

STATE OF NEW YORK

5779

2025-2026 Regular Sessions

IN SENATE

February 28, 2025

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Substance Use Disorders

AN ACT to amend the education law and the public health law, in relation to requiring certain entities to stock opioid antagonists and to store naloxone nasal sprays with or adjacent to automated external defibrillator cabinets

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

Section 1. Section 922 of the education law, as amended by chapter 68 of the laws of 2016, is amended to read as follows:

§ 922. Opioid overdose prevention. 1. School districts, public libraries, boards of cooperative educational services, county vocational education and extension boards, charter schools, and non-public elementary and secondary schools in this state ~~[may]~~ shall provide and maintain on-site in each instructional school facility or library, opioid antagonists, as defined in section three thousand three hundred nine of the public health law, in quantities and types deemed by the commissioner, in consultation with the commissioner of health, to be adequate to ensure ready and appropriate access for use during emergencies to any student, individual on library premises or staff suspected of having opioid overdose whether or not there is a previous history of opioid abuse. Such opioid antagonists shall include, but not be limited to, naloxone nasal sprays located with or adjacent to every automated external defibrillator, as defined in paragraph (a) of subdivision one of section three thousand-b of the public health law, provided and maintained by such school or institution.

2. School districts, public libraries, boards of cooperative educational services, county vocational education and extension boards, charter schools, and non-public elementary and secondary schools in this state ~~[may elect to]~~ shall participate as an opioid antagonist recipient and any person employed by any such entity ~~[that has elected to participate]~~ may administer an opioid antagonist in the event of an emergency, provided that such person shall have been trained by a program approved

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

LBD09308-03-5

1 under section three thousand three hundred nine of the public health
2 law. Any school district, public library, board of cooperative educa-
3 tional services, county vocational education and extension board, char-
4 ter school, and non-public elementary and secondary school that has
5 employees trained in accordance with this section shall comply with the
6 requirements of section three thousand three hundred nine of the public
7 health law including, but not limited to, appropriate clinical over-
8 sight, record keeping and reporting. No person shall be required to
9 participate in the program and any participation by an individual shall
10 be voluntary.

11 § 2. Subparagraph (v) of paragraph (a) of subdivision 3 of section
12 3309 of the public health law, as added by chapter 148 of the laws of
13 2020, is amended to read as follows:

14 (v) As used in this section, "entity" includes, but is not limited to,
15 a school district, public library, board of cooperative educational
16 services, county vocational education and extension board, charter
17 school, non-public elementary or secondary school, restaurant, bar,
18 retail store, shopping mall, barber shop, beauty parlor, theater, sport-
19 ing or event center, inn, hotel [✗], motel, or public access defibril-
20 lation provider, as defined by paragraph (c) of subdivision one of
21 section three thousand-b of this chapter.

22 § 3. Subdivision 2 and paragraph (b) of subdivision 4 of section
23 3000-b of the public health law, subdivision 2 as amended by chapter 583
24 of the laws of 1999 and paragraph (b) of subdivision 4 as added by chap-
25 ter 552 of the laws of 1998, are amended and a new paragraph (e) of
26 subdivision 1 and a new subdivision 3-a are added to read as follows:

27 (e) "Opioid antagonist" shall have the same meaning as set forth in
28 subparagraph (i) of paragraph (a) of subdivision three of section three
29 thousand three hundred nine of this chapter.

30 2. Collaborative agreement. (a) A person, firm, organization or other
31 entity may purchase, acquire, possess and operate an automated external
32 defibrillator pursuant to a collaborative agreement with an emergency
33 health care provider. The collaborative agreement shall include a writ-
34 ten agreement and written practice protocols, and policies and proce-
35 dures that shall assure compliance with this section. The public access
36 defibrillation provider shall file a copy of the collaborative agreement
37 with the department and with the appropriate regional council prior to
38 operating the automated external defibrillator.

39 (b) Any person, firm, organization or other entity that acquires or
40 possesses an automated external defibrillator pursuant to a collabora-
41 tive agreement with an emergency health care provider pursuant to para-
42 graph (a) of this subdivision shall stock opioid antagonists and store
43 such opioid antagonists with or adjacent to automated external defibril-
44 lator cabinets.

45 3-a. Possession and operation of an opioid antagonist. Possession and
46 operation of an opioid antagonist by a public access defibrillation
47 provider shall comply with section three thousand three hundred nine of
48 this chapter.

49 (b) Operation of an automated external defibrillator or opioid antag-
50 onist pursuant to this section shall not constitute the unlawful prac-
51 tice of a profession under title VIII of the education law.

52 § 4. This act shall take effect on the first of July next succeeding
53 the date on which it shall have become a law. Effective immediately, the
54 addition, amendment and/or repeal of any rule or regulation necessary
55 for the implementation of this act on its effective date are authorized
56 to be made and completed on or before such effective date.