

# STATE OF NEW YORK

5127

2025-2026 Regular Sessions

## IN ASSEMBLY

February 12, 2025

Introduced by M. of A. O'PHARROW -- read once and referred to the  
Committee on Higher Education

AN ACT to amend the education law, in relation to allowing for unlicensed individuals to collect throat or nasopharyngeal swab specimens and to perform certain nursing tasks during certain state of disaster emergencies

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

1 Section 1. Section 6526 of the education law is amended by adding a  
2 new subdivision 11 to read as follows:

3 11. Any person in a declared state of disaster emergency for a disease  
4 outbreak or epidemic, pursuant to section twenty-eight of the executive  
5 law, shall be permitted, upon the successful completion of training  
6 deemed adequate by the commissioner, to collect throat or nasopharyngeal  
7 swab specimens from individuals suspected of being infected by an infec-  
8 tious disease, for purposes of testing. The commissioner, in consulta-  
9 tion with the commissioner of health, shall establish training require-  
10 ments for unlicensed individuals to collect throat or nasopharyngeal  
11 swab specimens.

12 § 2. Subdivision 1 of section 6908 of the education law is amended by  
13 adding a new paragraph i to read as follows:

14 i. As prohibiting in a declared state of disaster emergency for a  
15 disease outbreak or epidemic, pursuant to section twenty-eight of the  
16 executive law, to the extent necessary, non-nursing staff, upon the  
17 successful completion of training deemed adequate by the commissioner,  
18 to perform tasks, under the supervision of a nurse, otherwise limited to  
19 the scope of practice of a licensed or registered nurse. The commis-  
20 sioner, in consultation with the commissioner of health, shall establish  
21 training requirements for non-nursing staff to perform the tasks permit-  
22 ted by this paragraph.

23 § 3. This act shall take effect immediately.

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

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