations
20 of the commissioner.
21 S 2. The public health law is amended by adding a new section 1392-b
22 to read as follows:

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

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1 S 1392-B. EPINEPHRINE AUTO-INJECTOR DEVICES REQUIRED. 1. DEFINITIONS.
2 AS USED IN THIS SECTION, "EMERGENCY HEALTH CARE PROVIDER" MEANS (A) A
3 PHYSICIAN WITH KNOWLEDGE AND EXPERIENCE IN THE DELIVERY OF EMERGENCY
4 CARE; OR (B) A HOSPITAL LICENSED UNDER ARTICLE TWENTY-EIGHT OF THIS
5 CHAPTER THAT PROVIDES EMERGENCY CARE.

6 2. COLLABORATIVE AGREEMENT. (A) EVERY PERSON, FIRM, LIMITED LIABILITY
7 COMPANY, ASSOCIATION AND CORPORATION WHICH OPERATES A CHILDREN'S OVER-
8 NIGHT, SUMMER DAY AND TRAVELING SUMMER DAY CAMP, AS DEFINED IN THIS
9 ARTICLE, SHALL MAINTAIN A COLLABORATIVE AGREEMENT WITH AN EMERGENCY
10 HEALTH CARE PROVIDER AND SHALL HAVE ON THE PREMISES AN EPINEPHRINE
11 AUTO-INJECTOR DEVICE.

12 (B) THE COLLABORATIVE AGREEMENT REQUIRED PURSUANT TO PARAGRAPH (A) OF
13 THIS SUBDIVISION SHALL INCLUDE A WRITTEN AGREEMENT THAT INCORPORATES
14 WRITTEN PRACTICE PROTOCOLS, AND POLICIES AND PROCEDURES THAT SHALL
15 ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS SECTION. THE PERSON, FIRM,
16 LIMITED LIABILITY COMPANY, ORGANIZATION OR ENTITY OPERATING THE CHIL-
17 DREN'S OVERNIGHT, SUMMER DAY AND TRAVELING SUMMER DAY CAMP SHALL FILE A
18 COPY OF THE COLLABORATIVE AGREEMENT WITH THE DEPARTMENT AND WITH THE
19 APPROPRIATE REGIONAL COUNCIL PRIOR TO USING ANY EPINEPHRINE AUTO-INJEC-
20 TOR DEVICE.

21 3. POSSESSION AND USE OF EPINEPHRINE AUTO-INJECTOR DEVICES. POSSESSION
22 AND USE OF EPINEPHRINE AUTO-INJECTOR DEVICES SHALL BE LIMITED AS
23 FOLLOWS:

24 (A) NO PERSON SHALL USE AN EPINEPHRINE AUTO-INJECTOR DEVICE UNLESS
25 SUCH PERSON SHALL HAVE SUCCESSFULLY COMPLETED A TRAINING COURSE IN THE
26 USE OF EPINEPHRINE AUTO-INJECTOR DEVICES APPROVED BY THE COMMISSIONER
27 PURSUANT TO THE RULES OF THE DEPARTMENT. THIS SECTION DOES NOT PROHIBIT
28 THE USE OF AN EPINEPHRINE AUTO-INJECTOR DEVICE (I) BY A HEALTH CARE
29 PRACTITIONER LICENSED OR CERTIFIED UNDER TITLE EIGHT OF THE EDUCATION
30 LAW ACTING WITHIN THE SCOPE OF HIS OR HER PRACTICE, OR (II) BY A PERSON
31 ACTING PURSUANT TO A LAWFUL PRESCRIPTION.

32 (B) EVERY PERSON, FIRM, ORGANIZATION AND ENTITY AUTHORIZED TO POSSESS
33 AND USE EPINEPHRINE AUTO-INJECTOR DEVICES PURSUANT TO THIS SECTION SHALL
34 USE, MAINTAIN AND DISPOSE OF SUCH DEVICES PURSUANT TO REGULATIONS OF THE
35 DEPARTMENT.

36 (C) EVERY USE OF AN EPINEPHRINE AUTO-INJECTOR DEVICE PURSUANT TO THIS
37 SECTION SHALL IMMEDIATELY BE REPORTED TO THE EMERGENCY HEALTH CARE
38 PROVIDER.

39 4. APPLICATION OF OTHER LAWS. (A) USE OF AN EPINEPHRINE AUTO-INJECTOR
40 DEVICE PURSUANT TO THIS SECTION SHALL BE CONSIDERED FIRST AID OR EMER-
41 GENCY TREATMENT FOR THE PURPOSE OF ANY STATUTE RELATING TO LIABILITY.

42 (B) PURCHASE, ACQUISITION, POSSESSION OR USE OF AN EPINEPHRINE
43 AUTO-INJECTOR DEVICE PURSUANT TO THIS SECTION SHALL NOT CONSTITUTE THE
44 UNLAWFUL PRACTICE OF A PROFESSION OR OTHER VIOLATION UNDER TITLE EIGHT
45 OF THE EDUCATION LAW OR ARTICLE THIRTY-THREE OF THIS CHAPTER.

46 (C) ANY PERSON OTHERWISE AUTHORIZED TO SELL OR PROVIDE AN EPINEPHRINE
47 AUTO-INJECTOR DEVICE MAY SELL OR PROVIDE IT TO A PERSON AUTHORIZED TO
48 POSSESS IT PURSUANT TO THIS SECTION.

49 S 3. This act shall take effect on the one hundred eightieth day after
50 it shall have become a law; provided that any rules and regulations
51 necessary to implement the provisions of this act on its effective date
52 are authorized and directed to be added, amended and/or repealed on or
53 before such date; provided, however, that if chapter 424 of the laws of
54 2014 shall not have taken effect on or before such date then section one
55 of this act shall take effect on the same date and in the same manner as
56 such chapter of the laws of 2014 takes effect.