

STATE OF NEW YORK

7018

2023-2024 Regular Sessions

IN SENATE

May 16, 2023

Introduced by Sen. ADDABBO -- 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 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 925 to
2 read as follows:

3 § 925. 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.

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

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