

STATE OF NEW YORK

9468

IN ASSEMBLY

March 7, 2022

Introduced by M. of A. RA -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to the use of portable non-invasive anti-choking devices in schools

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

1 Section 1. The education law is amended by adding a new section 924 to
2 read as follows:

3 § 924. Anti-choking devices in schools. 1. Each board of education of
4 a public school district and the governing board or chief school admin-
5 istrator of a non-public school in the state shall ensure that at least
6 one portable anti-choking device is made available in the cafeteria, the
7 office of the school nurse, and any other similar location. Such devices
8 shall be placed in unlocked and easily accessible locations during the
9 school day and at any other time when a school-sponsored event is taking
10 place. The locations of each device shall have an appropriate identify-
11 ing sign. For purposes of this section, "portable anti-choking device"
12 means a portable medical device that uses manually created suction to
13 remove blockage from the airway during a choking emergency and has been
14 registered as a Class II acute upper airway obstruction device with the
15 United States Food and Drug Administration.

16 2. Each board of education of a public school district and the govern-
17 ing board or chief administrator of a non-public school shall develop
18 policies for the use of portable anti-choking devices by school nurses
19 and school employees. Such policies shall include a requirement that all
20 school nurses and school employees receive training in airway management
21 and in the removal of any obstruction from the airway using a portable
22 anti-choking device.

23 3. The commissioner shall ensure that annual educational opportunities
24 are made available for school nurses and employees of both public and
25 non-public schools regarding airway management and the use of portable
26 anti-choking devices.

27 4. The department shall provide for the reimbursement of the costs
28 incurred by school districts and non-public schools in implementing the

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

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1 provisions of this section. The department shall establish procedures by
2 which a school district or non-public school may apply for reimbursement
3 pursuant to this section. The department shall be authorized to accept
4 contributions of funds from private or nonprofit entities in order to
5 defray the expenses of the state in reimbursing public and non-public
6 schools pursuant to this section.

7 § 2. This act shall take effect on the one hundred eightieth day after
8 it shall have become a law. Effective immediately, the addition, amend-
9 ment and/or repeal of any rule or regulation necessary for the implemen-
10 tation of this act on its effective date are authorized to be made and
11 completed on or before such effective date.