

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2026**

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**No. 4**

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Introduced by Council Members Marmorato, Paladino, Ariola, Menin, Holden, Zhuang, Restler, Schulman, Narcisse, Hanks, Louis, Feliz, Hudson, Gutiérrez, Gennaro, Carr, Vernikov and Morano.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to requiring all schools to stock airway clearance devices, and to repeal section two of such local law upon the expiration thereof**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-188.3 to read as follows:

*§ 17-188.3 Airway clearance devices in schools. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Airway clearance device. The term “airway clearance device” means a medical device registered as a class II acute upper airway obstruction device with the FDA.*

*FDA. The term “FDA” means the federal food and drug administration.*

*School building. The term “school building” means any building or facility in which there is a public school, private school, or charter school.*

*b. Within 180 days after (1) airway clearance devices have received authorization from the FDA for use as choking-rescue devices during choking emergencies for school aged children and (2) either the American Heart Association or the American Red Cross has issued choking-rescue*

*protocols that recommend the use of airway clearance devices during choking emergencies for school aged children, the department of education and each private school and charter school shall stock airway clearance devices in all school buildings under their respective control. FDA registration or listing alone shall not constitute authorization from the FDA for purposes of this section.*

*c. Prior to stocking airway clearance devices pursuant to subdivision b of this section, the department of health and mental hygiene shall offer training to relevant staff from the department of education, private schools, and charter schools in accordance with nationally recognized choking-rescue protocols, including, but not limited to, those issued by the FDA, the American Heart Association, or the American Red Cross. Such training shall be consistent with the most current nationally recognized choking-rescue protocols and shall emphasize that airway clearance devices are intended for use only in the circumstances and sequence specified by such instructions and protocols.*

§ 2. Reporting on airway clearance devices. a. Definitions. For purposes of this section, the following terms have the following meanings:

Airway clearance device. The term “airway clearance device” means a medical device that has been registered as a class II acute upper airway obstruction device with the United States food and drug administration.

Chancellor. The term “chancellor” means the chancellor of the city school district of the city of New York.

School building. The term “school building” means any facility that is leased by the department of education or over which the department of education has care, custody, and control, and in which there is a school of the city school district of the city of New York.

b. No later than November 30 of the year after airway clearance devices are stocked pursuant to section 1 of this local law and annually thereafter, the chancellor shall submit to the mayor and the speaker of the council a report that shall include, for the prior school year:

1. The number of airway clearance devices available for use in each school building; and
2. The number of instances that an airway clearance device was used during a choking emergency, disaggregated by school building.

§ 3. This local law takes effect immediately and section two of this local law expires and is deemed repealed 5 years after the first report pursuant to subdivision b is submitted to the mayor and the speaker of the council.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on December 4, 2025 and returned unsigned by the Mayor on January 5, 2026.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 4 of 2026, Council Int. No. 1002-A of 2024) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor, and neither approved nor disapproved within thirty days thereafter.

SPENCER FISHER, Acting Corporation Counsel.