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I N S E N A T E

June 2, 2016

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.