

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 207, 305 and 922 and Chapter 57 of the Laws of 2015

Section 136.8 of the Regulations of the Commissioner of Education is added, effective August 11, 2015, as follows:

§136.8 Opioid Overdose Prevention

(a) Definitions. As used in this section:

(1) Opioid antagonist means a drug approved by the Food and Drug Administration that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid, such as heroin, in the body. For use under this section, opioid antagonist shall be limited to naloxone and other medications approved by the Department of Health for such purpose.

(2) Opioid antagonist recipient (or "recipient"), for purposes of this section, means a school district, board of cooperative educational services (BOCES), county vocational education and extension board, charter school, non-public elementary and/or secondary school, or any person employed by such district, board or school who has been authorized by such district, board or school to participate in an opioid prevention program and has received training by a program approved pursuant to Public Health Law section 3309.

(3) Instructional school facility means a building or other facility maintained by a school district, board of cooperative educational services (BOCES), a county vocational education and extension board, charter school, or non-public elementary and secondary school where instruction is provided to students pursuant to its curriculum.

(b) School districts, boards of cooperative educational services, county vocational education and extension boards, charter schools, and non-public elementary and secondary schools may elect to participate as an opioid antagonist recipient pursuant to the provisions of Public Health Law section 3309. For school districts that choose to participate as an opioid antagonist recipient pursuant to the provisions of Public Health Law section 3309, any person employed by such entity who has been trained by a program approved under that section may administer an opioid antagonist in the event of an emergency pursuant to the requirements of Public Health Law section 3309.

(c) School districts, boards of cooperative educational services, county vocational education and extension boards, charter schools, and non-public elementary and secondary schools choosing to participate in the opioid overdose prevention program shall comply with the requirements of Public Health Law section 3309 including, but not limited to, appropriate clinical oversight, record keeping and reporting.

(d) School districts, boards of cooperative educational services, county vocational education and extension boards, charter schools, and non-public elementary and secondary schools who choose to participate in the opioid overdose prevention program pursuant to Public Health Law section 3309 shall provide and maintain on-site in each instructional school facility opioid antagonists. Each such facility shall have sufficient opioid antagonists available to ensure ready and appropriate access for use during emergencies to any student or staff having symptoms of an opioid overdose, whether or not there is a known previous history of opioid abuse in accordance with the provisions of Public Health Law section 3309. In determining the quantities and

placement of opioid antagonists to be maintained on-site in an instructional school facility, consideration shall be given to:

(1) the number of students, staff and other individuals that are customarily or reasonably anticipated to be within such facility; and

(2) the physical layout of the facility, including but not limited to:

(i) location of stairways and elevators;

(ii) number of floors in the facility;

(iii) location of classrooms and other areas of the facility where large congregations of individuals may occur; and

(iv) any other unique design features of the facility.

(e) Nothing in this section shall require school districts, boards of cooperative educational services, county vocational education and extension boards, charter schools, and non-public elementary and secondary schools to participate in an opioid overdose prevention program, and any participation by an individual employee shall be voluntary.

(f) Use of an opioid antagonist pursuant to this section and the provisions of Public Health Law section 3309 shall be considered first aid or emergency treatment for the purpose of any statute relating to liability; provided that a school district, board of cooperative educational services (BOCES), county vocational education and extension board, charter school, non-public elementary and/or secondary school, or any person employed by such district, board or school, acting reasonably and in good faith in compliance with the provisions of Public Health Law section 3309, shall not be subject to criminal, civil or administrative liability solely by reason of such action.