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

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2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. ZELDIN, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law and the public health law, in relation to Methicillin-Resistant Staphylococcus Aureus protection and education

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

Section 1. The education law is amended by adding a new section 921 to read as follows:

S 921. MRSA AND OTHER INFECTIOUS SKIN DISEASE PROTECTION AND EDUCATION. 1. LEGISLATIVE INTENT. THE LEGISLATURE FINDS AND DETERMINES THAT METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS (MRSA) IS A VERY SERIOUS HEALTH CONCERN FOR THE PEOPLE OF THE STATE OF NEW YORK. MRSA IS A BACTERIA THAT CAN LEAD TO THE OUTBREAK OF SERIOUS INFECTIONS. DUE TO ITS COMMON RESISTANCE TO MANY MODERN ANTIBIOTICS, IT IS VERY OFTEN DIFFICULT TO TREAT, AND CAN RESULT IN EXTENDED HOSPITALIZATION, SERIOUS ILLNESS, AND EVEN DEATH.

THE LEGISLATURE FURTHER FINDS AND DETERMINES THAT AS A SERIOUS HEALTH RISK, IT IS IMPORTANT FOR THE STATE OF NEW YORK TO PROMOTE EDUCATION AND AWARENESS ON HOW TO PREVENT THE SPREAD OF SUCH INFECTIOUS DISEASES AS MRSA, DEVELOP PROTOCOLS AND PROCEDURES TO HELP AVOID TRANSMISSION OF MRSA, AND THEREBY PROTECT THE PUBLIC HEALTH OF THE PEOPLE OF THE STATE OF NEW YORK. SUCH EDUCATION, PROTOCOLS AND PROCEDURES ARE ESPECIALLY IMPORTANT WHERE THE RISKS OF TRANSMISSION ARE SIGNIFICANT, INCLUDING IN OUR PUBLIC AND PRIVATE SCHOOLS, WHERE SUCH EDUCATION, PROTOCOLS AND METHODS CAN BE DEPLOYED TO LESSEN THE CHANCE AND RISK OF INFECTION.

THE LEGISLATURE ADDITIONALLY FINDS AND DETERMINES THAT ONE AREA IN WHICH SUCH EDUCATION, PROTOCOLS AND METHODS COULD BE ESPECIALLY USEFUL IS WITH RESPECT TO SCHOOL ATHLETIC FACILITIES AND EVENTS. THE PADDING USED IN SCHOOL ATHLETIC FACILITIES AND EVENTS, ALTHOUGH VERY IMPORTANT

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

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FOR THE SAFETY OF SCHOOL ATHLETES, HAS PROVEN TO BE A MEDIUM WHICH CAN PERMIT THE BREEDING OF HARMFUL BACTERIA, INCLUDING MRSA, THAT CAN LEAD TO INFECTIOUS AND POTENTIALLY LIFE-THREATENING DISEASES. WITHOUT PROPER EDUCATION, PROTOCOLS AND PROCEDURES, THESE IMPORTANT SAFETY SURFACES CAN BECOME CONTAMINATED, EXPOSING PARTICIPANTS TO THE DANGER OF CONTRACTING INFECTIONS AND THE RESULTING ILLNESSES. IN WRESTLING, IN PARTICULAR, THE SKIN TO SKIN CONTACT BETWEEN COMPETITORS, AND THE ROUTINE EXPOSURE TO THESE PADDING SURFACES, MAKE THE NEED FOR SUCH EDUCATION, PROTOCOLS AND PROCEDURES ESPECIALLY IMPORTANT.

THE LEGISLATURE ALSO FINDS AND DETERMINES THAT EDUCATING STUDENTS AND THEIR SUPERVISORS, AND PROMOTING THE PUBLICATION OF PROTOCOLS AND PROCEDURES, WITH RESPECT TO MRSA, INFECTIOUS SKIN DISEASES, AND HOW TO PREVENT THEM, CAN SIGNIFICANTLY CURB THEIR SPREAD. BY INFORMING STUDENTS AND COACHES OF THE IMPORTANCE OF GOOD HYGIENE, AMONG OTHER THINGS, THE SPREAD OF MRSA CAN BE DRASTICALLY DIMINISHED. SHOWERING IMMEDIATELY AFTER PRACTICES AND MATCHES HAVE PROVEN TO DECREASE INCIDENCES OF INFECTIOUS SKIN DISEASES. THAT BY DIRECTING THE NEW YORK STATE EDUCATION DEPARTMENT AND THE NEW YORK STATE DEPARTMENT OF HEALTH, TO WORK TOGETHER TO DEVELOP IMPORTANT EDUCATION, PROTOCOLS AND PROCEDURES NECESSARY TO ADDRESS THIS VERY SERIOUS HEALTH CONCERN, AND BY ENABLING SUCH DEPARTMENTS TO ASSIST SCHOOLS, THEIR ATHLETIC FACILITIES AND OTHER PUBLIC INSTITUTIONS, TO HELP PREVENT THE SPREAD OF MRSA AND INFECTIOUS SKIN DISEASES, THIS LEGISLATION SEEKS TO PROMOTE THE PUBLIC HEALTH AND SAFETY OF STUDENTS, ATHLETES, AND THE PEOPLE OF THE STATE OF NEW YORK.

2. THE METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS (MRSA) AND INFECTIOUS SKIN DISEASE INFORMATIONAL PROGRAM. THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH, SHALL DEVELOP A MRSA AND INFECTIOUS DISEASE EDUCATION PROGRAM. THE MRSA AND INFECTIOUS DISEASE EDUCATION PROGRAM SHALL CONSIST OF A PROGRAM TO DISSEMINATE INFORMATION, THROUGH THE DEPARTMENT'S WEBPAGE, THAT DESCRIBES THE CONDITIONS THAT CONTRIBUTE TO MRSA AND INFECTIOUS DISEASE. SUCH INFORMATION SO DISSEMINATED SHALL ALSO PRESCRIBE CLEANING METHODS, PROTOCOLS AND PROCEDURES THAT CAN ERADICATE THE CONTAMINATION OF MRSA AND OTHER INFECTIOUS SKIN DISEASES.

3. INTERSCHOLASTIC WRESTLING HEALTH TRAINING AND EDUCATION PROGRAM. THE DEPARTMENT, IN CONSULTATION WITH THE NEW YORK PUBLIC HIGH SCHOOL ATHLETIC ASSOCIATION, AND THE DEPARTMENT OF HEALTH, SHALL DEVELOP AN INTERSCHOLASTIC WRESTLING HEALTH TRAINING AND EDUCATION PROGRAM, WHICH SHALL CONSIST OF AN ONLINE HEALTH TRAINING AND EDUCATION PROGRAM FOR INTERSCHOLASTIC WRESTLING COACHES AND STUDENT ATHLETES PARTICIPATING IN INTERSCHOLASTIC WRESTLING ON THE SUBJECT OF CONDITIONS THAT CONTRIBUTE TO MRSA AND INFECTIOUS SKIN DISEASE, AS WELL AS CLEANING METHODS, PROTOCOLS AND PROCEDURES THAT CAN ERADICATE THE CONTAMINATION OF MRSA AND/OR OTHER INFECTIOUS SKIN DISEASES. COMPLETION OF SUCH INTERSCHOLASTIC WRESTLING HEALTH TRAINING AND EDUCATION PROGRAM SHALL BE MANDATORY FOR ALL INTERSCHOLASTIC WRESTLING COACHES AND STUDENT ATHLETES PARTICIPATING IN INTERSCHOLASTIC WRESTLING ON AN ANNUAL BASIS. THE TRAINING MUST BE COMPLETED WITHIN TWO WEEKS OF THE COMMENCEMENT OF PRACTICES OR PRIOR TO PARTICIPATION IN ANY INTERSCHOLASTIC WRESTLING SCRIMMAGE, MATCH, OR TOURNAMENT, WHICHEVER IS SOONER. ANY STUDENT NOT IN COMPLIANCE SHALL BE BARRED FROM PARTICIPATION UNTIL SUCH TIME THE STUDENT COMES WITHIN COMPLIANCE WITH THIS SECTION. THE INTERSCHOLASTIC WRESTLING HEALTH TRAINING AND EDUCATION PROGRAM SHALL BE PLATFORMED UPON A WEBSITE SPONSORED BY THE DEPARTMENT. THE DEPARTMENT SHALL MAINTAIN AN ON-LINE REGISTRY CONTAINING THE NAMES OF ALL STUDENTS AND COACHES WHO HAVE CERTIFIED COMPLETION OF THE TRAINING PROGRAM.

4. REGULATIONS. THE COMMISSIONER SHALL HAVE THE AUTHORITY TO PROMULGATE RULES AND REGULATIONS TO PREVENT THE SPREAD OF METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS (MRSA).

5. DEFINITIONS. FOR PURPOSES OF THIS SECTION MRSA SHALL MEAN METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS.

S 2. The public health law is amended by adding a new section 2111-a to read as follows:

S 2111-A. MRSA AND INFECTIOUS SKIN DISEASE PROTOCOL AND EDUCATION. 1. THE METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS (MRSA) AND INFECTIOUS SKIN DISEASE INFORMATIONAL PROGRAM. THE DEPARTMENT, IN CONSULTATION WITH THE EDUCATION DEPARTMENT, SHALL DEVELOP A MRSA AND INFECTIOUS SKIN DISEASE EDUCATION PROGRAM. THE MRSA AND INFECTIOUS SKIN DISEASE EDUCATION PROGRAM SHALL CONSIST OF A PROGRAM TO DISSEMINATE INFORMATION, THROUGH THE DEPARTMENT'S WEBPAGE, THAT DESCRIBES THE CONDITIONS THAT CONTRIBUTE TO MRSA AND INFECTIOUS SKIN DISEASE. SUCH INFORMATION SO DISSEMINATED SHALL ALSO PRESCRIBE CLEANING METHODS, PROTOCOLS AND PROCEDURES THAT CAN ERADICATE THE CONTAMINATIONS OF MRSA AND OTHER INFECTIOUS SKIN DISEASES. THE PAGE MAINTAINED BY THE DEPARTMENT, UPON WHICH THE MRSA AND INFECTIOUS SKIN DISEASE EDUCATION PROGRAM SHALL BE PLATFORMED, SHALL ALSO CONTAIN A DOWNLOADABLE FACT SHEET ON MRSA, ITS ORIGINS, TREATMENT AND PREVENTION.

2. INTERSCHOLASTIC WRESTLING HEALTH TRAINING AND EDUCATION PROGRAM. THE DEPARTMENT, IN CONSULTATION WITH THE NEW YORK PUBLIC HIGH SCHOOL ATHLETIC ASSOCIATION, AND THE DEPARTMENT OF EDUCATION, SHALL ASSIST IN DEVELOPING AN INTERSCHOLASTIC WRESTLING HEALTH TRAINING AND EDUCATION PROGRAM, WHICH SHALL CONSIST OF AN ONLINE HEALTH TRAINING AND EDUCATION PROGRAM FOR INTERSCHOLASTIC WRESTLING COACHES AND STUDENT ATHLETES PARTICIPATING IN INTERSCHOLASTIC WRESTLING ON THE SUBJECT OF CONDITIONS THAT CONTRIBUTE TO MRSA AND INFECTIOUS SKIN DISEASE, AS WELL AS CLEANING METHODS, PROTOCOLS AND PROCEDURES THAT CAN ERADICATE THE CONTAMINATION OF MRSA AND/OR OTHER INFECTIOUS SKIN DISEASES WHICH SHALL BE HOSTED ON THE STATE EDUCATION DEPARTMENT WEBPAGE. COMPLETION OF SUCH INTERSCHOLASTIC WRESTLING HEALTH TRAINING AND EDUCATION PROGRAM SHALL BE MANDATORY FOR ALL INTERSCHOLASTIC WRESTLING COACHES AND STUDENT ATHLETES PARTICIPATING IN INTERSCHOLASTIC WRESTLING.

3. POWERS OF THE DEPARTMENT. THE DEPARTMENT SHALL, IN CONSULTATION WITH THE STATE EDUCATION DEPARTMENT, PROMULGATE RULES AND REGULATIONS REGARDING THE CEASING OF PARTICIPATION IN, AND RESUMPTION OF PARTICIPATION IN, INTERSCHOLASTIC WRESTLING PRACTICES AND COMPETITIONS, WHEN A STUDENT HAS CONTRACTED AN INFECTIOUS SKIN DISEASE. SUCH RULES AND REGULATIONS SHALL SPECIFY WHEN A STUDENT ATHLETE SHALL DISCONTINUE PARTICIPATION, AS WELL AS DEFINE THE PROTOCOLS, REQUIREMENTS AND TIMING FOR THE RESUMPTION OF PARTICIPATION IN SUCH ATHLETIC CONTESTS.

4. REGULATIONS. THE COMMISSIONER SHALL HAVE THE AUTHORITY TO PROMULGATE RULES AND REGULATIONS TO PREVENT THE SPREAD OF METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS (MRSA).

5. DEFINITIONS. FOR PURPOSES OF THIS SECTION MRSA SHALL MEAN METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS.

S 3. This act shall take effect October 1, 2014; 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 is authorized and directed to be made and completed on or before such effective date.