

# EpiPen legislation in Nassau, Suffolk stalls amid liability, training concerns

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Only in Newsday

As the painful 10-year anniversary of her son's death passes, Georgina Cornago is reminded of her life's mission: to make sure no other parent loses a child to a severe food allergy.

Ensuring broad, emergency access to epinephrine, the only drug that can prevent a fatal reaction, has been a long struggle for the Lynbrook mom-turned-advocate whose 14-year-old son, Giovanni, died Oct. 18, 2013, from a reaction to a peanut. It's the reason she is frustrated as Nassau and Suffolk county governments are slow to put epinephrine auto-injectors, or EpiPens, in police vehicles, despite a four-year-old state law that allows them to.

Suffolk this summer agreed to implement the law, but weeks later said it won't take effect until state law is amended. Nassau lawmakers have pulled back on a nearly identical bill over what officials describe as a lack of officer training.

Under New York State law, EpiPens can be administered by

emergency responders, teachers and others in public and private spaces. But training and liability concerns have slowed or blocked efforts to make them more widely available on Long Island and created confusion over who is able to respond to emergencies.

## WHAT TO KNOW

- **Training and liability** concerns have slowed or blocked efforts to make EpiPens more widely available on Long Island and created confusion over who is able to respond to food allergy emergencies.
- **Suffolk passed a** law putting EpiPens in police vehicles, but it won't take effect until state law is amended to address a legal technicality. Nassau lawmakers have pulled back on a nearly identical bill over what officials describe as a lack of officer training.
- **Besides police vehicles**, recent state laws either allow or require EpiPens in day cares, classrooms, school buses and state parks.

"How is it that our police officers are allowed to give Narcan to an unconscious person but we can't give epinephrine?" said Cornago, referring to the nasal spray that reverses drug overdoses.

Nassau leaders say the county's 150 police medics are able to administer EpiPens, making a local law unnecessary. The rest of the police department, with nearly 2,500 officers, would need training, said Legis. Richard J. Nicoletto, (R-New Hyde Park), the county legislature's presiding officer.

"We have it covered in the existing way our police department works,"

he said.

## **How allergy 'pens' work**

During a severe allergic reaction known as anaphylaxis, blood pressure drops suddenly and airways narrow, blocking a person's breathing. It can be deadly if not treated right away with epinephrine, which increases blood flow and relaxes muscles that block airways, according to medical experts. The procedure involves placing the injector against someone's thigh and pressing a button to administer the medication.

Dr. Susan Schuval, chief of pediatric allergy/immunology at Stony Brook Children's Hospital, said data shows the prevalence of food allergies has tripled since 2007, with one emergency room visit occurring every three minutes nationwide.

"These are all preventable and they are also treatable," Schuval said. "From a public health point of view, it would be advantageous for it [allergy pens] to be widespread and for police officers to have it."

Schuval said for some municipalities, cost could be a factor. EpiPens are priced at \$690 each but generic allergy pens are less expensive, at \$150 to \$250 each.

Suffolk is talking with a hospital system to fund the first year of its program, expected to cost \$69,000 annually, according to Legis. Dominick Thorne (R-Patchogue), the bill's sponsor.

## **Nassau bill 'a good idea at the time'**

In 2019, after years of lobbying from Cornago, state lawmakers passed Gio's Law, which authorizes police and firefighters to carry EpiPens in their vehicles. The law needs agreement from local governments in order to be implemented.

Nicolello said lawmakers watched as Suffolk moved forward with implementation in mid-June. Soon after the bill passed unanimously, all 12 members of Nassau's Republican majority introduced a similar one.

"It seemed to be a good idea at the time," Nicolello said.

After discussions with the police department, Nassau lawmakers never voted on the legislation, and County Executive Bruce Blakeman's administration did not support it. Nassau's largest police union, the Police Benevolent Association, did not respond to a request for comment.

Blakeman spokesman Christopher Boyle declined to comment and referred questions to the county's health department. Nassau County Health Commissioner Dr. Irina Gelman said in a statement there are "logistical and medical reasons why Nassau County has not initiated a similar program." She did not provide details.

Nicolello said Nassau police officers receive nine days of training to become emergency medical "responders" as opposed to six months of training to become "technicians" — the main reason they aren't able to administer epinephrine, he said.

"We'd have to send every police officer back to the academy," Nicolello said.

Nassau administers epinephrine when needed through police medics, said Kris Kalender, police medic and vice president of the Civil Service Employees Association, which represents the police medic unit.

Kalender said the medics are strategically posted throughout the county and sent to an incident involving a severe allergic reaction at the same time as police officers.

"We do respond simultaneously with the cops and there are times when we do show up before them, delivering more trained and qualified care at a faster rate," Kalender said.

"Saying to me that the Nassau police don't have the training is not a reasonable excuse," Cornago said. "Giovanni died in Nassau County. It's just mind-boggling."

Nassau Legis. Josh Lafazan (D-Woodbury) said he believes Nassau police are "more than qualified" to administer EpiPens.

"We should be pressing for a state waiver or amendment," Lafazan said. "There's momentum here and there is precedent and many, many reasons we should do all we can in this situation."

## **Suffolk law needs tweak**

In July, Suffolk County Executive Steve Bellone signed legislation directing the police department, with around 2,500 officers, "to ensure that all police patrol vehicles are outfitted with epinephrine auto-injectors."

Previously, only EMTs had access to EpiPens. Nearly all Suffolk patrol

officers already have EMT certification and are trained to administer epinephrine, according to Lou Civello, second vice president of the Suffolk Police Benevolent Association.

Bellone said the local law can't be implemented until state law is clarified to address which municipalities are affected. The law says it applies to "cities, towns or villages having a population of less than 1 million." Suffolk's population is about 1.5 million. Nassau's is about 1.4 million.

State Sen. Dean Murray (R-East Patchogue), who co-sponsored Gio's Law, said Suffolk attorneys believed they would be taking on too much liability. He and State Sen. Julia Salazar, a Brooklyn Democrat, have said they will introduce an amendment in January.

"There is no opposition as far as I see, and there is no reason why it shouldn't be passed when we return to Albany," Murray said.

## **New York State laws**

Besides police vehicles, recent state laws either allow or require EpiPens in day cares, classrooms, school buses and state parks.

A 2019 law named after Elijah Silvera, who died at the age of 3 after a reaction to eating a grilled cheese sandwich at his child care facility, requires the facilities to stock EpiPens and train workers to use them.

Last month, Gov. Kathy Hochul signed a law that requires all teachers in public and private schools be provided with written information on how to use EpiPens. More than 215,000 students in New York State have potentially life-threatening food allergies, according to Food

Allergy Research and Education, a Virginia-based advocacy group.

Former Gov. Andrew M. Cuomo signed legislation in July 2021 enabling park rangers, forest rangers and environmental conservation police officers to carry and administer epinephrine. State Sen. James Tedisco (R-Glenville), co-sponsor of the bill, said it was a "no-brainer."

"It should be available to as many people as possible," Tedisco said. "It's a matter of minutes between life and death and could happen anywhere. Someone on a Girl Scout troop hike could encounter a bee sting. A restaurant could make a mistake. It's a simple injection."

Restaurants in New York are not required to stock EpiPens. Legislation that would have created a pilot program for Nassau restaurants stalled last year amid questions about cost and liability.

Lafazan, who proposed the bill, said he is frustrated by the "lack of urgency among county legislators to protect people with food allergies."

"It's a generational issue here. If you speak to young parents, food allergies are much more prevalent these days," Lafazan said. "These parents' lives revolve around protecting their children from anaphylaxis."