



Legislation Text

File #: Res 0234-2022, **Version:** *

Res. No. 234

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.723A/A.3821, which allows the presence of epinephrine auto-injector devices on pre-school premises.

By Council Members Ayala, Cabán, Hanif, Joseph and Restler

Whereas, According to the American College of Allergy, Asthma, and Immunology, more than 50 million Americans have an allergy of some kind; and

Whereas, According to Food Allergy Research & Education (FARE), researchers have estimated that 5.6 million children under the age of 18 have food allergies; and

Whereas, This amounts to about one in 13 children, or roughly two children in every classroom; and

Whereas, According to the Asthma and Allergy Foundation of America, anaphylaxis, a life-threatening allergic reaction, occurs in about one in 50 Americans; and

Whereas, Many believe the rate is higher and is probably closer to one in 20; and

Whereas, Anaphylaxis can be caused by ingesting food or medication to which an individual is allergic; and

Whereas, According to the American College of Allergy, Asthma, and Immunology, anaphylaxis can come on within minutes of exposure to food, it can be fatal, and it must be treated promptly with an injection of epinephrine; and

Whereas, According to the New York City Department of Health and Mental Hygiene (DOHMH), between 2006 and 2010, 1,259 people were hospitalized for anaphylaxis in New York City; and

Whereas, According to a 2020 study published in the Journal of Public Health Management and

Practice, there were a total of 3,049 hospitalizations and 4,014 Emergency Department visits in New York City for food-related anaphylaxis between 2000 and 2014; and

Whereas, Food allergies are increasing and posing a larger threat; and

Whereas, According to FARE, the portion of health care claims submitted to health insurance companies with food allergy and anaphylactic diagnoses rose 125 percent from 2009 to 2016 in New York; and

Whereas, According to New York State public health law, an "epinephrine auto-injector device" is a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body for the purpose of emergency treatment of a person appearing to experience anaphylactic symptoms approved by the United States Food and Drug Administration; and

Whereas, Under current State law, particular persons or entities may purchase, acquire, possess and use epinephrine auto-injector devices for emergency treatment of a person appearing to experience anaphylactic symptoms; and

Whereas, Under State law, entities that can choose to keep epinephrine auto-injectors include certain camps for children, school districts, charter schools, and non-public elementary and secondary schools or any person employed by any such entity, yet does not specifically include pre-schools; and

Whereas, According a 2017 study in the Journal of Pediatrics, diagnoses of pediatric food allergy in New York City increased approximately threefold from school years 2007-2008 to 2012-2013; and

Whereas, According to the study from the Journal of Pediatrics, between schools years 2007-2008 and 2012-2013, 337 epinephrine auto-injectors were administered in schools; and

Whereas, Of those incidents, more than one-half used epinephrine auto-injectors supplied by the school's personal stock instead of epinephrine auto-injectors supplied by the students themselves, and three-quarters were for students without a personal prescription for an epinephrine auto-injector preceding the incident; and

Whereas, As the majority of administrations in the study used epinephrine auto-injectors supplied by the

school and not the individual student, availability of epinephrine auto-injectors appears vital to management of anaphylaxis in schools and elsewhere, and, therefore, access should be expanded; and

Whereas, S.723A, sponsored by Senator Brad Hoylman, and A.3821, sponsored by Assembly Member Linda Rosenthal, authorizes the presence of epinephrine auto-injector devices on pre-school premises; and

Whereas, All pre-schools in New York City should be supplied with the only available life-saving devices on the market for those experiencing anaphylaxis; now, therefore, be it

Resolved, The Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, S.723A/A.3821, which allows the presence of epinephrine auto-injector devices on pre-school premises.

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