

2866--A

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 20, 2015

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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.