STATE OF NEW YORK

366

2023-2024 Regular Sessions

IN ASSEMBLY

January 6, 2023

Introduced by M. of A. OTIS, WALLACE, BURKE, McMAHON, HUNTER, THIELE, BURDICK, CRUZ -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to requiring camps and youth leagues to have automated external defibrillators

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

Section 1. The public health law is amended by adding a new section 3000-f to read as follows:

§ 3000-f. Automated external defibrillator; camps and youth leagues. 1. Definitions. As used in this section, unless the context clearly requires otherwise, the following terms have the following meanings:

(a) "Automated external defibrillator" means a medical device, approved by the United States food and drug administration, that: (i) is capable of recognizing the presence or absence in a patient of ventricular fibrillation and rapid ventricular tachycardia; (ii) is capable of determining, without intervention by an operator, whether defibrillation should be performed on a patient; (iii) upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to a patient's heart; and (iv) then, upon action by an operator, delivers an appropriate electrical impulse to a patient's heart to perform defibrillation.

(b) "Training course" means a course approved by a nationally-recognized organization or the state emergency medical services council in the operation of automated external defibrillators.

(c) "Nationally-recognized organization" means a national organization approved by the department for the purpose of training people in use of an automated external defibrillator.

(d) "Camp" means a children's overnight camp, summer day camp, or traveling summer day camp as such terms are defined in section thirteen hundred ninety-two of this chapter.

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

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(e) "Youth league" means youth recreation sports leagues other than the public school leagues, including school leagues, little leagues, community based organization leagues, and unaffiliated leagues.

(f) "Youth recreation" means athletic activity with participants who are all seventeen years old or younger and shall include grade school through high school athletic programs regardless of the age of the participants.

2. A camp or youth league shall:

(a) make available an automated external defibrillator at every camp, game and practice; and

(b) ensure that there is at least one employee, volunteer, coach, umpire or other qualified adult who is present at each such camp, game and practice who has successfully completed a training course within twenty-four months of each such camp session, game and practice.

3. (a) No permits or other certifications shall be issued for the operation of any camp or for the use of any public facility, including parks and recreational facilities owned by the state or a municipality, by a youth league unless such camp or youth league certifies that it will comply with paragraph (b) of subdivision two of this section for the duration of the season for which the permit or certification is sought.

(b) Each camp and youth league shall maintain records that it possesses a sufficient number of automated external defibrillators to meet the requirements of paragraph (b) of subdivision two of this section for three years from the date such camp league receives the permit or certification that was the subject of the application.

(c) Any person who voluntarily and without expectation of monetary compensation renders first aid or emergency treatment using an automated external defibrillator that has been made available pursuant to this section, to a person who is unconscious, ill or injured, and any individual or entity that purchases or makes available an automated external defibrillator as required by this section, is entitled to the limitation of liability provided in section three thousand-a of this article.

4. (a) Nothing contained in this section imposes any duty or obligation on any person to provide assistance with an automated external defibrillator to a victim of a medical emergency.

(b) Nothing contained in this section affects the obligations or liability of emergency health providers pursuant to section three thousand-b of this article.

5. (a) Any camp or youth league that violates the provisions of paragraph (b) of subdivision two or paragraph (b) of subdivision three of this section shall receive a warning for a first violation and shall be liable for a civil penalty of one thousand dollars for each subsequent violation.

(b) No permit or certification shall be issued to any camp or youth league that has a past due outstanding penalty for a violation issued pursuant to paragraph (a) of this subdivision.

6. The commissioner is authorized and directed to promulgate any rules as may be necessary for the purposes of carrying out the provisions of this section.

§ 2. This act shall take effect immediately.