

STATE OF NEW YORK

8409--A

IN SENATE

January 29, 2024

Introduced by Sen. MAYER -- 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 requiring on-site cardiac automated external defibrillators for nonpublic 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 917-a
2 to read as follows:

3 § 917-a. On-site cardiac automated external defibrillator in nonpublic
4 schools. 1. Nonpublic schools shall provide and maintain on-site in each
5 instructional school facility automated external defibrillator (AED)
6 equipment, as defined in paragraph (a) of subdivision one of section
7 three thousand-b of the public health law, in quantities and types
8 deemed by the commissioner in consultation with the commissioner of
9 health to be adequate to ensure ready and appropriate access for use
10 during emergencies. Nonpublic schools shall cause such AED to be main-
11 tained and tested according to such applicable standards of the manufac-
12 turer and any appropriate government agency.

13 2. Whenever nonpublic school facilities pursuant to subdivision one of
14 this section are used for school-sponsored or school-approved curricular
15 or extracurricular events or activities and whenever a school-sponsored
16 athletic contest is held at any location, the nonpublic school officials
17 and administrators responsible for such school facility or athletic
18 contest shall ensure the presence of at least one staff person who is
19 trained, pursuant to subdivision three of this section in the operation
20 and use of an AED. Where a school-sponsored competitive athletic event
21 is held at a site other than a nonpublic school facility, the nonpublic
22 school officials shall ensure that AED equipment is provided on-site.

23 3. No person may operate an AED in a nonpublic school facility unless
24 the person has successfully completed a training course in the operation
25 of an AED approved by a nationally-recognized organization as
26 defined in paragraph (d) of subdivision one of section three thousand-b

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

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1 of the public health law or the state emergency medical services coun-
2 cil. However, this section shall not prohibit operation of an AED by the
3 following individuals:

4 (a) by a health care practitioner licensed or certified under title
5 eight of this chapter or a person certified under this article acting
6 within his or her lawful scope of practice;

7 (b) by a person acting pursuant to a lawful prescription; or

8 (c) by a person who operates the AED other than as part of or inci-
9 dental to his or her employment or regular duties, who is acting in good
10 faith, with reasonable care, and without expectation of monetary compen-
11 sation, to provide first aid that includes operation of an AED.

12 4. Every use of an AED on a patient in a nonpublic school shall be
13 immediately reported to the appropriate local emergency medical services
14 system, emergency communications center or emergency vehicle dispatch
15 center, as appropriate.

16 5. Nonpublic schools may notify the appropriate regional emergency
17 services council of the existence, location and type of any AED they
18 possess.

19 6. (a) Operation of an AED pursuant to this section in a nonpublic
20 school shall be considered first aid or emergency treatment for the
21 purpose of any statute relating to liability; and

22 (b) Operation of an AED pursuant to this section in a nonpublic school
23 shall not constitute the unlawful practice of a profession under title
24 eight of this chapter.

25 § 2. This act shall take effect July 1, 2025. Effective immediately,
26 the addition, amendment and/or repeal of any rule or regulation neces-
27 sary for the implementation of this act on its effective date are
28 authorized to be made and completed on or before such date.