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2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. CAMARA, ALFANO, CUSICK, ERRIGO, GABRYSZAK, JEFFRIES, LANCMAN, MAISEL, PEOPLES, RAIA, TOWNSEND, WALKER, P. RIVERA, ESPAILLAT -- Multi-Sponsored by -- M. of A. BARRA, BOYLAND, HIKIND, KOLB, PERRY, PHEFFER, J. RIVERA, ROBINSON, THIELE, TITONE, TOWNS -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to requiring the instruction of students, teachers and coaches in the harmful use of anabolic steroids and human growth hormones by adolescents and providing for the testing of students suspected of using steroids and hormones, upon parental consent

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

1 Section 1. Subdivisions 3, 5, 6 and 7 of section 804 of the education
2 law, subdivision 3 as amended by chapter 674 of the laws of 2004 and
3 subdivisions 5, 6 and 7 as added by chapter 982 of the laws of 1977, are
4 amended to read as follows:
5 3. Instruction regarding alcohol, tobacco, ANABOLIC STEROIDS, HUMAN
6 GROWTH HORMONES and other drugs, in addition to continued health guid-
7 ance in the junior high school grades and the senior high schools, shall
8 be an integral part of a required health education course at each of
9 these levels in the secondary schools curriculum. Students shall be
10 required to demonstrate knowledge in the subject area through the use of
11 a test, graded project or report, or any other means prescribed by the
12 school authorities regarding alcohol, drugs, ANABOLIC STEROIDS, HUMAN
13 GROWTH HORMONES and tobacco. Any such course shall be taught by teachers
14 holding a certificate to teach health. Related courses in the secondary
15 school curriculum shall be taught in a manner supportive of health
16 education regarding alcohol, tobacco, ANABOLIC STEROIDS, HUMAN GROWTH
17 HORMONES and other drugs. In addition, instruction regarding the dangers
18 of driving while under the influence of alcohol or drugs shall be an
19 integral part of a required health education course in the senior high

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

LBD05685-01-9

1 schools. Such instruction shall be provided in all senior high schools
2 whether or not these schools also provide driver education courses.

3 5. School authorities shall provide the needed facilities, time, and
4 place for the instruction set forth herein and shall provide learning
5 aids and curriculum resource materials which contribute to effective
6 teaching methods and learning in health education regarding alcohol,
7 tobacco, ANABOLIC STEROIDS, HUMAN GROWTH HORMONES and other drugs.

8 6. All pre-service training programs in the state for elementary,
9 JUNIOR HIGH AND HIGH SCHOOL teachers shall include adequate preparation
10 regarding the instruction in alcohol, tobacco, ANABOLIC STEROIDS, HUMAN
11 GROWTH HORMONES and other drugs set forth herein, and no teacher shall
12 be licensed except upon satisfactory demonstration of the competencies
13 included in the institutional proposals approved by the [education]
14 department.

15 7. Nothing contained in this section shall be deemed to diminish or
16 impair the duties of the commissioner with respect to the continuing
17 program for critical health problems established by chapter seven
18 hundred eighty-seven of the laws of nineteen hundred sixty-seven as
19 amended. The commissioner shall coordinate actions taken under authority
20 of this section with the provisions of said chapter as they relate to
21 health education in schools, [inservice] IN-SERVICE training and train-
22 ing programs, and curriculum or syllabus development regarding the dele-
23 terious effects resulting from the use, misuse, and abuse of alcohol,
24 tobacco, ANABOLIC STEROIDS, HUMAN GROWTH HORMONES and other drugs.

25 S 2. Paragraph a of subdivision 4 of section 804 of the education law,
26 as amended by chapter 181 of the laws of 2000, is amended to read as
27 follows:

28 a. The commissioner may prescribe in regulations such health education
29 courses which include instruction regarding alcohol, tobacco, ANABOLIC
30 STEROIDS, HUMAN GROWTH HORMONES and other drugs as the commissioner may
31 deem necessary and desirable for the welfare of pupils and the communi-
32 ty. The contents may be varied to meet the needs of particular school
33 districts, or portions thereof, and need not be uniform throughout the
34 state, provided, however, that school districts shall utilize either the
35 curriculum for health education instruction regarding alcohol, tobacco,
36 ANABOLIC STEROIDS, HUMAN GROWN HORMONES and other drugs prescribed by
37 the commissioner or a course approved by the commissioner in accordance
38 with criteria established by the commissioner.

39 S 3. Subdivisions 1 and 2 of section 912-a of the education law, as
40 amended by chapter 477 of the laws of 2004, are amended to read as
41 follows:

42 1. The school authorities of each school district within the state may
43 cause all children attending grades seven through twelve, inclusive, in
44 the public and private schools located within such districts, to be
45 separately and carefully examined in order to ascertain whether any such
46 children are making use of dangerous drugs, INCLUDING ANABOLIC STEROIDS
47 AND HUMAN GROWTH HORMONES.

48 2. Such examination may be made only upon the written request or
49 consent of a parent of, or person in parental relation to, a child. Such
50 examination shall be conducted without notice to the child and shall
51 include the supervised taking of a urine sample which shall be analyzed
52 for such drugs and in accordance with such standards as shall be accept-
53 able to the New York state office of alcoholism and substance abuse
54 services, or its successor agency. The results of such examination shall
55 be promptly forwarded to the school authorities. If it should be ascer-
56 tained, upon such test or examination, that any child is making use of

1 dangerous drugs, INCLUDING ANABOLIC STEROIDS AND HUMAN GROWTH HORMONES,
2 the school authorities shall report same to the social services depart-
3 ment for the social services district wherein such school is located and
4 to the parent of, or person in parental relation to, such child together
5 with a statement to such parent or person in parental relation as to
6 available programs and facilities to combat such dangerous drug usage.
7 The local social services department shall be empowered, in an appropri-
8 ate case, to take such action and offer such protective social services
9 as are prescribed by title six of article six of the social services
10 law.

11 S 4. The education law is amended by adding a new section 3001-e to
12 read as follows:

13 S 3001-E. INSTRUCTION MANDATORY FOR COACHES OF EXTRA-CLASS SCHOOL
14 ATHLETIC ACTIVITIES. 1. IN ADDITION TO ANY PROVISION OF LAW OR RULE OR
15 REGULATION OF THE DEPARTMENT RELATED TO THE REQUIREMENTS NECESSARY FOR
16 TEACHERS IN PUBLIC SCHOOLS AND/OR TEACHERS IN NONPUBLIC SCHOOLS, WHETHER
17 CERTIFIED IN PHYSICAL EDUCATION OR NOT, TO COACH ANY EXTRA-CLASS ATHLET-
18 IC ACTIVITY, IT SHALL BE REQUIRED OF ALL SUCH TEACHERS THAT THEY
19 COMPLETE IN-SERVICE TRAINING IN THE DELETERIOUS EFFECTS RESULTING FROM
20 THE USE, MISUSE, AND ABUSE OF ANABOLIC STEROIDS, HUMAN GROWTH HORMONES
21 AND PERFORMANCE-ENHANCING DIETARY SUPPLEMENTS BY ADOLESCENTS TO EXPEDITE
22 THE PHYSICAL DEVELOPMENT AND ENHANCE THE PERFORMANCE LEVEL OF SECONDARY
23 SCHOOL ATHLETES.

24 2. THROUGHOUT THE SPORTS SEASON, EACH COACH SHALL INSTRUCT THE
25 STUDENTS HE OR SHE COACHES AS TO THE HARMFUL EFFECTS ASSOCIATED WITH THE
26 USE OF ANABOLIC STEROIDS, HUMAN GROWTH HORMONES AND PERFORMANCE-ENHANC-
27 ING DIETARY SUPPLEMENTS, SUCH INSTRUCTION TO BE IN A MANNER SUPPORTIVE
28 OF RELATED COURSES IN THE SECONDARY SCHOOL CURRICULUM INCLUDING COURSES
29 IN HEALTH EDUCATION. EACH COACH SHALL ENCOURAGE STUDENTS TO AVOID THE
30 USE OF ANABOLIC STEROIDS, HUMAN GROWTH HORMONES AND PERFORMANCE-ENHANC-
31 ING DIETARY SUPPLEMENTS AND TO ADOPT PROPER NUTRITION AND TRAINING
32 PROGRAMS.

33 3. IN THE EVENT THAT A COACH BECOMES AWARE OF THE USE OF ANABOLIC
34 STEROIDS OR HUMAN GROWTH HORMONES BY A STUDENT, WHICH USE IS NOT PURSU-
35 ANT TO TREATMENT BY A LICENSED HEALTH CARE PRACTITIONER, THE COACH SHALL
36 REPORT SUCH USE TO THE SCHOOL AUTHORITIES, WHO SHALL IMMEDIATELY CONTACT
37 THE PARENT OF, OR PERSON IN PARENTAL RELATION TO, THE STUDENT.

38 4. EACH PUPIL PARTICIPATING IN INTERSCHOLASTIC HIGH SCHOOL SPORTS
39 SHALL SIGN A PLEDGE NOT TO USE ANABOLIC STEROIDS OR HUMAN GROWTH
40 HORMONES, AS DEFINED IN SECTION 802 OF TITLE 21 OF THE UNITED STATES
41 CODE, WITHOUT A PRESCRIPTION FROM A LICENSED HEALTH CARE PRACTITIONER.

42 S 5. This act shall take effect on the one hundred twentieth day after
43 it shall have become a law; provided, however, that effective immediate-
44 ly, the addition, amendment or repeal of any rule or regulation neces-
45 sary for the implementation of this act on its effective date are
46 authorized and directed to be made and completed on or before such
47 effective date.