

STATE OF NEW YORK

10214

IN ASSEMBLY

March 24, 2020

Introduced by M. of A. REYES -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to rescue inhaler treatment devices

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The public health law is amended by adding a new section
2 3000-e to read as follows:

3 § 3000-e. Rescue inhaler treatment devices. 1. Definitions. As used in
4 this section:

5 (a) "Eligible person or entity" means (i) an ambulance service or
6 advanced life support first response service; a certified first respon-
7 der, emergency medical technician, or advanced emergency medical techni-
8 cian, who is employed by or an enrolled member of any such service; (ii)
9 a children's overnight camp as defined in subdivision one of section
10 thirteen hundred ninety-two of this chapter, a summer day camp as
11 defined in subdivision two of section thirteen hundred ninety-two of
12 this chapter, a traveling summer day camp as defined in subdivision
13 three of section thirteen hundred ninety-two of this chapter or a person
14 employed by such a camp; (iii) a school district, board of cooperative
15 educational services, county vocational education and extension board,
16 charter school, and non-public elementary and secondary school in this
17 state or any person employed by any such entity, or employed by a
18 contractor of such an entity while performing services for the entity;
19 or (iv) a sports, entertainment, amusement, education, government, day
20 care or retail facility; an educational institution, youth organization
21 or sports league; an establishment that serves food; or a person
22 employed by such entity; and (v) any other person or entity designated
23 or approved, or in a category designated or approved pursuant to regu-
24 lations of the commissioner in consultation with other appropriate agen-
25 cies.

26 (b) "Rescue inhaler treatment device" means a device used for the
27 self-administration of inhaled rescue medications into the human body
28 for the purpose of emergency treatment of a person appearing to experi-

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

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1 ence an asthmatic or other respiratory disease approved by the food and
2 drug administration.

3 (c) "Health care practitioner" means a health care practitioner
4 licensed, certified, or authorized to practice under title eight of the
5 education law who is authorized thereby to administer drugs, and who is
6 acting within the scope of his or her practice.

7 2. Possession and use. (a) Any eligible person or entity may purchase,
8 acquire, possess and use rescue inhaler treatment devices for emergency
9 treatment of a person appearing to experience asthmatic or other respir-
10 atory disease symptoms, under this section.

11 (b) An eligible person or entity shall designate one or more individ-
12 uals who have completed the training required by paragraph (c) of this
13 subdivision to be responsible for the storage, maintenance, control, and
14 general oversight of the rescue inhaler treatment devices acquired by
15 the eligible person or entity.

16 (c) No one may use a rescue inhaler treatment device on behalf of an
17 eligible person or entity unless he or she has successfully completed a
18 training course in the use of rescue inhaler treatment devices conducted
19 by a nationally recognized organization experienced in training layper-
20 sons in emergency health treatment or by an entity or individual
21 approved by the commissioner, or is directed in a specific instance to
22 use a rescue inhaler treatment device by a health care practitioner. The
23 training required by this paragraph shall include (i) how to recognize
24 signs and symptoms of severe asthmatic or other respiratory disease
25 reactions; (ii) recommended dosage for adults and children; (iii) stand-
26 ards and procedures for the storage and administration of a rescue
27 inhaler treatment; and (iv) emergency follow-up procedures.

28 (d) This section does not prohibit the use of a rescue inhaler treat-
29 ment device (i) by a health care practitioner or (ii) by a person acting
30 pursuant to a lawful patient-specific prescription.

31 (e) Every eligible person and entity authorized to possess and use
32 rescue inhaler treatment devices pursuant to this section shall use and
33 maintain such devices pursuant to regulations of the department.

34 (f) Nothing in this section shall require any eligible person or enti-
35 ty to acquire, possess, store, make available, or administer a rescue
36 inhaler treatment.

37 3. Prescriptions. (a) A health care practitioner who is authorized to
38 prescribe drugs may prescribe, dispense or provide a rescue inhaler
39 treatment device to or for an eligible person or entity by a non-pa-
40 tient-specific prescription.

41 (b) A pharmacist may dispense a rescue inhaler treatment pursuant to a
42 non-patient-specific prescription under this subdivision.

43 (c) This subdivision does not limit any other authority a health care
44 practitioner or pharmacist has to prescribe, dispense, provide or admin-
45 ister a rescue inhaler treatment device.

46 4. Application of other laws. (a) Use of a rescue inhaler treatment
47 device pursuant to this section shall be considered first aid or emer-
48 gency treatment for the purpose of any statute relating to liability.

49 (b) Purchase, acquisition, possession or use of a rescue inhaler
50 treatment device pursuant to this section shall not constitute the
51 unlawful practice of a profession or other violation under title eight
52 of the education law or article thirty-three of this chapter.

53 (c) Any person otherwise authorized to sell or provide a rescue inhal-
54 er treatment device may sell or provide it to a person or entity author-
55 ized to possess it pursuant to this section.

56 § 2. This act shall take effect immediately.