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

5654

2011-2012 Regular Sessions

I N S E N A T E

June 9, 2011

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

AN ACT to amend the education law, in relation to health requirements for wrestling

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

Section 1. Section 3001-d of the education law is renumbered section 3001-e and a new section 3001-d is added to read as follows:

S 3001-D. HEALTH REQUIREMENTS FOR WRESTLING. 1. SCHOOL OFFICIALS, COACHES, AND REFEREES WHO SUPERVISE WRESTLING AND SCHOOL STAFF WHO ASSIST WRESTLING ACTIVITIES SHALL:

(A) DISINFECT THE WRESTLING MAT BEFORE EACH PRACTICE, BEFORE EACH COMPETITION AND WHENEVER DEEMED APPROPRIATE DURING SUCH TIMES;

(B) REQUIRE THAT ANY PERSON WHO HAS PREVIOUSLY CONTRACTED AN INFECTIOUS SKIN DISEASE THAT IS COMMUNICABLE TO PRESENT A NATIONAL FEDERATION OF STATE HIGH SCHOOL ASSOCIATIONS (NFHS)/NEW YORK STATE PUBLIC HIGH SCHOOL ATHLETIC ASSOCIATION (NYSPHSAA) APPROVED INFECTIOUS DISEASE FORM BEARING A LICENSED PHYSICIAN'S STAMP OR SIGNATURE RELEASING SUCH PERSON TO PHYSICAL ACTIVITY PRIOR TO PARTICIPATING IN WRESTLING.

2. (A) ANY FACILITY THAT HOSTS A WRESTLING TOURNAMENT SHALL HAVE WORKING SHOWERS WITH BOTH HOT AND COLD WATER AVAILABLE FOR STUDENTS OF BOTH SEXES.

(B) FOR PURPOSES OF THIS SECTION "TOURNAMENT" SHALL MEAN A WRESTLING COMPETITION BETWEEN THREE OR MORE SCHOOLS.

3. NO FACILITY, SCHOOL DISTRICT, AUTHORIZING NONPUBLIC SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES OR ANY AGENT THEREOF, SHALL BE HELD LIABLE FOR DAMAGES FOR INJURIES OR DEATH ALLEGED TO HAVE BEEN SUSTAINED BY A PUPIL ARISING SOLELY FROM A FAILURE TO COMPLY WITH THIS SECTION WHEN THE FACILITY, SCHOOL DISTRICT, AUTHORIZING NONPUBLIC SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES, OR AGENT THEREOF ACTED IN

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

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GOOD FAITH AND EXERCISED REASONABLE CARE IN THE COURSE OF CARRYING OUT THE DUTIES REQUIRED UNDER THIS SECTION.

4. THE COSTS OF COMPLIANCE WITH THIS SECTION, EXCLUDING THE COSTS RELATED TO THE REGULAR MAINTENANCE AND REPAIR OF SCHOOL FACILITIES, BUT INCLUDING SUCH WAGES AND PROCUREMENTS NECESSARY FOR COMPLIANCE, SHALL BE BORNE BY THE STATE AND REIMBURSABLE TO THE SCHOOL.

S 2. The education law is amended by adding a new section 921 to read as follows:

S 921. DISSEMINATION OF INFORMATION FOR INFECTIOUS DISEASES. (A) ALL WRESTLING COACHES ARE REQUIRED TO COMPLETE ANNUALLY A COURSE OF INSTRUCTION RELATING TO THE RECOGNITION, TREATMENT AND MONITORING OF PUPILS WHO SUFFER FROM INFECTIOUS SKIN DISEASES. THE COURSE OF INSTRUCTION REQUIRED BY THIS SUBDIVISION SHALL INCLUDE, BUT NOT BE LIMITED TO: THE DEFINITION OF AN INFECTIOUS SKIN DISEASE, SIGNS AND SYMPTOMS OF INFECTIOUS SKIN DISEASE, GUIDELINES FOR CONDUCTING SKIN INSPECTIONS, HOW SUCH TRANSMISSIONS MAY OCCUR, THE IMPORTANCE OF CLEANLINESS WITH REGARD TO SHOES WORN BY PLAYERS, COACHES AND REFEREES THAT COME INTO CONTACT WITH THE MATS, AND THE GUIDELINES FOR THE RETURN TO SCHOOL AND TO WRESTLING ACTIVITIES AFTER A PUPIL HAS SUFFERED AN INFECTIOUS SKIN DISEASE REGARDLESS OF WHETHER THE TRANSMISSION OF SUCH OCCURRED OUTSIDE OF SCHOOL. SUCH COURSE OF INSTRUCTION MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, A WEBINAR APPROVED BY THE SCHOOL'S ATHLETIC ASSOCIATION. SUCH COURSE SHALL NOT EXCEED SIXTY MINUTES IN LENGTH.

(B) BILINGUAL INFORMATION SHALL BE PROVIDED TO EVERY PUPIL PARTICIPATING IN WRESTLING, TO EACH WRESTLER WHO HAS SUFFERED AN INFECTIOUS SKIN DISEASE AND TO EACH COACH OF A WRESTLING TEAM. THE INFORMATION REQUIRED BY THIS SUBDIVISION SHALL INCLUDE BUT NOT BE LIMITED TO: THE DEFINITION OF AN INFECTIOUS SKIN DISEASE, SIGNS AND SYMPTOMS OF INFECTIOUS SKIN DISEASE, GUIDELINES FOR CONDUCTING SKIN INSPECTIONS, HOW SUCH TRANSMISSIONS MAY OCCUR, THE IMPORTANCE OF CLEANLINESS WITH REGARD TO SHOES WORN BY PLAYERS, COACHES AND REFEREES THAT COME INTO CONTACT WITH THE MATS, AND THE GUIDELINES FOR THE RETURN TO SCHOOL AND TO WRESTLING ACTIVITIES AFTER A PUPIL HAS SUFFERED AN INFECTIOUS SKIN DISEASE REGARDLESS OF WHETHER THE TRANSMISSION OF SUCH OCCURRED OUTSIDE OF SCHOOL. SUCH INFORMATION MAY BE MADE AVAILABLE BY DIRECTING THE PUPIL TO THE DEPARTMENT OF HEALTH WEBSITE; PROVIDED, HOWEVER, IF A PUPIL CANNOT ACCESS THE WEBSITE THE SCHOOL SHALL MAKE THE WEBSITE AVAILABLE THROUGH SCHOOL RESOURCES OR SHALL DISTRIBUTE THE SAME. NO PUPIL SHALL ENGAGE IN ORGANIZED PRACTICE FOR OR PARTICIPATE IN ANY INTERSCHOLASTIC WRESTLING ACTIVITY ON BEHALF OF A SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES, UNLESS AND UNTIL THE ATHLETE SHALL HAVE SIGNED AND RETURNED A STATEMENT ATTESTING THAT HE OR SHE HAS RECEIVED OR READ AND UNDERSTANDS THE INFORMATION REQUIRED BY THIS SECTION. SUCH STATEMENT MAY BE INCLUDED ON ANY EXISTING FORM ADMINISTERED BY THE SCHOOL TO A WRESTLER THAT REQUIRES THE ATHLETE'S SIGNATURE FOR PARTICIPATION IN WRESTLING ACTIVITIES. EVERY SCHOOL DISTRICT AND BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL MAINTAIN ON FILE IN THE ATHLETIC DIRECTOR'S OFFICE FOR AT LEAST ONE YEAR A COPY OF EACH STATEMENT RECEIVED. ANY NONPUBLIC SCHOOL SHALL IMPLEMENT THE PROVISIONS OF SUCH RULES AND REGULATIONS.

(C) NO SCHOOL DISTRICT, AUTHORIZING NONPUBLIC SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES OR ANY AGENT THEREOF, SHALL BE HELD LIABLE FOR DAMAGES FOR INJURIES OR DEATH ALLEGED TO HAVE BEEN SUSTAINED BY A PUPIL ARISING SOLELY FROM A FAILURE TO COMPLY WITH THIS SECTION WHEN THE SCHOOL DISTRICT, AUTHORIZING NONPUBLIC SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES, OR AGENT THEREOF ACTED IN GOOD FAITH AND EXERCISED

REASONABLE CARE IN THE COURSE OF CARRYING OUT THE DUTIES REQUIRED UNDER THIS SECTION.

S 3. This act shall take effect on September 1, 2012; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.