

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:

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

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

9 (b) Each children's overnight camp, summer day camp and traveling
10 summer day camp shall allow certain camp personnel to administer over-
11 the-counter medications, with the permission of the parent or guardian
12 of the child, to children attending such camp and upon a request by the
13 child, or upon a determination by certain camp personnel. Such adminis-
14 tration of over-the-counter medications shall not require input from a
15 licensed healthcare provider. A record of such permission, request, or
16 determination shall be maintained by the camp. Such permission of a
17 parent or guardian of a child to administer an over-the-counter medica-
18 tion to such child may be made in advance of need by way of a written
19 request that is signed by such parent or guardian and lists which medi-
20 cations and doses may be administered to such child.

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

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

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

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

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

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

7 3. (a) For the purposes of this subdivision, "over-the-counter medica-
8 tion":

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

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

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

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

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

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

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

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