

# STATE OF NEW YORK

8536 --A

## IN SENATE

March 9, 2022

Introduced by Sens. THOMAS, ADDABBO, BOYLE, LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the use of airway clearance 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. Airway clearance devices in schools. 1. For purposes of this  
4 section, "airway clearance device" means a portable medical device that  
5 uses manually created suction to remove blockage from the airway during  
6 a choking emergency and has been registered as a Class II acute upper  
7 airway obstruction device with the United States Food and Drug Adminis-  
8 tration.

9 2. A school that has an airway clearance device on premises, whether  
10 purchased or donated, shall develop policies for the use of airway  
11 clearance devices by school nurses and school employees. Such policies  
12 shall include a requirement that the school designate school nurses or  
13 school employees to receive training in airway management and in the  
14 removal of any obstruction from the airway using an airway clearance  
15 device.

16 3. The cost of training school nurses and employees regarding airway  
17 management and the use of airway clearance devices may be reimbursed if  
18 necessary as determined by the school board.

19 4. Any school that purchases, operates, or makes available an airway  
20 clearance device pursuant to this section shall not be liable for  
21 damages arising from the use of such device by a person who voluntarily  
22 and without expectation of monetary compensation renders emergency  
23 treatment that includes the use of such device, except as provided in  
24 section three thousand-a of the public health law.

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

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

LBD14886-06-2