STATE OF NEW YORK

2885--A

2023-2024 Regular Sessions

IN ASSEMBLY

January 31, 2023

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to requiring that functional epinephrine auto-injector devices be made available in places of public assembly and that at least one employee or volunteer of such place of public assembly be trained in its proper operation and use and be present at each facility function

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

Section 1. Section 225 of the public health law is amended by adding a new subdivision 5-d to read as follows:

5-d. Places of public assembly on-site epinephrine auto-injector devices.

(a) Notwithstanding the provisions of paragraph (r) of subdivision five of this section and section three thousand-c of this chapter, the sanitary code shall provide that each place of public assembly as specified in this section shall be required to maintain and make available on-site epinephrine auto-injector devices, as defined in paragraph (b) of subdivision one of section three thousand-c of this chapter, in quantities and types deemed by the commissioner to be adequate to ensure ready and appropriate access for use during emergencies.

(b) Whenever places of public assembly are used for public or private sponsored events or activities the owners, operators and administrators responsible for such place of public assembly shall ensure the presence of at least one staff person or volunteer who is trained, pursuant to paragraph (c) of subdivision two of section three thousand-c of this chapter, in the operation and use of an epinephrine auto-injector device.

(c) For the purposes of this subdivision, "places of public assembly" shall mean those with an occupancy capacity of at least one thousand

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

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people and shall include: (i) all stadiums, ballparks, gymnasiums, field houses, arenas, civic centers and similar facilities used for the conduct of sporting events; and (ii) concert halls, recital halls, theatres, indoor and outdoor amphitheaters or other auditoriums used for the presentation of musical renditions or concerts. Places of public assembly shall not include halls owned by churches, religious organizations, granges, public associations, or free libraries as defined by section two hundred fifty-three of the education law.

(d) Places of public assembly and staff pursuant to paragraphs (a) and (b) of this subdivision shall be subject to the requirements and limitations of section three thousand-c of this chapter.

(e) Pursuant to sections three thousand-a and three thousand-c of this chapter, any public access epinephrine auto-injector device provider, or any employee or other agent of the provider who, in accordance with the provisions of this section, voluntarily and without expectation of monetary compensation renders emergency medical or first aid treatment using an epinephrine auto-injector device which has been made available pursuant to this section, to a person who is unconscious, ill or injured, shall be liable only pursuant to section three thousand-a of this chapter.

(f) Nothing in this subdivision shall be construed to prohibit a political subdivision of the state from continuing to implement and enforce any local law or regulation related to the placement of epinephrine auto-injector devices in places of public assembly as defined in this subdivision, in effect prior to the effective date of this subdivision. Where a political subdivision has a local law in effect prior to the effective date of this subdivision, the provisions of this subdivision shall have no force and effect until such time as the political subdivision repeals its local law.

(g) (i) Operation of an epinephrine auto-injector device pursuant to this section shall be considered first aid or emergency treatment for the purpose of any statute relating to liability.

(ii) Operation of an epinephrine auto-injector device pursuant to this section shall not constitute the unlawful practice of a profession under title eight of the education law.

§ 2. Paragraph (f) of subdivision 2 of section 3000-c of the public health law, as added by chapter 373 of the laws of 2016, is amended to read as follows:

(f) Nothing in this section shall require any eligible person or entity to acquire, possess, store, make available, or administer an epinephrine auto-injector, except as provided for in subdivision five-d of section two hundred twenty-five of this chapter.

§ 3. This act shall take effect immediately.