STATE OF NEW YORK

8409--B

Cal. No. 519

IN SENATE

January 29, 2024

Introduced by Sens. MAYER, JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the education law, in relation to requiring on-site cardiac automated external defibrillators for nonpublic schools

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

Section 1. The education law is amended by adding a new section 917-a to read as follows:

§ 917-a. On-site cardiac automated external defibrillator in nonpublic schools. 1. Nonpublic schools shall provide and maintain on-site in each instructional school facility automated external defibrillator (AED) equipment, as defined in paragraph (a) of subdivision one of section three thousand-b 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. Nonpublic schools shall cause such AED to be maintained and tested according to such applicable standards of the manufacturer and any appropriate government agency.

2. Whenever nonpublic school facilities pursuant to subdivision one of this section are used for school-sponsored or school-approved curricular or extracurricular events or activities and whenever a school-sponsored athletic contest is held at any location, the nonpublic school officials and administrators responsible for such school facility or athletic contest shall ensure the presence of at least one staff person who is trained, pursuant to subdivision three of this section in the operation and use of an AED. Where a school-sponsored competitive athletic event is held at a site other than a nonpublic school facility, the nonpublic school officials shall ensure that AED equipment is provided on-site.

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

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3. No person may operate an AED in a nonpublic school facility unless the person has successfully completed a training course in the operation of an AED approved by a nationally-recognized organization as defined in paragraph (d) of subdivision one of section three thousand-b of the public health law or the state emergency medical services council. However, this section shall not prohibit operation of an AED:

(a) by a health care practitioner licensed or certified under title eight of this chapter or a person certified under article thirty of the public health law acting within their lawful scope of practice;

(b) by a person acting pursuant to a lawful prescription; or

(c) by a person who operates the AED other than as part of or incidental to their employment or regular duties, who is acting in good faith, with reasonable care, and without expectation of monetary compensation, to provide first aid that includes operation of an AED; nor shall this section limit any good samaritan protections provided in section three thousand-a of the public health law.

4. Every use of an AED on a patient in a nonpublic school shall be immediately reported to the appropriate local emergency medical services system, emergency communications center or emergency vehicle dispatch center, as appropriate.

5. Nonpublic schools shall notify the appropriate regional emergency services council of the existence, location and type of any AED they possess.

6. A nonpublic school shall post a sign or notice at the main entrance to the facility or building in which the automated external defibrillator is stored, indicating the location where any such automated external defibrillator is stored or maintained in such building or facility on a regular basis.

7. (a) Operation of an AED pursuant to this section in a nonpublic school shall be considered first aid or emergency treatment for the purpose of any statute relating to liability; and

(b) Operation of an AED pursuant to this section in a nonpublic school shall not constitute the unlawful practice of a profession under title eight of this chapter.

§ 2. This act shall take effect July 1, 2025. 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 date.