

STATE OF NEW YORK

3603

2025-2026 Regular Sessions

IN SENATE

January 28, 2025

Introduced by Sen. PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law and the education law, in relation to the administration by a school or camp of over-the-counter medication to children attending such school or camp

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

1 Section 1. Section 1394 of the public health law is amended by adding
2 a new subdivision 10 to read as follows:

3 10. (a) For the purposes of this subdivision, "over-the-counter medi-
4 cation" shall mean a medication or other treatment which has been
5 approved by the federal food and drug administration for sale without a
6 physician's order and for which the federal food and drug administration
7 has established dosing instructions which appear on the packaging of
8 such medication.

9 (b) Each children's overnight camp, summer day camp and traveling
10 summer day camp shall allow certain camp personnel to administer over-
11 the-counter medications, with the permission of the parent or guardian
12 of the child, to children attending such camp and upon a request by the
13 child, or upon a determination by certain camp personnel. Such adminis-
14 tration of over-the-counter medications shall not require input from a
15 licensed healthcare provider. A record of such permission, request, or
16 determination shall be maintained by the camp. Such permission of a
17 parent or guardian of a child to administer an over-the-counter medica-
18 tion to such child may be made in advance of need by way of a written
19 request that is signed by such parent or guardian and lists which medi-
20 cations and doses may be administered to such child.

21 (c) Over-the-counter medication administered to children attending a
22 camp pursuant to paragraph (b) of this subdivision may be provided by:

23 (i) the parent or guardian of the child; or

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

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1 (ii) an adult in whose care such child has been entrusted and has been
2 authorized by the parent or guardian of such child to consent to any
3 health care for such child.

4 (d) The dose, route, and timing of the administration of over-the-
5 counter medication to children attending a camp pursuant to this subdi-
6 vision shall comply with dosing instructions listed on the medication
7 packaging.

8 § 2. Section 901 of the education law is amended by adding a new
9 subdivision 3 to read as follows:

10 3. (a) For the purposes of this subdivision, "over-the-counter medica-
11 tion":

12 (i) shall mean a medication or other treatment which has been approved
13 by the federal food and drug administration for sale without a physi-
14 cian's order and for which the federal food and drug administration has
15 established dosing instructions which appear on the packaging of such
16 medication; and

17 (ii) may include oral medications, topical medications, and other
18 topical products, including but not limited to, insect repellants.

19 (b) Each school shall allow certain school personnel to administer
20 over-the-counter medications to students attending such school with the
21 permission of the parents or other persons in parental relation to the
22 child, upon a request by the child, or upon a determination by certain
23 school personnel. Such administration of over-the-counter medication
24 shall not require input from a health professional. A record of such
25 permission, request, or determination shall be maintained by the school.
26 Such permission of parents or other persons in parental relation to a
27 child to administer an over-the-counter medication to such child may be
28 made in advance of need by way of a written request that is signed by
29 such parents or other persons in parental relation to the child and
30 lists which medications and doses may be administered to such child.

31 (c) Over-the-counter medication administered to students pursuant to
32 paragraph (b) of this subdivision may be provided by:

33 (i) the parents or other persons in parental relation to the child; or

34 (ii) an adult in whose care such student or attendee has been
35 entrusted and has been authorized by the parents or other persons in
36 parental relation to the child to consent to any health care for such
37 child.

38 (d) The dose, route, and timing of the administration of over-the-
39 counter medication to students pursuant to this subdivision shall comply
40 with dosing instructions listed on the medication packaging.

41 § 3. This act shall take effect on the one hundred twentieth day after
42 it shall have become a law. Effective immediately, the addition, amend-
43 ment and/or repeal of any rule of regulation necessary for the implemen-
44 tation of this act on its effective date are authorized to be made and
45 completed on or before such effective date.