

STATE OF NEW YORK

1078

2023-2024 Regular Sessions

IN SENATE

January 10, 2023

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to requiring that functional epinephrine auto-injector devices be made available in places of public assembly and that at least one employee or volunteer of such place of public assembly be trained in its proper operation and use and be present at each facility function

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

1 Section 1. Section 225 of the public health law is amended by adding a
2 new subdivision 5-d to read as follows:

3 5-d. Places of public assembly on-site epinephrine auto-injector
4 devices.

5 (a) Notwithstanding the provisions of paragraph (r) of subdivision
6 five of this section and section three thousand-c of this chapter, the
7 sanitary code shall provide that each place of public assembly as speci-
8 fied in this section shall be required to maintain and make available
9 on-site epinephrine auto-injector devices, as defined in paragraph (b)
10 of subdivision one of section three thousand-c of this chapter, in quan-
11 tities and types deemed by the commissioner to be adequate to ensure
12 ready and appropriate access for use during emergencies.

13 (b) Whenever places of public assembly are used for public or private
14 sponsored events or activities the owners, operators and administrators
15 responsible for such place of public assembly shall ensure the presence
16 of at least one staff person or volunteer who is trained, pursuant to
17 paragraph (c) of subdivision two of section three thousand-c of this
18 chapter, in the operation and use of an epinephrine auto-injector
19 device.

20 (c) For the purposes of this subdivision, "places of public assembly"
21 shall mean those with an occupancy capacity of at least one thousand
22 people and shall include: (i) all stadiums, ballparks, gymnasiums, field

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

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1 houses, arenas, civic centers and similar facilities used for the
2 conduct of sporting events; and (ii) concert halls, recital halls, thea-
3 tres, indoor and outdoor amphitheaters or other auditoriums used for the
4 presentation of musical renditions or concerts. Places of public assem-
5 bly shall not include halls owned by churches, religious organizations,
6 granges, public associations, or free libraries as defined by section
7 two hundred fifty-three of the education law.

8 (d) Places of public assembly and staff pursuant to paragraphs (a) and
9 (b) of this subdivision shall be subject to the requirements and limita-
10 tions of section three thousand-c of this chapter.

11 (e) Pursuant to sections three thousand-a and three thousand-c of this
12 chapter, any public access epinephrine auto-injector device provider, or
13 any employee or other agent of the provider who, in accordance with the
14 provisions of this section, voluntarily and without expectation of mone-
15 tary compensation renders emergency medical or first aid treatment using
16 an epinephrine auto-injector device which has been made available pursu-
17 ant to this section, to a person who is unconscious, ill or injured,
18 shall be liable only pursuant to section three thousand-a of this chap-
19 ter.

20 (f) Nothing in this subdivision shall be construed to prohibit a poli-
21 tical subdivision of the state from continuing to implement and enforce
22 any local law or regulation related to the placement of epinephrine
23 auto-injector devices in places of public assembly as defined in this
24 subdivision, in effect prior to the effective date of this subdivision.
25 Where a political subdivision has a local law in effect prior to the
26 effective date of this subdivision, the provisions of this subdivision
27 shall have no force and effect until such time as the political subdivi-
28 sion repeals its local law.

29 § 2. Paragraph (f) of subdivision 2 of section 3000-c of the public
30 health law, as added by chapter 373 of the laws of 2016, is amended to
31 read as follows:

32 (f) Nothing in this section shall require any eligible person or enti-
33 ty to acquire, possess, store, make available, or administer an epineph-
34 rine auto-injector, except as provided for in subdivision five-d of
35 section two hundred twenty-five of this chapter.

36 § 3. This act shall take effect immediately.