

8172

I N S E N A T E

August 3, 2016

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

AN ACT to amend the public health law and the education law, in relation to authorizing emergency medical service personnel to provide certain emergency medical care to cats and dogs under certain circumstances

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

1 Section 1. Section 3013 of the public health law is amended by adding
2 two new subdivisions 7 and 8 to read as follows:
3 7. NO CERTIFIED FIRST RESPONDER, EMERGENCY MEDICAL TECHNICIAN, OR
4 ADVANCED EMERGENCY MEDICAL TECHNICIAN ACTING IN ACCORDANCE WITH SECTION
5 THREE THOUSAND EIGHTEEN OF THIS ARTICLE, NOR ANY AMBULANCE SERVICE OR
6 ADVANCED LIFE SUPPORT FIRST RESPONSE SERVICE OF WHICH SUCH PERSON IS A
7 MEMBER OR EMPLOYEE, WHO RENDERS EMERGENCY MEDICAL ASSISTANCE TO A DOG OR
8 CAT PURSUANT TO SUCH SECTION, SHALL HAVE ANY CIVIL OR CRIMINAL LIABILITY
9 OR HAVE ANY LIABILITY FOR VIOLATING ARTICLE ONE HUNDRED THIRTY-FIVE OF
10 THE EDUCATION LAW, FOR THE PROVISION OF SUCH CARE, OR ANY DAMAGES TO OR
11 DEATH OF ANY DOG OR CAT ALLEGED TO HAVE OCCURRED BY REASON OF AN ACT OR
12 OMISSION IN RENDERING SUCH MEDICAL ASSISTANCE IN AN EMERGENCY UNLESS IT
13 IS ESTABLISHED THAT SUCH INJURIES WERE OR SUCH DEATH WAS CAUSED BY GROSS
14 NEGLIGENCE ON THE PART OF SUCH CERTIFIED FIRST RESPONDER, EMERGENCY
15 MEDICAL TECHNICIAN OR ADVANCED EMERGENCY MEDICAL TECHNICIAN AS DETER-
16 MINED BY THE RULES AND REGULATIONS OF THE STATE BOARD FOR VETERINARY
17 MEDICINE ESTABLISHED PURSUANT TO SUBDIVISION TWO OF SECTION SIXTY-SEVEN
18 HUNDRED THREE OF THE EDUCATION LAW AND ANY OFF-SITE INSTRUCTIONS OF A
19 VETERINARIAN PROVIDING SUPERVISION DURING SUCH EMERGENCY.
20 8. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ANY VETERINA-
21 RIAN WHO PROVIDES OFF-SITE INSTRUCTION, PURSUANT TO SECTION THREE THOU-
22 SAND EIGHTEEN OF THIS ARTICLE, TO ANY CERTIFIED FIRST RESPONDER, EMER-
23 GENCY MEDICAL TECHNICIAN OR ADVANCED EMERGENCY MEDICAL TECHNICIAN
24 PROVIDING EMERGENCY MEDICAL ASSISTANCE TO A DOG OR CAT SHALL NOT BE
25 LIABLE FOR DAMAGES FOR INJURIES OR DEATH ALLEGED TO HAVE BEEN SUSTAINED
26 BY ANY DOG OR CAT AS A RESULT OF SUCH INSTRUCTION UNLESS IT IS ESTAB-

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

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1 LISHED THAT SUCH INJURIES OR DEATH WERE CAUSED BY GROSS NEGLIGENCE ON
2 THE PART OF SUCH VETERINARIAN.

3 S 2. The public health law is amended by adding a new section 3018 to
4 read as follows:

5 S 3018. EMERGENCY MEDICAL CARE TO DOGS AND CATS. 1. IN COURSE OF
6 RESPONDING TO ANY EMERGENCY, A CERTIFIED FIRST RESPONDER, EMERGENCY
7 MEDICAL TECHNICIAN OR ADVANCED EMERGENCY MEDICAL TECHNICIAN MAY, IN
8 ACCORDANCE WITH THE RULES AND REGULATIONS OF THE STATE BOARD FOR VETERI-
9 NARY MEDICINE, PROVIDE EMERGENCY MEDICAL CARE TO A DOG OR CAT PRIOR TO
10 THE TRANSFER OF SUCH ANIMAL TO THE CARE OF A VETERINARIAN. THE EMERGENCY
11 MEDICAL CARE TO CATS AND DOGS PURSUANT TO THIS SECTION SHALL BE LIMITED
12 TO THE FOLLOWING, IF THE CERTIFIED FIRST RESPONDER, EMERGENCY MEDICAL
13 TECHNICIAN OR ADVANCED EMERGENCY MEDICAL TECHNICIAN IS ABLE AND AUTHOR-
14 IZED TO PROVIDE SUCH CARE TO A HUMAN:

15 (A) OPENING AND MANUALLY MAINTAINING AN AIRWAY;
16 (B) PROVIDING MOUTH TO MOUTH OR MOUTH TO BARRIER VENTILATION;
17 (C) ADMINISTERING OXYGEN;
18 (D) MANAGING VENTILATION BY MASK;
19 (E) CONTROLLING HEMORRHAGE WITH DIRECT PRESSURE;
20 (F) IMMOBILIZING FRACTURES;
21 (G) BANDAGING; AND
22 (H) ADMINISTERING NALOXONE HYDROCHLORIDE TO THE EXTENT AUTHORIZED BY
23 LAW, RULE OR REGULATION AND AS DIRECTED BY A VETERINARIAN.

24 2. TO THE EXTENT PRACTICABLE, EACH CERTIFIED FIRST RESPONDER, EMERGEN-
25 CY MEDICAL TECHNICIAN OR ADVANCED EMERGENCY MEDICAL TECHNICIAN, DURING
26 THE COURSE OF PROVIDING EMERGENCY MEDICAL CARE TO A DOG OR CAT PURSUANT
27 TO THIS SECTION, SHALL COMMUNICATE WITH A VETERINARIAN FOR THE PURPOSE
28 OF CONSULTING UPON THE PROVISION OF SUCH CARE.

29 3. THE STATE BOARD FOR VETERINARY MEDICINE SHALL PROMULGATE SUCH RULES
30 AND REGULATIONS AS SHALL BE NECESSARY TO IMPLEMENT THE PROVISIONS OF
31 THIS SECTION.

32 S 3. Section 6701 of the education law, as amended by chapter 268 of
33 the laws of 2014, is amended to read as follows:

34 S 6701. Definition of practice of veterinary medicine. The practice of
35 the profession of veterinary medicine is defined as diagnosing, treat-
36 ing, operating, or prescribing for any animal disease, pain, injury,
37 deformity or dental or physical condition, or the subcutaneous insertion
38 of a microchip intended to be used to identify an animal, OR THE
39 PROVISION OF INSTRUCTION TO ANY CERTIFIED FIRST RESPONDER, EMERGENCY
40 MEDICAL TECHNICIAN OR ADVANCED EMERGENCY MEDICAL TECHNICIAN PROVIDING
41 EMERGENCY MEDICAL CARE TO A DOG OR CAT PURSUANT TO SECTION THREE THOU-
42 SAND EIGHTEEN OF THE PUBLIC HEALTH LAW. "Animal" includes every living
43 creature except a human being. Notwithstanding the foregoing provisions
44 of this section, no provisions of this section shall be construed to
45 include the floating of equine teeth as being within the practice of
46 veterinary medicine.

47 S 4. The opening paragraph of section 6703 of the education law is
48 designated subdivision 1 and a new subdivision 2 is added to read as
49 follows:

50 2. THE STATE BOARD FOR VETERINARY MEDICINE SHALL PROMULGATE RULES AND
51 REGULATIONS FOR THE PROVISION OF EMERGENCY MEDICAL CARE TO DOGS AND CATS
52 BY EMERGENCY MEDICAL CARE PERSONNEL PURSUANT TO SECTION THREE THOUSAND
53 EIGHTEEN OF THE PUBLIC HEALTH LAW.

54 S 5. Section 6705 of the education law is amended by adding a new
55 subdivision 16 to read as follows:

1 16. A CERTIFIED FIRST RESPONDER, EMERGENCY MEDICAL TECHNICIAN OR
2 ADVANCED EMERGENCY MEDICAL TECHNICIAN TO THE EXTENT AUTHORIZED BY
3 SECTION THREE THOUSAND EIGHTEEN OF THE PUBLIC HEALTH LAW.
4 S 6. This act shall take effect immediately, except that sections one,
5 two, three and five of this act shall take effect on the first of Janu-
6 ary next succeeding the date on which it shall have become a law.