

# STATE OF NEW YORK

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136

2019-2020 Regular Sessions

## IN SENATE

(Prefiled)

January 9, 2019

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Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the railroad law, in relation to sleep apnea testing for locomotive engineers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The railroad law is amended by adding a new section 97-b to  
2 read as follows:

3 § 97-b. Medical examinations. 1. To operate an intrastate locomotive  
4 in the state of New York, locomotive engineers shall be required as part  
5 of their current training to be screened for sleep apnea, as defined in  
6 subdivision nine of section two hundred sixty-two of the public health  
7 law, by a physician, a certified nurse practitioner to the extent  
8 authorized by law and consistent with subdivision three of section  
9 sixty-nine hundred two of the education law, or a registered physician  
10 assistant who is not the personal physician, nurse practitioner or  
11 physician assistant of the locomotive engineer.

12 2. Locomotive engineers who test positive for sleep apnea shall be  
13 required by their employer to attain documentation of compliance with  
14 treatment for sleep apnea as qualification to be employed as a loco-  
15 motive engineer.

16 § 2. This act shall take effect on the one hundred twentieth day after  
17 it shall have become a law.

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

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