

2866--A

2015-2016 Regular Sessions

I N A S S E M B L Y

January 20, 2015

Introduced by M. of A. AUBRY, PERRY -- read once and referred to the Committee on Health -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to requiring preventative cardiac screening of student athletes

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

1 Section 1. Section 305 of the education law is amended by adding a new
2 subdivision 55 to read as follows:

3 55. A. FOR PURPOSES OF THIS SUBDIVISION, "STUDENT ATHLETE" SHALL MEAN
4 ANY STUDENT PARTICIPATING IN SUPERVISED SPORTING ACTIVITIES ORGANIZED OR
5 SPONSORED BY A PUBLIC OR PRIVATE SCHOOL, OR AN ORGANIZATION, ASSOCIATION
6 OR GROUP ORGANIZED AND FUNCTIONING, IN WHOLE OR IN PART, FOR THE PURPOSE
7 OF PROVIDING YOUTH WITH THE OPPORTUNITY TO PARTICIPATE IN SUPERVISED
8 SPORTING ACTIVITIES.

9 B. THE COMMISSIONER SHALL, IN CONSULTATION WITH THE COMMISSIONER OF
10 HEALTH, PROMULGATE REGULATIONS AND GUIDELINES REQUIRING STUDENT ATHLETES
11 TO RECEIVE PREVENTATIVE CARDIAC SCREENING TO DETECT CONDITIONS AND
12 DEFECTS WHICH MAY LEAD TO ILLNESS, INJURY OR DEATH AS A RESULT OF STRENUOUS
13 PHYSICAL ACTIVITY.

14 C. SUCH REGULATIONS SHALL INCLUDE A PROVISION REQUIRING STUDENT
15 ATHLETES IN GRADES NINE THROUGH TWELVE TO BE SUBJECT TO A PRE-PARTICIPATION
16 PHYSICAL EVALUATION WHICH SHALL INCLUDE A PREVENTATIVE CARDIAC
17 SCREENING BEFORE BEING ALLOWED TO PARTICIPATE IN AN ATHLETIC ACTIVITY
18 SPONSORED BY OR SANCTIONED BY ANY PUBLIC OR PRIVATE HIGH SCHOOL. SUCH
19 PREVENTATIVE CARDIAC SCREENING MUST BE SATISFIED THROUGH AN ELECTROCARDIOGRAM
20 EXAMINATION. AN ELECTROCARDIOGRAM MAY BE OBTAINED THROUGH ANY
21 APPROPRIATELY LICENSED OR CERTIFIED HEALTHCARE PROFESSIONAL. THE ELECTROCARDIOGRAM
22 MUST BE ADMINISTERED:

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

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1 (I) BEFORE THE STUDENT'S FIRST YEAR OF PARTICIPATION IN ANY SCHOOL
2 SPONSORED ATHLETIC ACTIVITY; AND

3 (II) BEFORE THE STUDENT'S THIRD YEAR OF PARTICIPATION.

4 D. REGULATIONS OR GUIDELINES ESTABLISHED BY THE COMMISSIONER PURSUANT
5 TO THIS SUBDIVISION MAY BE BASED ON THE MOST CURRENT EDITION OF THE
6 NATIONALLY RECOGNIZED PRE-PARTICIPATION PHYSICAL EVALUATION QUESTION-
7 NAIRE, PROVIDED THAT SUCH QUESTIONNAIRE SHALL INCLUDE AN ELECTROCARDIO-
8 GRAM AND A HEART HISTORY SUBSECTION FOR THE STUDENT-ATHLETE.

9 E. NOTHING WITHIN THIS SUBDIVISION SHALL BE CONSTRUED TO CREATE,
10 ESTABLISH, EXPAND, REDUCE, CONTRACT OR ELIMINATE A CAUSE OF ACTION OR
11 LIABILITY AGAINST AN APPROPRIATELY LICENSED OR CERTIFIED HEALTHCARE
12 PROFESSIONAL, A SCHOOL DISTRICT, OR A DISTRICT OFFICER OR EMPLOYEE FOR
13 THE INJURY OR DEATH OF A STUDENT PARTICIPATING IN OR PRACTICING FOR AN
14 ATHLETIC ACTIVITY SPONSORED OR SANCTIONED BY A PUBLIC OR PRIVATE HIGH
15 SCHOOL BASED ON OR IN CONNECTION WITH THE ADMINISTRATION OR EVALUATION
16 OF OR RELIANCE ON AN ELECTROCARDIOGRAM.

17 F. REGULATIONS ADOPTED UNDER PARAGRAPH B OF THIS SUBDIVISION SHALL
18 INCLUDE A RULE FOR GRANTING A WAIVER FROM ADMINISTRATION OF AN ELECTRO-
19 CARDIOGRAM UNDER THIS SECTION TO A STUDENT ATHLETE IN RESPONSE TO A
20 WRITTEN REQUEST FROM THE PARENT OR GUARDIAN CLAIMING A FINANCIAL HARD-
21 SHIP OR FOR RELIGIOUS REASONS.

22 G. THE COMMISSIONER SHALL DETERMINE THE SPECIFIC TYPES OF SCREENING
23 WHICH SHALL BE REQUIRED PURSUANT TO THIS SUBDIVISION INCLUDING, BUT NOT
24 LIMITED TO, ADVANCED SCREENING FOR THE DIAGNOSIS OF HYPERTROPHIC
25 CARDIOMYOPATHY.

26 S 2. This act shall take effect immediately.