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

6685

2013-2014 Regular Sessions

I N A S S E M B L Y

April 12, 2013

Introduced by M. of A. HEASTIE -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to requiring the commissioner of labor, in conjunction with the commissioner of health, to establish nationally recognized evidence based treatment guidelines for professional sporting team members who suffer concussions; and to require all New York state professional sporting teams to sign an affidavit certifying adoption of such guidelines

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

Section 1. Section 21 of the labor law is amended by adding three new subdivisions 14, 15 and 16 to read as follows:

14. (A) SHALL REQUIRE ALL PROFESSIONAL SPORTING TEAMS LOCATED IN NEW YORK STATE THAT HAVE ATHLETES PERFORM IN ANY SPORT IN THE STATE, INCLUDING BUT NOT LIMITED TO, BASKETBALL, BASEBALL, FOOTBALL, SOCCER AND HOCKEY, TO SUBMIT A SIGNED AFFIDAVIT CERTIFYING THAT SUCH SPORTING TEAMS HAVE ADOPTED THE NEW YORK STATE EVIDENCE BASED TREATMENT GUIDELINES PURSUANT TO STANDARDS SET FORTH BY THE INSTITUTE OF MEDICINE FOR ATHLETES WHO SUFFER MILD TRAUMATIC BRAIN INJURIES, ALSO REFERRED TO AS A "CONCUSSION," WHILE RECEIVING INSTRUCTION OR ENGAGING IN ANY TEAM OR INDIVIDUALLY SPONSORED OR RELATED ACTIVITY.

(B) SUCH CERTIFICATION SHALL BE FILED ON A SEMI-ANNUAL BASIS WITH THE COMMISSIONER. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS PRESCRIBING THE FORM AND MANNER IN WHICH SUCH CERTIFICATION SHALL BE MADE.

(C) ANY TEAM OR INDIVIDUAL WHO FAILS TO SUBMIT SUCH CERTIFICATION MAY BE PROHIBITED FROM PERFORMING AT A PROFESSIONAL SPORTING EVENT OR EXHIBITION IN NEW YORK STATE.

15. SHALL, IN CONJUNCTION WITH THE COMMISSIONER OF HEALTH, DESIGNATE NATIONALLY RECOGNIZED EVIDENCE BASED TREATMENT GUIDELINES FOR ATHLETES WHO SUFFER MILD TRAUMATIC BRAIN INJURIES, ALSO REFERRED TO AS A "CONCUS-

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

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SION." WHEN DESIGNATING SUCH GUIDELINES, THE COMMISSIONER SHALL CONSIDER ANY COMMENTS REGARDING SUCH GUIDELINES FROM STAKEHOLDERS AND OTHER INTERESTED PARTIES, INCLUDING BUT NOT LIMITED TO, PROFESSIONAL PLAYER ASSOCIATIONS, PROFESSIONAL SPORTS LEAGUE TEAMS AND AMATEUR SPORTS TEAMS.

16. SHALL MAKE A RECORD OF ANY FILED CERTIFICATION, AS PROVIDED PURSUANT TO SUBDIVISION FOURTEEN OF THIS SECTION, AVAILABLE TO THE PUBLIC IN A FORM AND MANNER TO BE DETERMINED BY THE COMMISSIONER.

S 2. The commissioner of labor is hereby authorized to promulgate all rules and regulations necessary to designate treatment guidelines and to implement a certification process as set forth in subdivisions 14 and 15 of section 21 of the labor law.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/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.