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:

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

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

4. Instruction regarding alcohol, tobacco, and other drugs, in addition to continued health guidance in the junior high school grades and the senior high schools, shall be an integral part of a required health education course at each of these levels in the secondary schools curriculum. **Opioid overdose prevention and non-intravenous opioid antagonist administration may additionally be an integral part of a required health education course at the senior high school level.** Students shall be required to demonstrate knowledge in the subject area through the use of a test, graded project or report, or any other means prescribed by the school authorities regarding alcohol, drugs, and tobacco. Any such course shall be taught by teachers holding a certificate to teach health**, and by medical directors and their designees. High school students shall be required to demonstrate proficiency of the use of opioid overdose antagonists as a life-saving treatment. School 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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opioid antagonist administration training and may authorize students who have successfully completed such training to possess non-intravenous opioid antagonist medication for use as preventative first aid care. Related courses in the secondary school curriculum shall be taught in a manner supportive of health education regarding alcohol, tobacco, and other drugs, and may be supportive of health education regarding opioid overdose prevention and non-intravenous opioid antagonist administration. In addition, instruction regarding the dangers of driving while under the influence of alcohol or drugs shall be an integral part of a required health education course in the senior high schools. Such instruction shall be provided in all senior high schools whether or not these schools also provide driver education courses. Parents or legal guardians shall be notified that their child will participate in opioid overdose prevention training and non-intravenous opioid antagonist administration training and may submit a written request to the school opting the student out of such training.

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

§ 922-a. Non-intravenous opioid antagonists; carry, administration and provision. 1. Definitions. For purposes of this section, the term "non-intravenous opioid antagonist" shall mean naloxone or any other medication approved by the federal food and drug administration that is formulated for administration by a route other than intravenous injection and that is indicated for the emergency treatment of known or suspected opioid overdose.

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

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

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

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

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

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

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

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

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

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

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