

STATE OF NEW YORK

6005

2017-2018 Regular Sessions

IN SENATE

May 10, 2017

Introduced by Sens. MURPHY, HANNON -- read twice and ordered printed,
and when printed to be committed to the Committee on Health

AN ACT to amend the public health law and the education law, in relation
to authorizing certain entities and employees of such entities to
administer epinephrine auto-injectors

The People of the State of New York, represented in Senate and Assem-
bly, 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 373 of the laws of 2016, is
3 amended to read as follows:
4 (a) "Eligible person or entity" means (i) an ambulance service or
5 advanced life support first response service; a certified first respon-
6 der, emergency medical technician, or advanced emergency medical techni-
7 cian, who is employed by or an enrolled member of any such service; (ii)
8 a children's overnight camp as defined in subdivision one of section
9 thirteen hundred ninety-two of this chapter, a summer day camp as
10 defined in subdivision two of section thirteen hundred ninety-two of
11 this chapter, a traveling summer day camp as defined in subdivision
12 three of section thirteen hundred ninety-two of this chapter or a person
13 employed by such a camp; (iii) a school district, board of cooperative
14 educational services, county vocational education and extension board,
15 charter school, and non-public elementary and secondary school in this
16 state or any person employed by any such entity; [~~ex~~] (iv) an entity
17 which contracts with a school board, board of cooperative educational
18 services, county vocational education and extension board, charter
19 school, or non-public elementary and secondary school to provide trans-
20 portation of students or any person employed by any such entity; or (v)
21 a sports, entertainment, amusement, education, government, day care or
22 retail facility; an educational institution, youth organization or
23 sports league; an establishment that serves food; or a person employed
24 by such entity; and [~~v~~] (vi) any other person or entity designated or

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

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1 approved, or in a category designated or approved pursuant to regu-
2 lations of the commissioner in consultation with other appropriate agen-
3 cies.

4 § 2. Section 921 of the education law, as added by chapter 424 of the
5 laws of 2014, is renumbered section 921-a and amended to read as
6 follows:

7 § 921-a. On-site epinephrine auto-injector. 1. School districts,
8 boards of cooperative educational services, county vocational education
9 and extension boards, charter schools, and non-public elementary and
10 secondary schools in this state may provide and maintain on-site in each
11 instructional school facility epinephrine auto-injectors in quantities
12 and types deemed by the commissioner, in consultation with the commis-
13 sioner of health, to be adequate to ensure ready and appropriate access
14 for use during emergencies to any student or staff having anaphylactic
15 symptoms whether or not there is a previous history of severe allergic
16 reaction.

17 2. School districts, boards of cooperative educational services, coun-
18 ty vocational education and extension boards, charter schools, and non-
19 public elementary and secondary schools in this state ~~[ex]~~, any person
20 employed by any such entity or an entity which contracts with a school
21 board, board of cooperative educational services, county vocational
22 education and extension board, charter school, or non-public elementary
23 and secondary school to provide transportation of students or any person
24 employed by any such entity may administer epinephrine auto-injectors in
25 the event of an emergency pursuant to the requirements of section three
26 thousand-c of the public health law.

27 § 3. This act shall take effect on the one hundred twentieth day after
28 it shall have become a law. Effective immediately, the commissioner of
29 health, in consultation with the commissioner of education, may promul-
30 gate any rule or regulation necessary for the timely implementation of
31 this act.