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I N   S E N A T E

June 2, 2016

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

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:

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

13    S 2. The education law is amended by adding a new section 409-1 to  
14    read as follows:

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

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

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

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1 PROVIDED FURTHER THAT SUCH POSTER SHALL BE APPROVED BY THE COMMISSIONER  
2 OF HEALTH IN CONSULTATION WITH THE COMMISSIONER.

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

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