

Insert the Following Resolution:

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR SAVAGE**

**RE: Supporting the Emergency Allergy Treatment Act, Currently Before
the New York State Legislature**

WHEREAS, the American College of Allergy Asthma and Immunology (ACAAI) estimates that there are between 500 to 1,000 deaths per year in the United States due to anaphylaxis, which the Mayo Clinic defines as “a severe, potentially life-threatening allergic reaction, and anaphylaxis can occur within seconds or minutes of exposure to something you're allergic to;” and

WHEREAS, with the number of people who have food allergies increasing at a significant rate, this potentially fatal condition is a growing public health issue; indeed, there are statistics that show the importance of immediate administration of epinephrine when symptoms of anaphylaxis occur after eating certain foods:

- Food allergies affect up to 15 million Americans, including 1 in 13 children;
- Nearly 40 percent of these children have already experienced a severe or life-threatening reaction;
- According to the Centers for Disease Control and Prevention, the number of children with food allergies in the U.S. increased 50 percent between 1997 and 2011;
- Every three minutes, a food allergy reaction sends someone to the emergency room;
- Caring for children with food allergies costs families nearly \$25 billion per year; and

WHEREAS, the Allergy Advocacy Association states that 8% of school-age children in the United States – *potentially as many as two in every classroom* – may suffer from a food allergy; and

WHEREAS, the Emergency Allergy Treatment Act, under consideration in the NYS Legislature and sponsored by Senator Ranzenhofer in the Senate and Assembly Member Abinanti in the Assembly, would authorize the certification of persons to administer lifesaving treatment to individuals who have severe allergic reactions when a physician is not available; allows, but does not require, an authorized entity to acquire and stock a supply of epinephrine auto-injectors with a prescription; and

WHEREAS, such authorized entities includes restaurants, recreation camps, youth sports leagues, theme parks and resorts, entertainment venues and sports arenas; and

WHEREAS, this Legislature went on record in 2014 supporting legislation authorizing a change in the Education Law in relation to health services in schools that now enables students to carry and use medical treatments and devices in school – or at a school function – in the event of an emergency need for such treatments; the State Legislature passed the legislation last spring, and Governor Cuomo signed the bills into law in October; and

WHEREAS, with the implementation of the Emergency Allergy Treatment Act, this new proactive law will further aid in saving lives and bring awareness to this important public health matter.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby goes on record in support of Assembly Bill A07349 and Senate Bill S4935-2015, the Emergency Allergy Treatment Act, currently before the New York State Legislature; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Governor of the State of New York, the Honorable Andrew M. Cuomo; the Coalition Co-Majority Leaders of the New York State Senate, the Honorable John Flanagan and the Honorable Jeff Klein; the Speaker of the New York State Assembly, the Honorable Carl E. Heastie; the Erie County Executive, the Honorable Mark C. Poloncarz; and to each of the members of the Western New York delegation to the New York State Legislature.

FISCAL IMPACT: None for this resolution

OPEN

This bill has been amended

Bill S4935-2015

Establishes the emergency allergy treatment act; authorizes the certification of persons to administer lifesaving treatment to individuals who have severe allergic reactions

Establishes the emergency allergy treatment act; authorizes the certification of persons to administer lifesaving treatment to individuals who have severe allergic reactions when a physician is not available; allows an authorized entity to acquire and stock a supply of epinephrine auto-injectors with a prescription; includes as authorized entities restaurants, recreation camps, youth sports leagues, theme parks and resorts, entertainment venues and sports arenas.

Details

- Same as: A7349-2015
- Versions S4935-2015 S4935A-2015
- Sponsor:Ranzenhofer
- Multi-sponsor(s): None
- Co-sponsor(s): KRUEGER
- Committee: HEALTH
- Law Section: Public Health Law
- Law: Add Art 30-D §§3080 - 3083, Pub Health L

Actions

- Apr 24, 2015: REFERRED TO HEALTH

Memo

BILL NUMBER:S4935

TITLE OF BILL:

An act to amend the public health law, in relation to authorizing emergency allergy treatment

PURPOSE:

This bill would provide a mechanism for public venues such as restaurants, recreation camps, youth sports leagues, theme parks, resorts, entertainment venues and sport arenas, at their option, to provide epinephrine auto-injectors to patrons who might suffer an emergency allergic reaction.

SUMMARY OF SPECIFIC PROVISIONS:

Section 1 identifies the act as the "Emergency Allergy Treatment Act"

Section 2 adds a new Public Health Law Article 30-D, Emergency Allergy Treatment.

1. Section 3080 includes definitions for the new article
2. Section 3081 permits the Department of Health to promulgate rules to administer the article, issue and approve appropriate certificates; describes appropriate training programs; provides requirements to issue a certificate of training; and permits an authorized entity to obtain a supply of prescription epinephrine auto-injectors to have on hand in the event of an anaphylactic emergency
3. Section 3082 permits emergency administration of epinephrine auto-injectors under certain conditions.
4. Section 3083 provides that no authorized entity and/or its agents or employees shall incur legal or financial liability as the result of injuries sustained caused by reasonable and good faith compliance with this article.

Section 3 provides that the bill will take effect 180 days after it shall have become law, but that effective immediately, amendment and/or repeal of any rule or regulation necessary for the implementation of the act is authorized to be made.

JUSTIFICATION:

Allergic reaction, particularly to allergens such as food or insect bites, can sometimes lead to life-threatening anaphylactic shock. In such a situation, literally every minute counts. Many people with serious allergies are aware of their peril, and carry an epinephrine auto-injector device that has been prescribed for them at all times. However, there is always a first time for an anaphylactic reaction, and unless the victim receives immediate medical attention, the results can be fatal. This bill allows, but does not mandate, public facilities where people gather, to have on hand, under specified controlled conditions, epinephrine auto-injector devices which will be available in an emergency. This is certainly not meant to replace

medical care, but these devices can keep a victim alive long enough for medical personnel to arrive.

These auto-injectors will save lives, just as the AED devices that are placed in public facilities to treat heart attacks have saved lives. Placement of these devices would be especially appropriate in outdoor venues and camps where bees and other

Amendment to Intro. 17-2

Page 4 of 14

9/14/2015

stinging insects are likely to be present, or in locations serving food where a severe allergic reaction to a food could occur.

PRIOR LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

The bill will take effect 180 days after it shall have become law, but that effective immediately, amendment and/or repeal of any rule or regulation necessary for the implementation of the act is authorized to be made.

Text

STATE OF NEW YORK

4935

2015-2016 Regular Sessions

IN SENATE

April 24, 2015

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

AN ACT to amend the public health law, in relation to authorizing emergency allergy treatment

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. This act shall be known and may be cited as the "Emergency Allergy Treatment Act."

S 2. The public health law is amended by adding a new article 30-D to read as follows:

ARTICLE 30-D

EMERGENCY ALLERGY TREATMENT

SECTION 3080. DEFINITIONS.

3081. EMERGENCY ALLERGY TREATMENT.

3082. EPINEPHRINE AUTO-INJECTORS; EMERGENCY ADMINISTRATION.

3083. LIABILITY.

S 3080. DEFINITIONS. FOR PURPOSES OF THIS ARTICLE:

1. "ADMINISTER" MEANS TO DIRECTLY APPLY AN EPINEPHRINE AUTO-INJECTOR TO THE BODY OF AN INDIVIDUAL.

2. "AUTHORIZED ENTITY" MEANS AN ENTITY OR ORGANIZATION AT OR IN CONNECTION WITH WHICH ALLERGENS CAPABLE OF CAUSING A SEVERE ALLERGIC REACTION MAY BE PRESENT. THE TERM INCLUDES, BUT IS NOT LIMITED TO, RESTAURANTS, RECREATION CAMPS, YOUTH SPORTS LEAGUES, THEME PARKS AND RESORTS, ENTERTAINMENT VENUES AND SPORTS ARENAS.

3. "AUTHORIZED HEALTH CARE PRACTITIONER" MEANS A LICENSED PRACTITIONER AUTHORIZED BY THE LAWS OF THE STATE TO PRESCRIBE DRUGS.

4. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH.

5. "EPINEPHRINE AUTO-INJECTOR" MEANS A SINGLE-USE DEVICE USED FOR THE AUTOMATIC INJECTION OF A PREMEASURED DOSE OF EPINEPHRINE INTO THE HUMAN BODY.

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

LBD10584-01-5

S. 4935

2

6. "SELF-ADMINISTRATION" MEANS AN INDIVIDUAL'S DISCRETIONARY ADMINISTRATION OF AN EPINEPHRINE AUTO-INJECTOR ON HERSELF OR HIMSELF.

S 3081. EMERGENCY ALLERGY TREATMENT. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THIS SECTION ALLOWS FOR THE CERTIFICATION OF PERSONS TO ADMINISTER LIFESAVING TREATMENT TO INDIVIDUALS WHO HAVE SEVERE ALLERGIC REACTIONS WHEN A PHYSICIAN IS NOT IMMEDIATELY AVAILABLE.

2. THE DEPARTMENT MAY:

(A) ADOPT RULES NECESSARY TO ADMINISTER THE PROVISIONS OF THIS ARTICLE.

(B) CONDUCT EDUCATIONAL TRAINING PROGRAMS AS DESCRIBED IN SUBDIVISION THREE OF THIS SECTION AND APPROVE PROGRAMS CONDUCTED BY OTHER ORGANIZATIONS OR GOVERNMENTAL AGENCIES.

(C) ISSUE AND RENEW CERTIFICATES OF TRAINING TO PERSONS WHO HAVE COMPLIED WITH THIS SECTION AND THE RULES ADOPTED BY THE DEPARTMENT.

(D) COLLECT FEES NECESSARY TO ADMINISTER THE PROVISIONS OF THIS ARTICLE.

3. EDUCATIONAL TRAINING PROGRAMS REQUIRED BY THIS SECTION SHALL BE CONDUCTED BY A NATIONALLY RECOGNIZED ORGANIZATION EXPERIENCED IN TRAINING LAYPERSONS IN EMERGENCY HEALTH TREATMENT OR AN ENTITY OR INDIVIDUAL APPROVED BY THE DEPARTMENT. THE CURRICULUM MUST INCLUDE AT A MINIMUM:

(A) RECOGNITION OF THE SYMPTOMS OF SYSTEMIC REACTIONS TO FOOD, INSECT STINGS, AND OTHER ALLERGENS; AND

(B) THE PROPER ADMINISTRATION OF AN EPINEPHRINE AUTO-INJECTOR.

4. A CERTIFICATE OF TRAINING MAY BE GIVEN TO A PERSON WHO:

(A) IS EIGHTEEN YEARS OF AGE OR OLDER;

(B) HAS, OR REASONABLY EXPECTS TO HAVE, RESPONSIBILITY FOR OR CONTACT WITH AT LEAST ONE OTHER PERSON AS A RESULT OF HIS OR HER OCCUPATIONAL OR VOLUNTEER STATUS, INCLUDING, BUT NOT LIMITED TO, A CAMP COUNSELOR, SCOUT LEADER, FOREST RANGER, TOUR GUIDE, MANAGER, WAIT STAFF OR CHAPERONE; AND

(C) HAS SUCCESSFULLY COMPLETED AN EDUCATIONAL TRAINING PROGRAM AS DESCRIBED IN SUBDIVISION THREE OF THIS SECTION.

5. A PERSON WHO SUCCESSFULLY COMPLETES AN EDUCATIONAL TRAINING PROGRAM MAY OBTAIN A CERTIFICATE UPON APPLICATION TO THE DEPARTMENT ACCORDING TO SUCH REGULATION AS THE DEPARTMENT MAY PROMULGATE.

6. AN AUTHORIZED ENTITY WHICH HAS ONE OR MORE VOLUNTEERS OR EMPLOYEES WHO HAVE SUCCESSFULLY COMPLETED AN EDUCATIONAL PROGRAM MAY OBTAIN A CERTIFICATE AUTHORIZING SUCH ENTITY TO OBTAIN A CERTIFICATE AUTHORIZING THE HOLDER TO RECEIVE, UPON PRESENTMENT OF THE CERTIFICATE, A PRESCRIPTION FOR EPINEPHRINE AUTO-INJECTORS FROM AN AUTHORIZED HEALTH CARE PRACTITIONER OR THE DEPARTMENT. THE CERTIFICATE ALSO AUTHORIZES THE HOLDER, IN AN EMERGENCY SITUATION WHEN A PHYSICIAN IS NOT IMMEDIATELY AVAILABLE, TO POSSESS AND ADMINISTER, OR DELIVER A PRESCRIBED EPINEPHRINE AUTO-INJECTOR TO A PERSON EXPERIENCING A SEVERE ALLERGIC REACTION.

S 3082. EPINEPHRINE AUTO-INJECTORS; EMERGENCY ADMINISTRATION. 1. AN AUTHORIZED HEALTH CARE PRACTITIONER MAY PRESCRIBE EPINEPHRINE AUTO-INJECTORS IN THE NAME OF AN AUTHORIZED ENTITY FOR USE IN ACCORDANCE WITH THIS SECTION, AND PHARMACISTS MAY DISPENSE EPINEPHRINE AUTO-INJECTORS PURSUANT TO A PRESCRIPTION ISSUED IN THE NAME OF AN AUTHORIZED ENTITY.

2. AN AUTHORIZED ENTITY MAY ACQUIRE AND STOCK A SUPPLY OF EPINEPHRINE AUTO-INJECTORS PURSUANT TO A PRESCRIPTION ISSUED IN ACCORDANCE WITH THIS SECTION. SUCH EPINEPHRINE AUTO-INJECTORS MUST BE STORED IN ACCORDANCE WITH THE EPINEPHRINE AUTO-INJECTOR'S INSTRUCTIONS FOR USE AND WITH ANY ADDITIONAL REQUIREMENTS THAT MAY BE ESTABLISHED BY THE DEPARTMENT. AN AUTHORIZED ENTITY SHALL DESIGNATE EMPLOYEES OR AGENTS WHO HOLD A CERTIFICATE ISSUED PURSUANT TO SECTION THREE THOUSAND EIGHTY-ONE OF THIS ARTI-

S. 4935

3

CLE TO BE RESPONSIBLE FOR THE STORAGE, MAINTENANCE, AND GENERAL OVER-SIGHT OF EPINEPHRINE AUTO-INJECTORS ACQUIRED BY THE AUTHORIZED ENTITY.

3. AN INDIVIDUAL WHO HOLDS A CERTIFICATE ISSUED PURSUANT TO SECTION THREE THOUSAND EIGHTY-ONE OF THIS ARTICLE MAY, ON THE PREMISES OF OR IN CONNECTION WITH THE AUTHORIZED ENTITY, USE EPINEPHRINE AUTO-INJECTORS PRESCRIBED PURSUANT TO SUBDIVISION ONE OF THIS SECTION TO:

(A) PROVIDE AN EPINEPHRINE AUTO-INJECTOR TO A PERSON WHO THE CERTIFIED INDIVIDUAL IN GOOD FAITH BELIEVES IS EXPERIENCING A SEVERE ALLERGIC REACTION FOR THAT PERSON'S IMMEDIATE SELF-ADMINISTRATION, REGARDLESS OF WHETHER THE PERSON HAS A PRESCRIPTION FOR AN EPINEPHRINE AUTO-INJECTOR OR HAS PREVIOUSLY BEEN DIAGNOSED WITH AN ALLERGY.

(B) ADMINISTER AN EPINEPHRINE AUTO-INJECTOR TO A PERSON WHO THE CERTIFIED INDIVIDUAL IN GOOD FAITH BELIEVES IS EXPERIENCING A SEVERE ALLERGIC REACTION, REGARDLESS OF WHETHER THE PERSON HAS A PRESCRIPTION FOR AN EPINEPHRINE AUTO-INJECTOR OR HAS PREVIOUSLY BEEN DIAGNOSED WITH AN ALLERGY.

4. AN AUTHORIZED ENTITY THAT ACQUIRES A STOCK SUPPLY OF EPINEPHRINE AUTO-INJECTORS PURSUANT TO A PRESCRIPTION ISSUED BY AN AUTHORIZED HEALTH CARE PRACTITIONER IN ACCORDANCE WITH THIS SECTION MAY MAKE THE AUTO-INJECTORS AVAILABLE TO INDIVIDUALS OTHER THAN CERTIFIED INDIVIDUALS IDENTIFIED IN SUBDIVISION THREE OF THIS SECTION WHO MAY ADMINISTER THE AUTO-INJECTOR TO A PERSON BELIEVED IN GOOD FAITH TO BE EXPERIENCING A SEVERE ALLERGIC REACTION IF THE EPINEPHRINE AUTO-INJECTORS ARE STORED IN A LOCKED, SECURE CONTAINER AND ARE MADE AVAILABLE ONLY UPON REMOTE AUTHORIZATION BY AN AUTHORIZED HEALTH CARE PRACTITIONER AFTER CONSULTATION WITH THE AUTHORIZED HEALTH CARE PRACTITIONER BY AUDIO, TELEVIDEO, OR OTHER SIMILAR MEANS OF ELECTRONIC COMMUNICATION. CONSULTATION WITH AN AUTHORIZED HEALTH CARE PRACTITIONER FOR THIS PURPOSE IS NOT CONSIDERED THE PRACTICE OF TELEMEDICINE OR OTHERWISE CONSTRUED AS VIOLATING ANY LAW OR RULE REGULATING THE AUTHORIZED HEALTH CARE PRACTITIONER'S PROFESSIONAL PRACTICE.

S 3083. LIABILITY. AN AUTHORIZED ENTITY AND/OR ITS AGENTS OR EMPLOYEES SHALL INCUR NO LEGAL OR FINANCIAL LIABILITY AS A RESULT OF ANY HARM OR INJURY SUSTAINED BY A PERSON CAUSED BY REASONABLE AND GOOD FAITH COMPLIANCE WITH THIS ARTICLE.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made and completed on or before such effective date.

Comments



This content is licensed under Creative Commons BY-NC-ND 3.0. Permissions beyond the scope of this license are available here.

The software and services provided under this site are offered under the BSD License and the GPL v3 License.

Amendment to Intro. 17-2

Page 8 of 14

9/14/2015

A07349 Summary:

BILL NO A07349A

SAME AS SAME AS

SPONSOR Abinanti

COSPNSR Miller, Otis, Rivera, Buchwald, Galef, Simon, Pichardo, Cook,
Palumbo, Montesano, Murray, Steck, Ortiz, Clark

MLTSPNSR Hooper

Add Art 30-D SS3080 - 3083, Pub Health L

Establishes the emergency allergy treatment act; authorizes the certific of persons to administer lifesaving treatment to individuals who have se allergic reactions when a physician is not available; allows an authoriz entity to acquire and stock a supply of epinephrine auto-injectors with prescription; includes as authorized entities restaurants, recreation ca youth sports leagues, theme parks and resorts, entertainment venues and arenas.

A07349 Actions:

BILL NO A07349A

05/06/2015 referred to health

05/20/2015 amend and recommit to health

05/20/2015 print number 7349a

A07349 Votes:

There are no votes for this bill in this legislative session.

A07349 Memo:

BILL NUMBER:A7349A

TITLE OF BILL: An act to amend the public health law, in relation to authorizing emergency allergy treatment

PURPOSE OR GENERAL IDEA OF BILL:

This bill would provide a mechanism for public venues such as restaurants, recreation camps, youth sports leagues, theme parks, resorts, entertainment venues and sport arenas, at their option, to provide epinephrine auto-injectors in an emergency to individuals who suffer an allergic reaction.

SUMMARY OF SPECIFIC PROVISIONS:

Amendment to Intro. 17-2

Page 9 of 14

Section 1 of the bill identifies the act as the "Emergency Allergy Treatment Act."

Section 2 adds a new Public Health Law Article 30-D, Emergency Allergy Treatment and establishes the following sections:

1. Section 3080 sets forth definitions for the new article.
2. Section 3081 allows for the certification of persons to administer lifesaving treatment to individuals who have a severe allergic reaction when a physician is not immediately available and permits the Department of Health to adopt rules necessary to administer the article; conduct educational training programs; issue training certificates and collect fees necessary to administer the provisions of this article.

This section also establishes minimum training program requirements; individuals who may be given a certificate of training; the requirements for entities to obtain a certificate and authorizes the holder of the certificate to receive a prescription for epinephrine auto-injectors and in an emergency situation when a physician is not immediately available, 'to possess and administer, or deliver a prescribed epinephrine auto-injector to a person experiencing a severe allergic reactions.

3. Section 3082 authorizes health care practitioners to prescribe epinephrine auto-injectors to an authorized entity for use in accordance with this section, and pharmacists to dispense epinephrine auto-injectors pursuant to a prescription issued to an authorized entity.

This section also permits an authorized entity to acquire and stock a supply of epinephrine auto-injectors in accordance with this section. It further authorizes an individual who is a certificate holder to provide or administer an epinephrine auto-injector to a person who the certified person in good faith believes is experiencing a severe allergic reaction.

4. Section 3083 provides that no authorized entity and/or its agents or employees shall incur legal or financial liability as the result of injuries sustained caused by reasonable and good faith compliance with this article.

Section 3 is the effective date.

JUSTIFICATION:

Allergic reaction, particularly to allergens such as food or insect bites, can sometimes lead to life-threatening anaphylactic shock. In such a situation, literally every minute counts. Many people with

Amendment to Intro. 17-2

Page 10 of 14

serious allergies are aware of their peril, and carry at all times an epinephrine auto-injector device that has been prescribed for them. However, there is always a first time for an anaphylactic reaction, and unless the victim receives immediate medical attention, the results can be fatal. This bill allows, but does not mandate, public facilities where people gather, to have on hand, under specified controlled conditions, epinephrine auto-injector devices which will be available in an emergency. This is certainly not meant to replace medical care, but these devices can keep a victim alive long enough for medical personnel to arrive.

These auto-injectors will save lives, just as the AED devices that are placed in public facilities to treat heart attacks have saved lives. Placement of these devices would be especially appropriate in outdoor venues and camps where bees and other stinging insects are likely to be present, or in locations serving food where a severe allergic reaction to a food could occur.

LEGISLATIVE HISTORY:

New bill

FISCAL IMPLICATIONS:

None

EFFECTIVE DATE:

The bill will take effect 180 days after it shall have become law, but that effective immediately, amendment and/or repeal of any rule or regulation necessary for the implementation of the act is authorized to be made.

A07349 Text:

S T A T E O F N E W Y O R K

7349--A

2015-2016 Regular Sessions

I N A S S E M B L Y

May 6, 2015

Introduced by M. of A. ABINANTI, MILLER, OTIS, RIVERA, BUCHWALD, SIMON, PICHARDO, COOK, PERRY, PALUMBO, MONTESANO, MURRAY, STECK -- read once and referred to the Committee on Health -- cc discharged, bill amended, ordered reprinted as amended and recd to said committee

Amendment to Intro. 17-2

Page 11 of 14

AN ACT to amend the public health law, in relation to authorizing emergency allergy treatment

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act shall be known and may be cited as the "Emergency Allergy Treatment Act."

2 S 2. The public health law is amended by adding a new article 30-D read as follows:

ARTICLE 30-D

EMERGENCY ALLERGY TREATMENT

7 SECTION 3080. DEFINITIONS.

8 3081. EMERGENCY ALLERGY TREATMENT.

9 3082. EPINEPHRINE AUTO-INJECTORS; EMERGENCY ADMINISTRATIVE

10 3083. LIABILITY.

11 S 3080. DEFINITIONS. FOR PURPOSES OF THIS ARTICLE:

12 1. "ADMINISTER" MEANS TO DIRECTLY APPLY AN EPINEPHRINE AUTO-INJECTOR TO THE BODY OF AN INDIVIDUAL.

14 2. "AUTHORIZED ENTITY" MEANS AN ENTITY OR ORGANIZATION IN CONNECTION WITH WHICH ALLERGENS CAPABLE OF CAUSING A SEVERE ALLERGIC REACTION MAY BE PRESENT. THE TERM INCLUDES, BUT IS NOT LIMITED TO RESTAURANTS, RECREATION CAMPS, YOUTH SPORTS LEAGUES, THEME PARKS, RESORTS, ENTERTAINMENT VENUES AND SPORTS ARENAS.

19 3. "AUTHORIZED HEALTH CARE PRACTITIONER" MEANS A LICENSED PRACTITIONER AUTHORIZED BY THE LAWS OF THE STATE TO PRESCRIBE DRUGS.

21 4. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH.

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

LBD105

A. 7349--A

2

1 5. "EPINEPHRINE AUTO-INJECTOR" MEANS A SINGLE-USE DEVICE USED FOR THE AUTOMATIC INJECTION OF A PREMEASURED DOSE OF EPINEPHRINE INTO THE BODY.

4 6. "SELF-ADMINISTRATION" MEANS AN INDIVIDUAL'S DISCRETIONARY ADMINISTRATION OF AN EPINEPHRINE AUTO-INJECTOR ON HERSELF OR HIMSELF.

6 S 3081. EMERGENCY ALLERGY TREATMENT. 1. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THIS SECTION ALLOWS FOR THE EMERGENCY ADMINISTRATION OF PERSONS TO ADMINISTER LIFESAVING TREATMENT TO INDIVIDUALS WHO HAVE SEVERE ALLERGIC REACTIONS WHEN A PHYSICIAN IS NOT IMMEDIATELY AVAILABLE.

11 2. THE DEPARTMENT MAY:

12 (A) ADOPT RULES NECESSARY TO ADMINISTER THE PROVISIONS OF THIS SECTION.

14 (B) CONDUCT EDUCATIONAL TRAINING PROGRAMS AS DESCRIBED IN SUBSECTION THREE OF THIS SECTION AND APPROVE PROGRAMS CONDUCTED BY OTHER AGENCIES OR GOVERNMENTAL AGENCIES.

17 (C) ISSUE AND RENEW CERTIFICATES OF TRAINING TO PERSONS WHO COMPLIED WITH THIS SECTION AND THE RULES ADOPTED BY THE DEPARTMENT.

19 (D) COLLECT FEES NECESSARY TO ADMINISTER THE PROVISIONS OF THIS SECTION.

Amendment to Intro. 17-2

Page 12 of 14

20 CLE.

21 3. EDUCATIONAL TRAINING PROGRAMS REQUIRED BY THIS SECTION SH
22 CONDUCTED BY A NATIONALLY RECOGNIZED ORGANIZATION EXPERIENCED IN
23 ING LAYPERSONS IN EMERGENCY HEALTH TREATMENT OR AN ENTITY OR INI
24 APPROVED BY THE DEPARTMENT. THE CURRICULUM MUST INCLUDE AT A MINI

25 (A) RECOGNITION OF THE SYMPTOMS OF SYSTEMIC REACTIONS TO FOOD,
26 STINGS, AND OTHER ALLERGENS; AND

27 (B) THE PROPER ADMINISTRATION OF AN EPINEPHRINE AUTO-INJECTOR.

28 4. A CERTIFICATE OF TRAINING MAY BE GIVEN TO A PERSON WHO:

29 (A) IS EIGHTEEN YEARS OF AGE OR OLDER;

30 (B) HAS, OR REASONABLY EXPECTS TO HAVE, RESPONSIBILITY FOR OR
31 WITH AT LEAST ONE OTHER PERSON AS A RESULT OF HIS OR HER OCCUPATI
32 VOLUNTEER STATUS, INCLUDING, BUT NOT LIMITED TO, A CAMP COUNSELOR
33 LEADER, FOREST RANGER, TOUR GUIDE, MANAGER, WAIT STAFF OR CHAPERON

34 (C) HAS SUCCESSFULLY COMPLETED AN EDUCATIONAL TRAINING PROGRAM
35 DESCRIBED IN SUBDIVISION THREE OF THIS SECTION.

36 5. A PERSON WHO SUCCESSFULLY COMPLETES AN EDUCATIONAL TRAINING
37 MAY OBTAIN A CERTIFICATE UPON APPLICATION TO THE DEPARTMENT ACCORDING
38 SUCH REGULATION AS THE DEPARTMENT MAY PROMULGATE.

39 6. AN AUTHORIZED ENTITY WHICH HAS ONE OR MORE VOLUNTEERS OR EMPLOYEES
40 WHO HAVE SUCCESSFULLY COMPLETED AN EDUCATIONAL PROGRAM MAY OBTAIN A
41 CERTIFICATE AUTHORIZING SUCH ENTITY TO OBTAIN A CERTIFICATE AUTHORIZING
42 THE HOLDER TO RECEIVE, UPON PRESENTMENT OF THE CERTIFICATE AUTHORIZING
43 PRESCRIPTION FOR EPINEPHRINE AUTO-INJECTORS FROM AN AUTHORIZED
44 CARE PRACTITIONER OR THE DEPARTMENT. THE CERTIFICATE ALSO AUTHORIZES
45 THE HOLDER, IN AN EMERGENCY SITUATION WHEN A PHYSICIAN IS NOT IMMEDIATELY
46 AVAILABLE, TO POSSESS AND ADMINISTER, OR DELIVER A PRESCRIBED EPINEPHRINE
47 AUTO-INJECTOR TO A PERSON EXPERIENCING A SEVERE ALLERGIC REACTION.

48 S 3082. EPINEPHRINE AUTO-INJECTORS; EMERGENCY ADMINISTRATION.
49 AUTHORIZED HEALTH CARE PRACTITIONER MAY PRESCRIBE EPINEPHRINE AUTO-INJECTORS
50 IN THE NAME OF AN AUTHORIZED ENTITY FOR USE IN ACCORDANCE WITH THIS
51 SECTION, AND PHARMACISTS MAY DISPENSE EPINEPHRINE AUTO-INJECTORS
52 PURSUANT TO A PRESCRIPTION ISSUED IN THE NAME OF AN AUTHORIZED ENTITY.

53 2. AN AUTHORIZED ENTITY MAY ACQUIRE AND STOCK A SUPPLY OF EPINEPHRINE
54 AUTO-INJECTORS PURSUANT TO A PRESCRIPTION ISSUED IN ACCORDANCE WITH THIS
55 SECTION. SUCH EPINEPHRINE AUTO-INJECTORS MUST BE STORED IN ACCORDANCE
56 WITH THE EPINEPHRINE AUTO-INJECTOR'S INSTRUCTIONS FOR USE AND WITH
A. 7349--A

3

1 ADDITIONAL REQUIREMENTS THAT MAY BE ESTABLISHED BY THE DEPARTMENT
2 AN AUTHORIZED ENTITY SHALL DESIGNATE EMPLOYEES OR AGENTS WHO HOLD A
3 CERTIFICATE ISSUED PURSUANT TO SECTION THREE THOUSAND EIGHTY-ONE OF THIS
4 ARTICLE TO BE RESPONSIBLE FOR THE STORAGE, MAINTENANCE, AND GENERAL
5 SUPERVISION OF EPINEPHRINE AUTO-INJECTORS ACQUIRED BY THE AUTHORIZED ENTITY.

6 3. AN INDIVIDUAL WHO HOLDS A CERTIFICATE ISSUED PURSUANT TO
7 THREE THOUSAND EIGHTY-ONE OF THIS ARTICLE MAY, ON THE PREMISES IN
8 CONNECTION WITH THE AUTHORIZED ENTITY, USE EPINEPHRINE AUTO-INJECTORS
9 PRESCRIBED PURSUANT TO SUBDIVISION ONE OF THIS SECTION TO:

10 (A) PROVIDE AN EPINEPHRINE AUTO-INJECTOR TO A PERSON WHO THE CERTIFYING
11 INDIVIDUAL IN GOOD FAITH BELIEVES IS EXPERIENCING A SEVERE ALLERGIC
12 REACTION FOR THAT PERSON'S IMMEDIATE SELF-ADMINISTRATION, REGARDLESS OF
13 WHETHER THE PERSON HAS A PRESCRIPTION FOR AN EPINEPHRINE AUTO-INJECTOR.

Amendment to Intro. 17-2

Page 13 of 14

14 OR HAS PREVIOUSLY BEEN DIAGNOSED WITH AN ALLERGY.

15 (B) ADMINISTER AN EPINEPHRINE AUTO-INJECTOR TO A PERSON WHO THE
16 FIED INDIVIDUAL IN GOOD FAITH BELIEVES IS EXPERIENCING A SEVERE A
17 REACTION, REGARDLESS OF WHETHER THE PERSON HAS A PRESCRIPTION
18 EPINEPHRINE AUTO-INJECTOR OR HAS PREVIOUSLY BEEN DIAGNOSED
19 ALLERGY.

20 4. AN AUTHORIZED ENTITY THAT ACQUIRES A STOCK SUPPLY OF EPIN
21 AUTO-INJECTORS PURSUANT TO A PRESCRIPTION ISSUED BY AN AUTHORIZED
22 CARE PRACTITIONER IN ACCORDANCE WITH THIS SECTION MAY MAKE THE A
23 JECTORS AVAILABLE TO INDIVIDUALS OTHER THAN CERTIFIED INDIVIDUALS
24 TIFIED IN SUBDIVISION THREE OF THIS SECTION WHO MAY ADMINIS
25 AUTO-INJECTOR TO A PERSON BELIEVED IN GOOD FAITH TO BE EXPERIEN
26 SEVERE ALLERGIC REACTION IF THE EPINEPHRINE AUTO-INJECTORS ARE ST
27 A SECURE LOCATION AND ARE MADE AVAILABLE ONLY UPON REMOTE AUTHOF
28 BY AN AUTHORIZED ENTITY, A 911 EMERGENCY REPRESENTATIVE, A PERSON
29 ING A CURRENT CERTIFICATE OF TRAINING OR AN AUTHORIZED HEALTH CAR
30 TITIONER AFTER CONSULTATION WITH THE AUTHORIZED HEALTH CARE PRACT
31 BY AUDIO, OR OTHER MEANS OF ELECTRONIC COMMUNICATION. CONSULTATI
32 AN AUTHORIZED HEALTH CARE PRACTITIONER FOR THIS PURPOSE IS NOT
33 ERERED THE PRACTICE OF TELEMEDICINE OR OTHERWISE CONSTRUED AS VI
34 ANY LAW OR RULE REGULATING THE AUTHORIZED HEALTH CARE PRACTIT
35 PROFESSIONAL PRACTICE.

36 S 3083. LIABILITY. AN AUTHORIZED ENTITY AND/OR ITS AGENTS OR EM
37 SHALL INCUR NO LEGAL OR FINANCIAL LIABILITY AS A RESULT OF ANY
38 INJURY SUSTAINED BY A PERSON CAUSED BY REASONABLE AND GOOD FAITH
39 ANCE WITH THIS ARTICLE.

40 S 3. This act shall take effect on the one hundred eightieth da
41 it shall have become law. Effective immediately, the addition, an
42 and/or repeal of any rule or regulation necessary for the impleme
43 of this act on its effective date is authorized to be made and cc
44 on or before such effective date.

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR SAVAGE**

**RE: Supporting the Emergency Allergy Treatment Act, Currently Before
the New York State Legislature**