

STATE OF NEW YORK

8536

IN SENATE

March 9, 2022

Introduced by Sen. THOMAS -- read twice and ordered printed, and when printed to be committed 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.

LBD14886-01-2

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

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.