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

7585

2009-2010 Regular Sessions

I N A S S E M B L Y

April 16, 2009

Introduced by M. of A. ORTIZ, WEISENBERG, CUSICK -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to authorizing the commissioner of education to develop a list of prohibited performance enhancing substances by students and authorizing the trustees of a common school district to develop and adopt a policy regarding prohibited performance enhancing substances

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

Section 1. Section 305 of the education law is amended by adding a new subdivision 42 to read as follows:

42. THE COMMISSIONER SHALL DEVELOP A LIST OF PROHIBITED PERFORMANCE ENHANCING SUBSTANCES FOR THE PURPOSES OF STUDENT ATHLETIC PARTICIPATION, INCLUDING BUT NOT LIMITED TO, ANABOLIC STEROIDS, STEROID HORMONE PRECURSOR DIETARY SUPPLEMENTS AND GROWTH HORMONES. IN DEVELOPING THE LIST OF SUCH SUBSTANCES, THE COMMISSIONER SHALL CONSIDER THE RECOMMENDATIONS OF RECOGNIZED ORGANIZATIONS IN THE ATHLETIC FIELD, INCLUDING, BUT NOT LIMITED TO: THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION AND HIGH SCHOOL INTERSCHOLASTIC SPORTS ASSOCIATIONS. THE COMMISSIONER SHALL ANNUALLY UPDATE THE LIST OF PROHIBITED PERFORMANCE ENHANCING SUBSTANCES AND ANNUALLY DISTRIBUTE SUCH LIST TO ALL SCHOOLS WHICH PARTICIPATE IN INTERSCHOLASTIC SPORTS.

S 2. Section 1604 of the education law is amended by adding a new subdivision 43 to read as follows:

43. A. TO DEVELOP AND ADOPT A POLICY WITHIN THE SCHOOL DISTRICT CODE OF CONDUCT WITH REGARDS TO THE USE, POSSESSION, SALE OR DISTRIBUTION OF PROHIBITED PERFORMANCE ENHANCING SUBSTANCES AS DETERMINED BY THE COMMISSIONER OF EDUCATION. SUCH POLICY SHALL INCLUDE ANY DISCIPLINARY MEASURES ASSOCIATED WITH THE USE, POSSESSION, SALE OR DISTRIBUTION OF SUCH SUBSTANCES. NO STUDENT ABLE TO DEMONSTRATE AND DOCUMENT, INCLUDING A PHYSICIAN'S PRESCRIPTION, A MEDICAL CONDITION REQUIRING THE USE OF SUCH

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

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PROHIBITED PERFORMANCE ENHANCING SUBSTANCES SHALL BE SUBJECT TO DISCIPLINARY ACTION FOR THE USE OF SUCH SUBSTANCES.

B. COACHES, HEALTH AND PHYSICAL EDUCATION TEACHERS, NURSES AND OTHER SCHOOL DISTRICT EMPLOYEES SHALL PERIODICALLY INFORM STUDENT ATHLETES REGARDING THE RISKS ASSOCIATED WITH THE USE OF PROHIBITED PERFORMANCE ENHANCING SUBSTANCES, INCLUDING ANY CONSEQUENCES ASSOCIATED WITH THEIR USE, POSSESSION, SALE OR DISTRIBUTION PURSUANT TO THE POLICY CONTAINED WITHIN THE SCHOOL DISTRICT CODE OF CONDUCT.

C. NO COACH, HEALTH AND PHYSICAL EDUCATION TEACHER, NURSE OR OTHER SCHOOL DISTRICT EMPLOYEE SHALL SELL, MARKET, PROVIDE, DISTRIBUTE, ENDORSE OR RECOMMEND, EXCEPT WHEN PART OF HIS OR HER OFFICIAL DUTIES, THE USE OF ANY PROHIBITED PERFORMANCE ENHANCING SUBSTANCE, AS DEFINED BY THE COMMISSIONER.

S 3. This act shall take effect immediately.