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:

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

§ 924. Airway clearance devices in schools. 1. For purposes of this section, "airway clearance device" means a portable medical device that uses manually created suction to remove blockage from the airway during a choking emergency and has been registered as a Class II acute upper airway obstruction device with the United States Food and Drug Administration.

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

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

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

§ 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.

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

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