

# STATE OF NEW YORK

10060--A

## IN ASSEMBLY

January 30, 2026

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

AN ACT to amend the education law, in relation to health education in schools relating to opioid overdose prevention and non-intravenous opioid antagonist administration

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

1 Section 1. Subdivisions 3 and 4 of section 804 of the education law,  
2 as amended by chapter 390 of the laws of 2016, are amended to read as  
3 follows:

4 3. Instruction regarding alcohol, tobacco, and other drugs shall be  
5 included in the health education provided for all elementary school  
6 pupils and shall be taught by the regular classroom teachers or by  
7 teachers certified to teach health education, and by medical directors  
8 and their designees. Such instruction shall be designed according to  
9 the needs and abilities of the pupils at successive grade levels with  
10 the purpose of developing desirable health behavior, attitudes, and  
11 knowledge as well as self-reliance and problem solving capacity.

12 4. Instruction regarding alcohol, tobacco, and other drugs, in addi-  
13 tion to continued health guidance in the junior high school grades and  
14 the senior high schools, shall be an integral part of a required health  
15 education course at each of these levels in the secondary schools  
16 curriculum. Opioid overdose prevention and non-intravenous opioid  
17 antagonist administration may additionally be an integral part of a  
18 required health education course at the senior high school level.

19 Students shall be required to demonstrate knowledge in the subject area  
20 through the use of a test, graded project or report, or any other means  
21 prescribed by the school authorities regarding alcohol, drugs, and  
22 tobacco. Any such course shall be taught by teachers holding a certifi-  
23 cate to teach health, and by medical directors and their designees.  
24 High school students shall be required to demonstrate proficiency of the  
25 use of opioid overdose antagonists as a life-saving treatment. School  
26 districts may authorize opioid overdose prevention and non-intravenous

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

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1 opioid antagonist administration training and may authorize students who  
2 have successfully completed such training to possess non-intravenous  
3 opioid antagonist medication for use as preventative first aid care.

4 Related courses in the secondary school curriculum shall be taught in a  
5 manner supportive of health education regarding alcohol, tobacco, and  
6 other drugs, and may be supportive of health education regarding opioid

7 overdose prevention and non-intravenous opioid antagonist  
8 administration. In addition, instruction regarding the dangers of driv-

9 ing while under the influence of alcohol or drugs shall be an integral  
10 part of a required health education course in the senior high schools.

11 Such instruction shall be provided in all senior high schools whether or  
12 not these schools also provide driver education courses. Parents or

13 legal guardians shall be notified that their child will participate in  
14 opioid overdose prevention training and non-intravenous opioid antag-

15 onist administration training and may submit a written request to the  
16 school opting the student out of such training.

17 § 2. The education law is amended by adding a new section 922-a to  
18 read as follows:

19 § 922-a. Non-intravenous opioid antagonists; carry, administration and  
20 provision. 1. Definitions. For purposes of this section, the term "non-  
21 intravenous opioid antagonist" shall mean naloxone or any other medica-  
22 tion approved by the federal food and drug administration that is formu-  
23 lated for administration by a route other than intravenous injection and  
24 that is indicated for the emergency treatment of known or suspected  
25 opioid overdose.

26 2. Carry and administration by students. (a) Any student may be  
27 permitted to carry and administer a non-intravenous opioid antagonist  
28 during the school day, on school property, on a school bus, and at any  
29 school function defined in section eleven of this chapter provided that:

30 (i) the student has written permission from the student's parent or  
31 person in parental relationship to the student to carry and administer a  
32 non-intravenous opioid antagonist; and

33 (ii) the student has written permission from a licensed physician,  
34 nurse practitioner or physician assistant, or other licensed health care  
35 provider authorized to prescribe such medication to carry and administer  
36 a non-intravenous opioid antagonist. Such written permission shall  
37 include a statement that the student has been instructed in the proper  
38 use of the non-intravenous opioid antagonist and is capable of carrying  
39 and administering such medication.

40 (b) The written permissions required by paragraph (a) of this subdivi-  
41 sion shall be provided to the school nurse or, in the absence of a  
42 school nurse, to the school administrator designated by the board of  
43 education, board of trustees, or other governing body.

44 3. Provision of non-intravenous opioid antagonists by schools. (a) A  
45 school district, board of cooperative educational services, charter  
46 school or non-public school may provide non-intravenous opioid antag-  
47 onist medication directly to students for such students to retain on  
48 their person for emergency use, consistent with the written permissions  
49 required under subdivision two of this section and any guidance issued  
50 by the department or the department of health.

51 (b) A school district, board of cooperative educational services,  
52 charter school, or non-public school may acquire, store and maintain a  
53 supply of non-intravenous opioid antagonists on site for emergency use  
54 as preventive first aid care to be administered by a school nurse, other  
55 duly licensed health professional, or any school employee or student

1 authorized and trained pursuant to applicable provisions of this chapter  
2 and the public health law.

3 4. Use in emergencies. (a) A student who is authorized pursuant to  
4 this section may administer a non-intravenous opioid antagonist to  
5 another person whom the student in good faith believes is experiencing  
6 an opioid overdose.

7 (b) Any person authorized to administer a non-intravenous opioid  
8 antagonist pursuant to this section shall, as soon as practicable,  
9 contact emergency medical services and otherwise act in accordance with  
10 any applicable policies of the school district or other governing body.

11 5. Liability. A school district, board of cooperative educational  
12 services, charter school, or non-public school, and any employee or  
13 student acting in accordance with this section and any applicable guid-  
14 ance or regulation, shall be deemed to be acting within the scope of  
15 their duties and shall be afforded the same immunity from liability as  
16 set forth in applicable provisions of this chapter and the public health  
17 law for the administration of emergency care, provided that such acts  
18 are not grossly negligent or willful or wanton misconduct.

19 § 3. This act shall take effect on the first of July next succeeding  
20 the date on which it shall have become a law.