

STATE OF NEW YORK

4535

2017-2018 Regular Sessions

IN ASSEMBLY

February 2, 2017

Introduced by M. of A. ORTIZ, RIVERA -- Multi-Sponsored by -- M. of A. CYMBROWITZ, GALEF, HOOPER, PERRY -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to dietary supplements

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The education law is amended by adding a new section 3037
2 to read as follows:

3 § 3037. Sale and endorsement of dietary supplements. No school
4 district employee shall sell, market, provide, distribute, endorse or
5 recommend, except when part of his or her required duties, such as nurs-
6 ing or medical duties requiring the provision of supplements as
7 prescribed by a student's medical provider, classroom teaching duties
8 related to supplements that may include recommendations of certain
9 supplements, and any other required duties approved by the department,
10 the use of dietary supplements, including, but not limited to vitamins,
11 minerals, herbs or other botanicals, and amino acids, or concentrates,
12 metabolites, constituents, extracts, or combinations of these ingredi-
13 ents, intended for ingestion in pill, capsule, tablet, or liquid form
14 and not represented for use as a conventional food or as the sole item
15 of a meal or diet and labeled as a dietary supplement, as defined under
16 the federal Food, Drug and Cosmetic Act, to any student. The department
17 shall develop regulations to inform schools and their employees about
18 the restrictions, and exceptions, on selling, marketing, providing,
19 distributing, endorsing or recommending dietary supplements to students.
20 The department shall develop and distribute to all schools information
21 about the potential risks of using certain dietary supplements for
22 enhanced athletic performance, muscle growth, weight loss and other
23 similar purposes. Such information shall be used by coaches, health and
24 physical education teachers, nurses and other school district employees

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

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1 to inform students, and their parents, about the potential risks associ-
2 ated with such dietary supplements.

3 § 2. This act shall take effect on the one hundred eightieth day after
4 it shall have become a law; provided, however, that effective immediate-
5 ly the commissioner of education is authorized and directed to promul-
6 gate any rule or regulation or to take any other necessary action to
7 ensure the timely implementation of this act on its effective date.