

STATE OF NEW YORK

4930

2023-2024 Regular Sessions

IN ASSEMBLY

February 27, 2023

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to requiring that certain school personnel are properly trained in the treatment of severe allergies and anaphylaxis and the administration of glucagon or an emergency epinephrine auto injector

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

1 Section 1. Subdivision 1 of section 902-b of the education law, as
2 added by chapter 423 of the laws of 2014, is amended and a new subdivi-
3 sion 1-a is added to read as follows:

4 1. Licensed nurses, nurse practitioners, physician assistants, or
5 physicians employed by schools are authorized, so long as they have
6 completed the training required pursuant to subdivision one-a of this
7 section, to administer prescribed epinephrine pursuant to the scope of
8 practice of the licensed individual under title VIII of this chapter, to
9 pupils diagnosed by a physician or other duly authorized health care
10 provider with an allergy who have the written permission of a physician
11 or other duly authorized health care provider for the administration of
12 emergency epinephrine and written parental consent to carry and use an
13 epinephrine auto injector pursuant to section nine hundred sixteen-a of
14 this article, during the school day on school property and at any school
15 function as such terms are defined, respectively, by subdivisions one
16 and two of section eleven of this chapter.

17 1-a. Every licensed nurse, nurse practitioner, physician assistant, or
18 physician employed by a school shall have completed proper training, in
19 a form and manner prescribed by the commissioner, in the assessment,
20 management and treatment of severe allergies and anaphylaxis. Such
21 training shall incorporate the requirements set forth in section twen-
22 ty-five hundred-h of the public health law.

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

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§ 2. Subdivision 1 of section 921 of the education law, as amended by chapter 339 of the laws of 2021, is amended and a new subdivision 1-a is added to read as follows:

1. The board of education or trustees of each school district and board of cooperative educational services and nonpublic schools are authorized~~[, but not obligated]~~ to have licensed registered professional nurses, nurse practitioners, physician assistants, and physicians train unlicensed school personnel to administer prescribed glucagon or epinephrine auto injectors in emergency situations, where an appropriately licensed health professional is not available, to pupils who have the written permission of a physician or other duly authorized health care provider for the administration of glucagon or emergency epinephrine auto injector, along with written parental consent, during the school day on school property and at any school function as such terms are defined, respectively, by subdivisions one and two of section eleven of this chapter. Training must be provided by a physician or other duly authorized licensed health care professional in a competent manner and must be completed in a form and manner prescribed by the commissioner in regulation. Every school which has at least one pupil who has the written permission of a physician or other duly authorized health care provider for the administration of glucagon or an emergency epinephrine auto injector, along with written parental consent, shall be required to have at least two unlicensed school personnel who are trained pursuant to this section to administer glucagon or an emergency epinephrine auto injector.

1-a. In every elementary school or any other school where pupils are based in a single classroom, if there is at least one pupil who has the written permission of a physician or other duly authorized health care provider for the administration of glucagon or an emergency epinephrine auto injector, along with written parental consent, such school shall ensure that the teacher of the classroom that such pupil is in is properly trained pursuant to this section to administer glucagon or an emergency epinephrine auto injector.

§ 3. This act shall take effect immediately.