

STATE OF NEW YORK

6070

2025-2026 Regular Sessions

IN ASSEMBLY

February 26, 2025

Introduced by M. of A. HUNTER -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to allowing for unlicensed personnel to administer seizure rescue medication

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

1 Section 1. Subdivision 1 of section 921 of the education law, as
2 amended by chapter 339 of the laws of 2021, is amended to read as
3 follows:

4 1. The board of education or trustees of each school district and
5 board of cooperative educational services and nonpublic schools are
6 authorized, but not obligated to have licensed registered professional
7 nurses, nurse practitioners, physician assistants, and physicians train
8 unlicensed school personnel to administer prescribed glucagon or
9 epinephrine auto injectors, or administer diazepam or midazolam nasal
10 spray in emergency situations, where an appropriately licensed health
11 professional is not available, to pupils who have the written permission
12 of a physician or other duly authorized health care provider for the
13 administration of glucagon [~~or~~], emergency epinephrine auto injector, or
14 diazepam or midazolam nasal spray, along with written parental consent,
15 during the school day on school property and at any school function as
16 such terms are defined, respectively, by subdivisions one and two of
17 section eleven of this chapter. Training must be provided by a physician
18 or other duly authorized licensed health care professional in a compe-
19 tent manner and must be completed in a form and manner prescribed by the
20 commissioner in regulation.

21 § 2. The education law is amended by adding two new sections 902-c and
22 916-c to read as follows:

23 § 902-c. Treatment of students diagnosed with epilepsy by school
24 personnel. 1. Licensed nurses, nurse practitioners, physician assist-
25 ants, or physicians employed by school districts or boards of cooper-
26 ative educational services shall be authorized to administer prescribed
27 diazepam or midazolam nasal spray, to teach an unlicensed person to
28 administer a diazepam or midazolam nasal spray to an individual, and to

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

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1 perform other authorized services pursuant to the scope of practice of
2 the licensed individual under title eight of this chapter, to pupils who
3 have received written permission by a physician or other licensed health
4 care provider and written parental consent to carry and use a diazepam
5 or midazolam nasal spray pursuant to section nine hundred sixteen-c of
6 this article during the school day on school property and at any school
7 function. Nothing in this section shall authorize unlicensed persons to
8 perform these services except as otherwise permitted by section nine
9 hundred twenty-one of this article.

10 2. A school district, board of cooperative educational services and/or
11 their agents or employees shall incur no legal or financial liability as
12 a result of any harm or injury sustained by a pupil or other person
13 caused by reasonable and good faith compliance with this section.

14 § 916-c. Pupils with epilepsy. 1. The board of education or trustees
15 of each school district and board of cooperative educational services
16 shall allow pupils who have been diagnosed by a physician or other duly
17 authorized health care provider with epilepsy to carry and use a
18 prescribed nasal spray for the emergency treatment of seizures during
19 the school day on school property and at any school function with the
20 written permission of a physician or other duly authorized health care
21 provider, and written parental consent. The written permission shall
22 include an attestation by such physician or health care provider
23 confirming: (a) the pupil's diagnosis of epilepsy for which a diazepam
24 or midazolam nasal spray is needed; and (b) that the pupil has demon-
25 strated that they can self-administer the prescribed diazepam or midaz-
26 olam nasal spray effectively. Such written permission shall also include
27 the circumstances which may warrant the use of a diazepam or midazolam
28 nasal spray. A record of such consent and permission shall be maintained
29 in the student's cumulative health record. In addition, upon the written
30 request of a parent or person in parental relation, the board of educa-
31 tion or trustees of a school district and board of cooperative educa-
32 tional services shall allow such pupils to maintain an extra diazepam or
33 midazolam nasal spray for the emergency treatment of seizures in the
34 care and custody of a licensed nurse, nurse practitioner, physician
35 assistant, or physician employed by such district or board of cooper-
36 ative educational services, and shall be readily accessible to such
37 pupil. Nothing in this section shall require a school district or board
38 of cooperative educational services to retain a licensed nurse, nurse
39 practitioner, physician assistant, or physician solely for the purpose
40 of taking custody of a spare diazepam or midazolam nasal spray for the
41 emergency treatment of seizures, or require that a licensed nurse, nurse
42 practitioner, physician assistant, or physician be available at all
43 times in a school building for taking custody of the diazepam or midaz-
44 olam nasal spray. In addition, the diazepam or midazolam nasal spray
45 provided by the pupil's parents or persons in parental relation will be
46 made available to the pupil as needed in accordance with the school
47 district's or board of cooperative educational services' policy and the
48 orders prescribed in the written permission of the physician or other
49 authorized health care provider.

50 2. A school district, board of cooperative educational services and/or
51 their agents or employees shall incur no legal or financial liability as
52 a result of any harm or injury sustained by a pupil or other person
53 caused by reasonable and good faith compliance with this section.

54 § 3. This act shall take effect immediately.