

STATE OF NEW YORK

5392

2025-2026 Regular Sessions

IN ASSEMBLY

February 13, 2025

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

AN ACT to amend the public health law and the education law, in relation
to expanding the definition of epinephrine devices to include epineph-
rine nasal sprays

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

1 Section 1. Section 3000-c of the public health law, as amended by
2 chapter 373 of the laws of 2016, paragraph (a) of subdivision 1 as
3 amended by chapter 472 of the laws of 2024, and paragraph (f) of subdi-
4 vision 2 as amended by chapter 461 of the laws of 2024, is amended to
5 read as follows:
6 § 3000-c. Epinephrine [~~auto-injector~~] devices. 1. Definitions. As used
7 in this section:
8 (a) "Eligible person or entity" means: (i) an ambulance service or
9 advanced life support first response service; a certified first respon-
10 der, firefighter in a county, city, town or village having a population
11 of less than two million provided such county is not wholly located
12 within a city with a population of more than one million, emergency
13 medical technician, or advanced emergency medical technician, who is
14 employed by or an enrolled member of any such service; (ii) a children's
15 overnight camp as defined in subdivision one of section thirteen hundred
16 ninety-two of this chapter, a summer day camp as defined in subdivision
17 two of section thirteen hundred ninety-two of this chapter, a traveling
18 summer day camp as defined in subdivision three of section thirteen
19 hundred ninety-two of this chapter or a person employed by such a camp;
20 (iii) a school district, board of cooperative educational services,
21 county vocational education and extension board, charter school, and
22 non-public elementary and secondary school in this state or any person
23 employed by any such entity, or employed by a contractor of such an
24 entity while performing services for the entity; (iv) a sports, enter-

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

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1 tainment, amusement, education, government, day care or retail facility;
2 an educational institution, youth organization or sports league; an
3 establishment that serves food; or a person employed by such entity; (v)
4 a police officer or peace officer in a county, city, town or village
5 having a population of less than two million provided such county is not
6 wholly located within a city with a population of more than one million;
7 (vi) forest rangers, park rangers and environmental conservation police
8 officers; and (vii) any other person or entity designated or approved,
9 or in a category designated or approved pursuant to regulations of the
10 commissioner in consultation with other appropriate agencies.

11 (b) "Epinephrine [~~auto-injector~~] device" means [~~a single-use~~] an
12 epinephrine delivery device or product approved by the federal food and
13 drug administration and used for the automatic injection or adminis-
14 tration of a premeasured dose of epinephrine into the human body for the
15 purpose of emergency treatment of a person appearing to experience
16 anaphylactic symptoms approved by the food and drug administration.

17 (c) "Health care practitioner" means a health care practitioner
18 licensed, certified, or authorized to practice under title eight of the
19 education law who is authorized thereby to administer drugs, and who is
20 acting within the scope of [~~his or her~~] such health care practitioner's
21 practice.

22 2. Possession and use. (a) Any eligible person or entity may purchase,
23 acquire, possess and use epinephrine [~~auto-injector~~] devices for emer-
24 gency treatment of a person appearing to experience anaphylactic symp-
25 toms, under this section.

26 (b) An eligible person or entity shall designate one or more individ-
27 uals who have completed the training required by paragraph (c) of this
28 subdivision to be responsible for the storage, maintenance, control, and
29 general oversight of the epinephrine [~~auto-injectors~~] devices acquired
30 by the eligible person or entity.

31 (c) No one may use an epinephrine [~~auto-injector~~] device on behalf of
32 an eligible person or entity unless he or she has successfully completed
33 a training course in the use of epinephrine [~~auto-injector~~] devices
34 conducted by a nationally recognized organization experienced in train-
35 ing laypersons in emergency health treatment or by an entity or individ-
36 ual approved by the commissioner, or is directed in a specific instance
37 to use an epinephrine [~~auto-injector~~] device by a health care practi-
38 tioner. The training required by this paragraph shall include (i) how to
39 recognize signs and symptoms of severe allergic reactions, including
40 anaphylaxis; (ii) recommended dosage for adults and children; (iii)
41 standards and procedures for the storage and administration of an
42 epinephrine [~~auto-injector~~] device; and (iv) emergency follow-up proce-
43 dures.

44 (d) This section does not prohibit the use of an epinephrine [~~auto-in-~~
45 ~~jector~~] device (i) by a health care practitioner or (ii) by a person
46 acting pursuant to a lawful patient-specific prescription.

47 (e) Every eligible person and entity authorized to possess and use
48 epinephrine [~~auto-injector~~] devices pursuant to this section shall use,
49 maintain and dispose of such devices pursuant to regulations of the
50 department.

51 (f) Nothing in this section shall require any eligible person or enti-
52 ty to acquire, possess, store, make available, or administer an epineph-
53 rine [~~auto-injector~~] device, except as provided for in subdivision
54 five-d of section two hundred twenty-five of this chapter.

55 3. Prescriptions. (a) A health care practitioner who is authorized to
56 prescribe drugs may prescribe, dispense or provide an epinephrine [~~auto-~~

1 ~~injector~~] device to or for an eligible person or entity by a non-pa-
2 tient-specific prescription.

3 (b) A pharmacist may dispense an epinephrine [~~auto-injector~~] device
4 pursuant to a non-patient-specific prescription under this subdivision.

5 (c) This subdivision does not limit any other authority a health care
6 practitioner or pharmacist has to prescribe, dispense, provide or admin-
7 ister an epinephrine [~~auto-injector~~] device.

8 4. Application of other laws. (a) Use of an epinephrine [~~auto-injee-~~
9 ~~tor~~] device pursuant to this section shall be considered first aid or
10 emergency treatment for the purpose of any statute relating to liabil-
11 ity.

12 (b) Purchase, acquisition, possession or use of an epinephrine [~~auto-~~
13 ~~injector~~] device pursuant to this section shall not constitute the
14 unlawful practice of a profession or other violation under title eight
15 of the education law or article thirty-three of this chapter.

16 (c) Any person otherwise authorized to sell or provide an epinephrine
17 [~~auto-injector~~] device may sell or provide it to a person or entity
18 authorized to possess it pursuant to this section.

19 § 2. Subdivision 2 of section 3000-a of the public health law, as
20 amended by chapter 373 of the laws of 2016, is amended to read as
21 follows:

22 2. (i) Any person or entity that purchases, operates, facilitates
23 implementation or makes available resuscitation equipment that facili-
24 tates first aid, an automated external defibrillator or an epinephrine
25 [~~auto-injector~~] device as required by or pursuant to law or local law,
26 or that conducts training under section three thousand-c of this arti-
27 cle, or (ii) an emergency health care provider under a collaborative
28 agreement pursuant to section three thousand-b of this article with
29 respect to an automated external defibrillator, or (iii) a health care
30 practitioner that prescribes, dispenses or provides an epinephrine
31 [~~auto-injector~~] device under section three thousand-c of this article,
32 shall not be liable for damages arising either from the use of that
33 equipment by a person who voluntarily and without expectation of mone-
34 tary compensation renders first aid or emergency treatment at the scene
35 of an accident or medical emergency, or from the use of defectively
36 manufactured equipment; provided that this subdivision shall not limit
37 the person's or entity's, the emergency health care provider's, or other
38 health care practitioner's liability for [~~his, her or its~~] their own
39 negligence, gross negligence or intentional misconduct.

40 § 3. Subdivision 1 of section 902-b of the education law, as added by
41 chapter 423 of the laws of 2014, is amended to read as follows:

42 1. (a) Licensed nurses, nurse practitioners, physician assistants, or
43 physicians employed by schools are authorized to administer prescribed
44 epinephrine pursuant to the scope of practice of the licensed individual
45 under title VIII of this chapter, to pupils diagnosed by a physician or
46 other duly authorized health care provider with an allergy who have the
47 written permission of a physician or other duly authorized health care
48 provider for the administration of emergency epinephrine and written
49 parental consent to carry and use an epinephrine [~~auto-injector~~] device
50 pursuant to section nine hundred sixteen-a of this article, during the
51 school day on school property and at any school function as such terms
52 are defined, respectively, by subdivisions one and two of section eleven
53 of this chapter.

54 (b) For the purposes of this subdivision, the term "epinephrine
55 device" shall have the same meaning as set forth in paragraph (b) of
56 subdivision one of section three thousand-c of the public health law.

1 § 4. Subdivision 1 of section 916-a of the education law, as added by
2 chapter 423 of the laws of 2014, is amended to read as follows:

3 1. (a) The board of education or trustees of each school district and
4 board of cooperative educational services shall allow pupils who have
5 been diagnosed by a physician or other duly authorized health care
6 provider with an allergy to carry and use a prescribed epinephrine [~~auto~~
7 ~~injector~~] device for the emergency treatment of allergic reactions
8 during the school day on school property and at any school function as
9 such terms are defined, respectively, by subdivisions one and two of
10 section eleven of this chapter, with the written permission of a physi-
11 cian or other duly authorized health provider, and written parental
12 consent. The written permission shall include an attestation by the
13 physician or the health care provider confirming the following: [~~(a)~~](i)
14 the pupil's diagnosis of an allergy for which an epinephrine [~~auto~~
15 ~~injector~~] device is needed; and [~~(b)~~] (ii) that the pupil has demon-
16 strated that [~~he or she~~] such pupil can self-administer the prescribed
17 epinephrine [~~auto-injector~~] device effectively. The written permission
18 shall also include the circumstances which may warrant the use of the
19 epinephrine [~~auto-injector~~] device. A record of such consent and
20 permission shall be maintained in the student's cumulative health
21 record. In addition, upon the written request of a parent or person in
22 parental relation, the board of education or trustees of a school
23 district and board of cooperative educational services shall allow such
24 pupils to maintain an extra epinephrine [~~auto-injector~~] device for the
25 emergency treatment of allergies in the care and custody of a licensed
26 nurse, nurse practitioner, physician assistant, or physician employed by
27 such district or board of cooperative educational services, and shall be
28 readily accessible to such pupil. Nothing in this section shall require
29 a school district or board of cooperative educational services to retain
30 a licensed nurse, nurse practitioner, physician assistant, or physician
31 solely for the purpose of taking custody of a spare epinephrine [~~auto~~
32 ~~injector~~] device for the emergency treatment of allergic reactions, or
33 require that a licensed nurse, nurse practitioner, physician assistant,
34 or physician be available at all times in a school building for taking
35 custody of the epinephrine [~~auto-injector~~] device. In addition, the
36 epinephrine [~~auto-injector~~] device provided by the pupil's parents or
37 persons in parental relation will be made available to the pupil as
38 needed in accordance with the school district's or board of cooperative
39 educational services' policy and the orders prescribed in the written
40 permission of the physician or other authorized health care provider.

41 (b) For the purposes of this subdivision, the term "epinephrine
42 device" shall have the same meaning as set forth in paragraph (b) of
43 subdivision one of section three thousand-c of the public health law.

44 § 5. Subdivision 1 of section 921 of the education law, as amended by
45 chapter 339 of the laws of 2021, is amended to read as follows:

46 1. (a) The board of education or trustees of each school district and
47 board of cooperative educational services and nonpublic schools are
48 authorized, but not obligated to have licensed registered professional
49 nurses, nurse practitioners, physician assistants, and physicians train
50 unlicensed school personnel to administer prescribed glucagon or
51 epinephrine [~~auto-injectors~~] devices in emergency situations, where an
52 appropriately licensed health professional is not available, to pupils
53 who have the written permission of a physician or other duly authorized
54 health care provider for the administration of glucagon or an emergency
55 epinephrine [~~auto-injector~~] device, along with written parental consent,
56 during the school day on school property and at any school function as

1 such terms are defined, respectively, by subdivisions one and two of
2 section eleven of this chapter. Training must be provided by a physician
3 or other duly authorized licensed health care professional in a compe-
4 tent manner and must be completed in a form and manner prescribed by the
5 commissioner in regulation.

6 (b) For the purposes of this subdivision, the term "epinephrine
7 device" shall have the same meaning as set forth in paragraph (b) of
8 subdivision one of section three thousand-c of the public health law.

9 § 6. Section 921-a of the education law, as amended by chapter 200 of
10 the laws of 2017, subdivision 3 as added by chapter 422 of the laws of
11 2023, is amended to read as follows:

12 § 921-a. On-site epinephrine [~~auto-injector~~] device. 1. School
13 districts, boards of cooperative educational services, county vocational
14 education and extension boards, charter schools, and non-public elemen-
15 tary and secondary schools in this state may provide and maintain
16 on-site in each instructional school facility epinephrine [~~auto-injee-~~
17 ~~tors~~] devices in quantities and types deemed by the commissioner, in
18 consultation with the commissioner of health, to be adequate to ensure
19 ready and appropriate access for use during emergencies to any student
20 or staff having anaphylactic symptoms whether or not there is a previous
21 history of severe allergic reaction.

22 2. School districts, boards of cooperative educational services, coun-
23 ty vocational education and extension boards, charter schools, and non-
24 public elementary and secondary schools in this state, any person
25 employed by any such entity, or employed by a contractor of such an
26 entity while performing services for the entity may administer epineph-
27 rine [~~auto-injectors~~] devices in the event of an emergency pursuant to
28 the requirements of section three thousand-c of the public health law.

29 3. School districts, boards of cooperative educational services, coun-
30 ty vocational education and extension boards, charter schools, and non-
31 public elementary and secondary schools in this state that are author-
32 ized to provide and maintain epinephrine [~~auto-injectors~~] devices
33 on-site pursuant to this section shall provide all teachers with written
34 informational material on the use of an epinephrine [~~auto-injector~~]
35 device that has been created and approved by the commissioner of health.

36 4. For the purposes of this section, the term "epinephrine device"
37 shall have the same meaning as set forth in paragraph (b) of subdivision
38 one of section three thousand-c of the public health law.

39 § 7. This act shall take effect immediately.