

STATE OF NEW YORK

29

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. QUART, LAVINE, LALOR, O'DONNELL, GOODELL --
Multi-Sponsored by -- M. of A. GALEF, McDONOUGH -- read once and
referred to the Committee on Health

AN ACT to amend the public health law, in relation to enacting the good
samaritan ambulance act of 2021

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

1 Section 1. This act shall be known and may be cited as "the good
2 samaritan ambulance act of 2021".

3 § 2. Section 3001 of the public health law is amended by adding a new
4 subdivision 22 to read as follows:

5 22. "Operate" means with respect to an ambulance receiving patients.

6 § 3. Subdivision 1 of section 3010 of the public health law, as
7 amended by chapter 588 of the laws of 1993, is amended to read as
8 follows:

9 1. Every ambulance service certificate or statement of registration
10 issued under this article shall specify the primary territory within
11 which the ambulance service shall be permitted to operate. An ambulance
12 service shall receive patients only within the primary territory speci-
13 fied on its ambulance service certificate or statement of registration,
14 except: (a) when receiving a patient which it initially transported to a
15 facility or location outside its primary territory; (b) as required for
16 the fulfillment of a mutual aid agreement authorized by the regional
17 council; (c) upon express approval of the department and the appropriate
18 regional emergency medical services council for a maximum of sixty days
19 if necessary to meet an emergency need; provided that in order to
20 continue such operation beyond the sixty day maximum period necessary to
21 meet an emergency need, the ambulance service must satisfy the require-
22 ments of this article, regarding determination of public need and spec-
23 ification of the primary territory on the ambulance service certificate

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

LBD01373-01-1

1 or statement of registration; ~~(d)~~ (d) an ambulance service or advanced
2 life support first response service organization formed to serve the
3 need for the provision of emergency medical services in accordance with
4 the religious convictions of a religious denomination may serve such
5 needs in an area adjacent to such primary territory and, while respond-
6 ing to a call for such service, the needs of other residents of such
7 area at the emergency scene; (e) any agency receiving a report of a life
8 threatening medical emergency requiring emergency medical services that
9 in good faith concludes, on the basis of information available at the
10 time, that the agency having primary responsibility for the territory
11 will be delayed, and such delay may unnecessarily escalate or exacerbate
12 the emergency, shall not be subject to any sanction for operating
13 outside its primary territory, provided, that, it: attempts to notify
14 the agency having primary responsibility for that territory of the emer-
15 gency and of its response; has the resources available to respond to the
16 emergency; and is not cancelled either in route or on the scene by an
17 agency or dispatcher having primary responsibility for the territory; or
18 (f) if an agency having primary responsibility for a territory avails
19 itself of the resources, equipment, or personnel of an agency responding
20 to an emergency outside the responding agency's primary territory, then
21 the agency having primary responsibility for the territory will be
22 deemed to have made a request for mutual aid pursuant to a mutual aid
23 agreement and the agency responding outside of its primary territory
24 will not be the subject of any administrative sanction for operating
25 outside its primary territory; provided that (g) nothing contained in
26 this subdivision shall impose a legal duty on any agency to respond
27 outside of its primary territory and any such response shall be solely
28 at the discretion of the agency. Any ambulance service seeking to oper-
29 ate in more than one region shall make application to each appropriate
30 regional council. Whenever an application is made simultaneously to more
31 than one regional council, the applications submitted to the regional
32 councils shall be identical, or copies of each application shall be
33 submitted to all the regional councils involved.

34 § 4. This act shall take effect on the sixtieth day after it shall
35 have become a law; provided, however, that effective immediately, the
36 addition, amendment and/or repeal of any rule or regulation necessary
37 for the implementation of this act on its effective date are authorized
38 and directed to be made and completed on or before such effective date.