STATE OF NEW YORK

9390

IN SENATE

May 14, 2024

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

AN ACT to amend the public health law and the education law, in relation to the administration by a school or camp of over-the-counter medication to children attending such school or camp

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

Section 1. Section 1394 of the public health law is amended by adding a new subdivision 10 to read as follows:

10. (a) For the purposes of this subdivision, "over-the-counter medication" shall mean a medication or other treatment which has been approved by the federal food and drug administration for sale without a physician's order and for which the federal food and drug administration has established dosing instructions which appear on the packaging of such medication.

(b) Each children's overnight camp, summer day camp and traveling summer day camp shall allow certain camp personnel to administer over-the-counter medications, with the permission of the parent or guardian of the child, to children attending such camp and upon a request by the child, or upon a determination by certain camp personnel. Such administration of over-the-counter medications shall not require input from a licensed healthcare provider. A record of such permission, request, or determination shall be maintained by the camp. Such permission of a parent or guardian of a child to administer an over-the-counter medication to such child may be made in advance of need by way of a written request that is signed by such parent or guardian and lists which medications and doses may be administered to such child.

(c) Over-the-counter medication administered to children attending a camp pursuant to paragraph (b) of this subdivision may be provided by:

(i) the parent or guardian of the child; or

(ii) an adult in whose care such child has been entrusted and has been authorized by the parent or guardian of such child to consent to any health care for such child.

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

LBD15262-01-4

(d) The dose, route, and timing of the administration of over-the-counter medication to children attending a camp pursuant to this subdivision shall comply with dosing instructions listed on the medication packaging.

§ 2. Section 901 of the education law is amended by adding a new subdivision 3 to read as follows:

3. (a) For the purposes of this subdivision, "over-the-counter medication":

(i) shall mean a medication or other treatment which has been approved by the federal food and drug administration for sale without a physician's order and for which the federal food and drug administration has established dosing instructions which appear on the packaging of such medication; and

(ii) may include oral medications, topical medications, and other topical products, including but not limited to, insect repellants.

(b) Each school shall allow certain school personnel to administer over-the-counter medications to students attending such school with the permission of the parents or other persons in parental relation to the child, upon a request by the child, or upon a determination by certain school personnel. Such administration of over-the-counter medication shall not require input from a health professional. A record of such permission, request, or determination shall be maintained by the school. Such permission of parents or other persons in parental relation to a child to administer an over-the-counter medication to such child may be made in advance of need by way of a written request that is signed by such parents or other persons in parental relation to the child and lists which medications and doses may be administered to such child.

(c) Over-the-counter medication administered to students pursuant to paragraph (b) of this subdivision may be provided by:

(i) the parents or other persons in parental relation to the child; or

(ii) an adult in whose care such student or attendee has been entrusted and has been authorized by the parents or other persons in parental relation to the child to consent to any health care for such child.

(d) The dose, route, and timing of the administration of over-the-counter medication to students pursuant to this subdivision shall comply with dosing instructions listed on the medication packaging.

§ 3. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule of 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.