# 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 Assembly, do enact as follows:**

Section 1. Section 922 of the education law, as amended by chapter 68 of the laws of 2016, is amended to read as follows:

§ 922. Opioid overdose prevention. 1. School districts, public libraries, boards of cooperative educational services, county vocational education and extension boards, charter schools, and non-public elementary and secondary schools in this state [~~may~~] **shall** provide and maintain on-site in each instructional school facility or library, opioid antagonists, as defined in section three thousand three hundred nine of the public health law, in quantities and types deemed by the commissioner, in consultation with the commissioner of health, to be adequate to ensure ready and appropriate access for use during emergencies to any student, individual on library premises or staff suspected of having opioid overdose whether or not there is a previous history of opioid abuse. **Such opioid antagonists shall include, but not be limited to, naloxone nasal sprays located with every automated external defibrillator, as defined in paragraph (a) of subdivision one of section three thousand-b of the public health law, provided and maintained by such school or institution.**

2. School districts, public libraries, boards of cooperative educational services, county vocational education and extension boards, charter schools, and non-public elementary and secondary schools in this state [~~may elect to~~] **shall** participate as an opioid antagonist recipient and any person employed by any such entity [~~that has elected to participate~~] may administer an opioid antagonist in the event of an emergency, provided that such person shall have been trained by a program approved under section three thousand three hundred nine of the public health 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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tional services, county vocational education and extension board, charter school, and non-public elementary and secondary school that has employees trained in accordance with this section shall comply with the requirements of section three thousand three hundred nine of the public health law including, but not limited to, appropriate clinical oversight, record keeping and reporting. No person shall be required to participate in the program and any participation by an individual shall be voluntary.

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

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

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

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

2. Collaborative agreement. **(a)** A person, firm, organization or other entity may purchase, acquire, possess and operate an automated external defibrillator pursuant to a collaborative agreement with an emergency health care provider. The collaborative agreement shall include a written agreement and written practice protocols, and policies and procedures that shall assure compliance with this section. The public access defibrillation provider shall file a copy of the collaborative agreement with the department and with the appropriate regional council prior to operating the automated external defibrillator.

**(b) Any person, firm, organization or other entity that acquires or possesses an automated external defibrillator pursuant to a collaborative agreement with an emergency health care provider pursuant to paragraph (a) of this subdivision shall stock opioid antagonists and store such opioid antagonists in or near automated external defibrillator cabinets.**

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

(b) Operation of an automated external defibrillator **or opioid antagonist** pursuant to this section shall not constitute the unlawful practice of a profession under title VIII of the education law.

§ 4. This act shall take effect on the first of July next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or 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.