

STATE OF NEW YORK

2312

2021-2022 Regular Sessions

IN ASSEMBLY

January 14, 2021

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

AN ACT to amend the public health law, in relation to use of epinephrine auto-injector devices in schools and authorizing the use of glucagon for emergency injection kits

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

1 Section 1. Subdivision 2 of section 3000-a of the public health law,
2 as amended by chapter 373 of the laws of 2016, is amended to read as
3 follows:
4 2. (i) Any person or entity that purchases, operates, facilitates
5 implementation or makes available resuscitation equipment that facili-
6 tates first aid, an automated external defibrillator ~~[or]~~, an epineph-
7 rine auto-injector device or a glucagon emergency injection kit as
8 required by or pursuant to law or local law, or that conducts training
9 under section three thousand-c of this article, or (ii) an emergency
10 health care provider under a collaborative agreement pursuant to section
11 three thousand-b of this article with respect to an automated external
12 defibrillator, or (iii) a health care practitioner that prescribes,
13 dispenses or provides an epinephrine auto-injector device under section
14 three thousand-c of this article, or (iv) the emergency health care
15 provider with a collaborative agreement under section three thousand-e
16 of this article with respect to use of a glucagon emergency injection
17 kit, shall not be liable for damages arising either from the use of that
18 equipment by a person who voluntarily and without expectation of mone-
19 tary compensation renders first aid or emergency treatment at the scene
20 of an accident or medical emergency, or from the use of defectively
21 manufactured equipment; provided that this subdivision shall not limit
22 the person's or entity's, the emergency health care provider's, or other
23 health care practitioner's liability for his, her or its own negligence,
24 gross negligence or intentional misconduct.

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

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1 § 2. Subdivision 3 of section 3000-c of the public health law is
2 amended by adding a new paragraph (d) to read as follows:

3 (d) Every school district that designates any person or persons as an
4 eligible person shall immediately notify the commissioner of education
5 and ensure that all such persons immediately successfully complete the
6 training required by paragraph (a) of subdivision three of section three
7 thousand-e of this article.

8 § 3. The public health law is amended by adding a new section 3000-e
9 to read as follows:

10 § 3000-e. Glucagon emergency injection kits. 1. Definitions. As used
11 in this section:

12 (a) "Eligible person, firm, organization, or other entity" means, (i)
13 an ambulance service or advanced life support first response service; a
14 certified first responder, emergency medical technician, or advanced
15 emergency medical technician, who is employed by or an enrolled member
16 of any such service; (ii) a children's overnight camp as defined in
17 subdivision one of section thirteen hundred ninety-two of this chapter,
18 a summer day camp as defined in subdivision two of section thirteen
19 hundred ninety-two of this chapter, a traveling summer day camp as
20 defined in subdivision three of section thirteen hundred ninety-two of
21 this chapter or a person employed by such a camp; (iii) any other
22 person, firm, organization or entity designated pursuant to regulations
23 of the commissioner in consultation with other appropriate agencies; or
24 (iv) a school district or any person employed by a school district who
25 is designated as such; and all subject to regulations of the commission-
26 er.

27 (b) "Emergency health care provider" means (i) a physician with know-
28 ledge and experience in the delivery of emergency care; or (ii) a hospi-
29 tal licensed under article twenty-eight of this chapter that provides
30 emergency care.

31 2. Collaborative agreement. Any eligible person, firm, organization or
32 other entity may purchase, acquire, possess and use glucagon for emer-
33 gency injection kits pursuant to a collaborative agreement with an emer-
34 gency health care provider. The collaborative agreement shall include a
35 written agreement that incorporates written practice protocols, and
36 policies and procedures that shall ensure compliance with the provisions
37 of this section. The person, firm, organization or entity shall file a
38 copy of the collaborative agreement with the department and with appro-
39 priate regional council prior to using any glucagon for emergency
40 injection kits.

41 3. Possession and use of glucagon emergency injection kits. Possession
42 and use of glucagon emergency injection kits shall be limited as
43 follows:

44 (a) No person shall use a glucagon emergency injection kit unless such
45 person shall have successfully completed a training course in the use of
46 glucagon emergency injection kits approved by the commissioner pursuant
47 to the rules of the department. This section shall not be deemed to
48 prohibit the use of a glucagon emergency injection kit (i) by a health
49 care practitioner licensed or certified under title eight of the educa-
50 tion law acting within the scope of his or her practice, or (ii) by a
51 person acting pursuant to a lawful prescription.

52 (b) Every person, firm, organization and entity authorized to possess
53 and use glucagon emergency injection kits pursuant to this section shall
54 use, maintain and dispose of such kits pursuant to regulations of the
55 department.

1 (c) Every use of a glucagon emergency injection kit pursuant to this
2 section shall immediately be reported to the emergency health care
3 provider.

4 (d) Every school district that designates any person or persons as an
5 eligible person shall immediately notify the commissioner of education
6 and ensure that all persons immediately successfully complete the train-
7 ing required by paragraph (a) of this subdivision.

8 4. Application of other laws. (a) Use of a glucagon emergency
9 injection kit pursuant to this section shall be considered first aid or
10 emergency treatment for the purpose of any statute relating to liabil-
11 ity.

12 (b) Purchase, acquisition, possession or use of a glucagon emergency
13 injection kit pursuant to this section shall not constitute the unlawful
14 practice of a profession or other violation under title eight of the
15 education law or article thirty-three of this chapter.

16 (c) Any person otherwise authorized to sell or provide a glucagon for
17 emergency injection kit may sell or provide it to a person authorized to
18 possess it pursuant to this section.

19 § 4. This act shall take effect immediately.