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

3939

2011-2012 Regular Sessions

I N S E N A T E

March 10, 2011

Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed 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:

Section 1. Subdivisions 3, 5, 6 and 7 of section 804 of the education law, subdivision 3 as amended by chapter 674 of the laws of 2004 and subdivisions 5, 6 and 7 as added by chapter 982 of the laws of 1977, are amended to read as follows:

3. Instruction regarding alcohol, tobacco, ANABOLIC STEROIDS, HUMAN GROWTH HORMONES and other drugs, in addition to continued health guidance in the junior high school grades and the senior high schools, shall be an integral part of a required health education course at each of these levels in the secondary schools curriculum. Students shall be required to demonstrate knowledge in the subject area through the use of a test, graded project or report, or any other means prescribed by the school authorities regarding alcohol, drugs, ANABOLIC STEROIDS, HUMAN GROWTH HORMONES and tobacco. Any such course shall be taught by teachers holding a certificate to teach health. Related courses in the secondary school curriculum shall be taught in a manner supportive of health education regarding alcohol, tobacco, ANABOLIC STEROIDS, HUMAN GROWTH HORMONES and other drugs. In addition, instruction regarding the dangers of driving while under the influence of alcohol or drugs shall be an integral part of a required health education course in the senior high schools. Such instruction shall be provided in all senior high schools whether or not these schools also provide driver education courses.

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

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

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

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

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

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

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

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

2. Such examination may be made only upon the written request or consent of a parent of, or person in parental relation to, a child. Such examination shall be conducted without notice to the child and shall include the supervised taking of a urine sample which shall be analyzed for such drugs and in accordance with such standards as shall be acceptable to the New York state office of alcoholism and substance abuse services, or its successor agency. The results of such examination shall be promptly forwarded to the school authorities. If it should be ascertained, upon such test or examination, that any child is making use of dangerous drugs, INCLUDING ANABOLIC STEROIDS AND HUMAN GROWTH HORMONES, the school authorities shall report same to the social services depart-

ment for the social services district wherein such school is located and to the parent of, or person in parental relation to, such child together with a statement to such parent or person in parental relation as to available programs and facilities to combat such dangerous drug usage. The local social services department shall be empowered, in an appropriate case, to take such action and offer such protective social services as are prescribed by title six of article six of the social services law.

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

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

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

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

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

S 5. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.