

8292

2011-2012 Regular Sessions

I N   A S S E M B L Y

June 10, 2011

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Introduced by M. of A. ENGLEBRIGHT -- read once and referred 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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 3001-d of the education law is renumbered section  
2     3001-e and a new section 3001-d is added to read as follows:  
3     S 3001-D. HEALTH REQUIREMENTS FOR WRESTLING. 1. SCHOOL OFFICIALS,  
4     COACHES, AND REFEREES WHO SUPERVISE WRESTLING AND SCHOOL STAFF WHO  
5     ASSIST WRESTLING ACTIVITIES SHALL:  
6     (A) DISINFECT THE WRESTLING MAT BEFORE EACH PRACTICE, BEFORE EACH  
7     COMPETITION AND WHENEVER DEEMED APPROPRIATE DURING SUCH TIMES;  
8     (B) REQUIRE THAT ANY PERSON WHO HAS PREVIOUSLY CONTRACTED AN INFEC-  
9     TIOUS SKIN DISEASE THAT IS COMMUNICABLE TO PRESENT A NATIONAL FEDERATION  
10    OF STATE HIGH SCHOOL ASSOCIATIONS (NFHS)/NEW YORK STATE PUBLIC HIGH  
11    SCHOOL ATHLETIC ASSOCIATION (NYSPPHSA) APPROVED INFECTIOUS DISEASE FORM  
12    BEARING A LICENSED PHYSICIAN'S STAMP OR SIGNATURE RELEASING SUCH PERSON  
13    TO PHYSICAL ACTIVITY PRIOR TO PARTICIPATING IN WRESTLING.  
14    2. (A) ANY FACILITY THAT HOSTS A WRESTLING TOURNAMENT SHALL HAVE WORK-  
15    ING SHOWERS WITH BOTH HOT AND COLD WATER AVAILABLE FOR STUDENTS OF BOTH  
16    SEXES.  
17    (B) FOR PURPOSES OF THIS SECTION "TOURNAMENT" SHALL MEAN A WRESTLING  
18    COMPETITION BETWEEN THREE OR MORE SCHOOLS.  
19    3. NO FACILITY, SCHOOL DISTRICT, AUTHORIZING NONPUBLIC SCHOOL OR BOARD  
20    OF COOPERATIVE EDUCATIONAL SERVICES OR ANY AGENT THEREOF, SHALL BE HELD  
21    LIABLE FOR DAMAGES FOR INJURIES OR DEATH ALLEGED TO HAVE BEEN SUSTAINED  
22    BY A PUPIL ARISING SOLELY FROM A FAILURE TO COMPLY WITH THIS SECTION  
23    WHEN THE FACILITY, SCHOOL DISTRICT, AUTHORIZING NONPUBLIC SCHOOL OR  
24    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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1 GOOD FAITH AND EXERCISED REASONABLE CARE IN THE COURSE OF CARRYING OUT  
2 THE DUTIES REQUIRED UNDER THIS SECTION.

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

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

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

24 (B) BILINGUAL INFORMATION SHALL BE PROVIDED TO EVERY PUPIL PARTICIPAT-  
25 ING IN WRESTLING, TO EACH WRESTLER WHO HAS SUFFERED AN INFECTIOUS SKIN  
26 DISEASE AND TO EACH COACH OF A WRESTLING TEAM. THE INFORMATION REQUIRED  
27 BY THIS SUBDIVISION SHALL INCLUDE BUT NOT BE LIMITED TO: THE DEFINITION  
28 OF AN INFECTIOUS SKIN DISEASE, SIGNS AND SYMPTOMS OF INFECTIOUS SKIN  
29 DISEASE, GUIDELINES FOR CONDUCTING SKIN INSPECTIONS, HOW SUCH TRANS-  
30 MISSIONS MAY OCCUR, THE IMPORTANCE OF CLEANLINESS WITH REGARD TO SHOES  
31 WORN BY PLAYERS, COACHES AND REFEREES THAT COME INTO CONTACT WITH THE  
32 MATS, AND THE GUIDELINES FOR THE RETURN TO SCHOOL AND TO WRESTLING  
33 ACTIVITIES AFTER A PUPIL HAS SUFFERED AN INFECTIOUS SKIN DISEASE REGARD-  
34 LESS OF WHETHER THE TRANSMISSION OF SUCH OCCURRED OUTSIDE OF SCHOOL.  
35 SUCH INFORMATION MAY BE MADE AVAILABLE BY DIRECTING THE PUPIL TO THE  
36 DEPARTMENT OF HEALTH WEBSITE; PROVIDED, HOWEVER, IF A PUPIL CANNOT  
37 ACCESS THE WEBSITE THE SCHOOL SHALL MAKE THE WEBSITE AVAILABLE THROUGH  
38 SCHOOL RESOURCES OR SHALL DISTRIBUTE THE SAME. NO PUPIL SHALL ENGAGE IN  
39 ORGANIZED PRACTICE FOR OR PARTICIPATE IN ANY INTERSCHOLASTIC WRESTLING  
40 ACTIVITY ON BEHALF OF A SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCA-  
41 TIONAL SERVICES, UNLESS AND UNTIL THE ATHLETE SHALL HAVE SIGNED AND  
42 RETURNED A STATEMENT ATTESTING THAT HE OR SHE HAS RECEIVED OR READ AND  
43 UNDERSTANDS THE INFORMATION REQUIRED BY THIS SECTION. SUCH STATEMENT MAY  
44 BE INCLUDED ON ANY EXISTING FORM ADMINISTERED BY THE SCHOOL TO A WREST-  
45 LER THAT REQUIRES THE ATHLETE'S SIGNATURE FOR PARTICIPATION IN WRESTLING  
46 ACTIVITIES. EVERY SCHOOL DISTRICT AND BOARD OF COOPERATIVE EDUCATIONAL  
47 SERVICES SHALL MAINTAIN ON FILE IN THE ATHLETIC DIRECTOR'S OFFICE FOR AT  
48 LEAST ONE YEAR A COPY OF EACH STATEMENT RECEIVED. ANY NONPUBLIC SCHOOL  
49 SHALL IMPLEMENT THE PROVISIONS OF SUCH RULES AND REGULATIONS.

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

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

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