

STATE OF NEW YORK

10406

IN ASSEMBLY

May 22, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Wallace) --
read once and referred to the Committee on Education

AN ACT to amend the education law and the public health law, in relation
to requiring certain entities to stock opioid antagonists and to store
naloxone nasal sprays in automated external defibrillator cabinets

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

1 Section 1. Section 922 of the education law, as amended by chapter 68
2 of the laws of 2016, is amended to read as follows:
3 § 922. Opioid overdose prevention. 1. School districts, public
4 libraries, boards of cooperative educational services, county vocational
5 education and extension boards, charter schools, and non-public elemen-
6 tary and secondary schools in this state [~~may~~] shall provide and main-
7 tain on-site in each instructional school facility or library, opioid
8 antagonists, as defined in section three thousand three hundred nine of
9 the public health law, in quantities and types deemed by the commis-
10 sioner, in consultation with the commissioner of health, to be adequate to
11 ensure ready and appropriate access for use during emergencies to any
12 student, individual on library premises or staff suspected of having
13 opioid overdose whether or not there is a previous history of opioid
14 abuse. Such opioid antagonists shall include, but not be limited to,
15 naloxone nasal sprays located with every automated external defibrilla-
16 tor, as defined in paragraph (a) of subdivision one of section three
17 thousand-b of the public health law, provided and maintained by such
18 school or institution.
19 2. School districts, public libraries, boards of cooperative educa-
20 tional services, county vocational education and extension boards, char-
21 ter schools, and non-public elementary and secondary schools in this
22 state [~~may elect to~~] shall participate as an opioid antagonist recipient
23 and any person employed by any such entity [~~that has elected to partic-~~
24 ~~ipate~~] may administer an opioid antagonist in the event of an emergency,
25 provided that such person shall have been trained by a program approved
26 under section three thousand three hundred nine of the public health
27 law. Any school district, public library, board of cooperative educa-

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

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1 tional services, county vocational education and extension board, char-
2 ter school, and non-public elementary and secondary school that has
3 employees trained in accordance with this section shall comply with the
4 requirements of section three thousand three hundred nine of the public
5 health law including, but not limited to, appropriate clinical over-
6 sight, record keeping and reporting. No person shall be required to
7 participate in the program and any participation by an individual shall
8 be voluntary.

9 § 2. Subparagraph (v) of paragraph (a) of subdivision 3 of section
10 3309 of the public health law, as added by chapter 148 of the laws of
11 2020, is amended to read as follows:

12 (v) As used in this section, "entity" includes, but is not limited to,
13 a school district, public library, board of cooperative educational
14 services, county vocational education and extension board, charter
15 school, non-public elementary or secondary school, restaurant, bar,
16 retail store, shopping mall, barber shop, beauty parlor, theater, sport-
17 ing or event center, inn, hotel [✕], motel, or public access defibril-
18 lation provider, as defined by paragraph (c) of subdivision one of
19 section three thousand-b of this chapter.

20 § 3. Subdivision 2 and paragraph (b) of subdivision 4 of section
21 3000-b of the public health law, subdivision 2 as amended by chapter 583
22 of the laws of 1999 and paragraph (b) of subdivision 4 as added by chap-
23 ter 552 of the laws of 1998, are amended and a new paragraph (e) of
24 subdivision 1 and subdivision 3-a are added to read as follows:

25 (e) "Opioid antagonist" shall have the same meaning as set forth in
26 subparagraph (i) of paragraph (a) of subdivision three of section three
27 thousand three hundred nine of this chapter.

28 2. Collaborative agreement. (a) A person, firm, organization or other
29 entity may purchase, acquire, possess and operate an automated external
30 defibrillator pursuant to a collaborative agreement with an emergency
31 health care provider. The collaborative agreement shall include a writ-
32 ten agreement and written practice protocols, and policies and proce-
33 dures that shall assure compliance with this section. The public access
34 defibrillation provider shall file a copy of the collaborative agreement
35 with the department and with the appropriate regional council prior to
36 operating the automated external defibrillator.

37 (b) Any person, firm, organization or other entity that acquires or
38 possesses an automated external defibrillator pursuant to a collabora-
39 tive agreement with an emergency health care provider pursuant to para-
40 graph (a) of this subdivision shall stock opioid antagonists and store
41 such opioid antagonists in or near automated external defibrillator
42 cabinets.

43 3-a. Possession and operation of an opioid antagonist. Possession and
44 operation of an opioid antagonist by a public access defibrillation
45 provider shall comply with section three thousand three hundred nine of
46 this chapter.

47 (b) Operation of an automated external defibrillator or opioid antag-
48 onist pursuant to this section shall not constitute the unlawful prac-
49 tice of a profession under title VIII of the education law.

50 § 4. This act shall take effect on the first of July next succeeding
51 the date on which it shall have become a law. Effective immediately, the
52 addition, amendment and/or repeal of any rule or regulation necessary
53 for the implementation of this act on its effective date are authorized
54 to be made and completed on or before such effective date.