

STATE OF NEW YORK

443

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

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

AN ACT to amend the public health law, in relation to requiring epinephrine auto-injector devices at children's overnight, summer day and traveling summer camps

The People of the State of New York, represented in Senate and Assembly, 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 633 of the laws of 2019, 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, firefighter in a city, town or village having a population of less
7 than one million, emergency medical technician, or advanced emergency
8 medical technician, who is employed by or an enrolled member of any such
9 service; (ii) [~~a children's overnight camp as defined in subdivision one
10 of section thirteen hundred ninety two of this chapter, a summer day
11 camp as defined in subdivision two of section thirteen hundred ninety
12 two of this chapter, a traveling summer day camp as defined in subdivi-
13 sion three of section thirteen hundred ninety two of this chapter or a
14 person employed by such a camp, (iii)~~] a school district, board of coop-
15 erative educational services, county vocational education and extension
16 board, charter school, and non-public elementary and secondary school in
17 this 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 [~~(iv)~~] (iii) a sports, entertainment, amusement, education, government,
20 day care or retail facility; an educational institution, youth organiza-
21 tion or sports league; an establishment that serves food; or a person
22 employed by such entity; [~~(v)~~] (iv) a police officer or peace officer in
23 a city, town or village having a population of less than one million;
24 [~~and (vi)~~] or (v) any other person or entity designated or approved, or
25 in a category designated or approved pursuant to regulations of the
26 commissioner in consultation with other appropriate agencies.

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

LBD00511-01-1

1 § 2. The public health law is amended by adding a new section 1392-b
2 to read as follows:

3 § 1392-b. Epinephrine auto-injector devices required. 1. Definitions.
4 As used in this section, "emergency health care provider" means (a) a
5 physician with knowledge and experience in the delivery of emergency
6 care; or (b) a hospital licensed under article twenty-eight of this
7 chapter that provides emergency care.

8 2. Collaborative agreement. (a) Every person, firm, limited liability
9 company, association and corporation which operates a children's over-
10 night, summer day and traveling summer day camp, as defined in this
11 article, shall maintain a collaborative agreement with an emergency
12 health care provider and shall have on the premises an epinephrine auto-
13 injector device.

14 (b) The collaborative agreement required pursuant to paragraph (a) of
15 this subdivision shall include a written agreement that incorporates
16 written practice protocols, and policies and procedures that shall
17 ensure compliance with the provisions of this section. The person, firm,
18 limited liability company, organization or entity operating the chil-
19 dren's overnight, summer day and traveling summer day camp shall file a
20 copy of the collaborative agreement with the department and with the
21 appropriate regional council prior to using any epinephrine auto-injec-
22 tor device.

23 3. Possession and use of epinephrine auto-injector devices. Possession
24 and use of epinephrine auto-injector devices shall be limited as
25 follows:

26 (a) No person shall use an epinephrine auto-injector device unless
27 such person shall have successfully completed a training course in the
28 use of epinephrine auto-injector devices approved by the commissioner
29 pursuant to the rules of the department. This section does not prohibit
30 the use of an epinephrine auto-injector device (i) by a health care
31 practitioner licensed or certified under title eight of the education
32 law acting within the scope of his or her practice, or (ii) by a person
33 acting pursuant to a lawful prescription.

34 (b) Every person, firm, organization and entity authorized to possess
35 and use epinephrine auto-injector devices pursuant to this section shall
36 use, maintain and dispose of such devices pursuant to regulations of the
37 department.

38 (c) Every use of an epinephrine auto-injector device pursuant to this
39 section shall immediately be reported to the emergency health care
40 provider.

41 4. Application of other laws. (a) Use of an epinephrine auto-injector
42 device pursuant to this section shall be considered first aid or emer-
43 gency treatment for the purpose of any statute relating to liability.

44 (b) Purchase, acquisition, possession or use of an epinephrine auto-
45 injector device pursuant to this section shall not constitute the unlaw-
46 ful practice of a profession or other violation under title eight of the
47 education law or article thirty-three of this chapter.

48 (c) Any person otherwise authorized to sell or provide an epinephrine
49 auto-injector device may sell or provide it to a person authorized to
50 possess it pursuant to this section.

51 § 3. This act shall take effect on the one hundred eightieth day after
52 it shall have become a law. Effective immediately, any rules and regu-
53 lations necessary to implement the provisions of this act on its effec-
54 tive date are authorized to be added, amended and/or repealed on or
55 before such date.