

STATE OF NEW YORK

1540

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

Introduced by M. of A. WALLACE -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to providing for health education pertaining to cannabis

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

1 Section 1. Section 804 of the education law, as amended by chapter 390
2 of the laws of 2016, subdivision 1 as amended by chapter 1 of the laws
3 of 2017, is amended to read as follows:

4 § 804. Health education regarding mental health, alcohol, [~~drugs,~~
5 tobacco, cannabis and drug abuse and the prevention and detection of
6 certain cancers. 1. All schools shall ensure that their health educa-
7 tion programs recognize the multiple dimensions of health by including
8 mental health and the relation of physical and mental health so as to
9 enhance student understanding, attitudes and behaviors that promote
10 health, well-being and human dignity.

11 2. All schools shall include, as an integral part of health education,
12 instruction so as to discourage the misuse and abuse of alcohol,
13 tobacco, cannabis and other drugs and promote attitudes and behavior
14 that enhance health, well being, and human dignity.

15 3. Instruction regarding alcohol, tobacco, cannabis and other drugs
16 shall be included in the health education provided for all elementary
17 school pupils and shall be taught by the regular classroom teachers or
18 by teachers certified to teach health education. Such instruction shall
19 be designed according to the needs and abilities of the pupils at
20 successive grade levels with the purpose of developing desirable health
21 behavior, attitudes, and knowledge as well as self-reliance and problem
22 solving capacity.

23 4. Instruction regarding alcohol, tobacco, cannabis and other drugs,
24 in addition to continued health guidance in the junior high school
25 grades and the senior high schools, shall be an integral part of a

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

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1 required health education course at each of these levels in the second-
2 ary schools curriculum. Students shall be required to demonstrate know-
3 ledge in the subject area through the use of a test, graded project or
4 report, or any other means prescribed by the school authorities regard-
5 ing alcohol, [~~drugs, and~~] tobacco, cannabis and other drugs. Any such
6 course shall be taught by teachers holding a certificate to teach
7 health. Related courses in the secondary school curriculum shall be
8 taught in a manner supportive of health education regarding alcohol,
9 tobacco, cannabis and other drugs. In addition, instruction regarding
10 the dangers of driving while under the influence of alcohol or drugs
11 shall be an integral part of a required health education course in the
12 senior high schools. Such instruction shall be provided in all senior
13 high schools whether or not these schools also provide driver education
14 courses.

15 5. Instruction regarding methods of prevention and detection of
16 certain cancers, including but not limited to breast cancer, skin
17 cancer, testicular cancer and other cancers where certain preventive
18 measures have become generally accepted and certain detection methods
19 have been adopted and recommended generally to the public. Such instruc-
20 tion shall be an integral part of a required health education course at
21 the senior high school level, in addition to continued health guidance
22 in senior high schools. Any such course shall be taught by teachers
23 holding a certificate to teach health.

24 6. a. The commissioner may prescribe in regulations such health educa-
25 tion courses which include instruction regarding alcohol, tobacco,
26 cannabis and other drugs as the commissioner may deem necessary and
27 desirable for the welfare of pupils and the community. The contents may
28 be varied to meet the needs of particular school districts, or portions
29 thereof, and need not be uniform throughout the state, provided, howev-
30 er, that school districts shall utilize either the curriculum for health
31 education instruction regarding alcohol, tobacco, cannabis and other
32 drugs prescribed by the commissioner or a course approved by the commis-
33 sioner in accordance with criteria established by the commissioner. The
34 commissioner is authorized to make recommendations to the board of
35 regents beginning December first, two thousand fourteen and every three
36 years thereafter relating to the modernization of such instruction
37 required pursuant to subdivision one of this section, to include the
38 most up to date age appropriate information available regarding the
39 misuse and abuse of alcohol, tobacco, cannabis and other drugs, includ-
40 ing but not limited to heroin and opioids. Such instruction shall
41 include, but not be limited to, information regarding drugs and other
42 substances that are more prevalent among school aged youth. Such recom-
43 mendations shall be the result of a collaboration between the depart-
44 ment, the office of alcoholism and substance abuse services and the
45 department of health. If the board of regents adopts such curriculum,
46 the curriculum requirement shall take effect no later than the next
47 school year after such curriculum has been adopted.

48 b. The commissioner shall make available an interpersonal violence
49 prevention education package for grades kindergarten through twelve,
50 which package may consist of student pamphlets, parent pamphlets, vide-
51 otapes and other informative materials to be distributed to school
52 districts, and shall encourage the use of such material as part of the
53 health or other related curricula or programs.

54 c. The regents shall review the health curriculum requirements in
55 existence on the effective date of this paragraph for the purpose of
56 streamlining such curriculum and identifying any outdated components

1 that may be eliminated or consolidated in order to ensure that students
2 have sufficient time and instruction to develop skills to address issues
3 of violence prevention and mental health. To the extent appropriate, the
4 regents shall modify the existing curriculum to provide greater focus on
5 the development of skills, by no later than middle school, that are
6 needed to recognize, cope with and address potentially violent incidents
7 including an understanding of student roles in emergency situations and
8 other related skills designed to reduce the threat of violence in
9 schools.

10 7. School authorities shall provide the needed facilities, time, and
11 place for the instruction set forth herein and shall provide learning
12 aids and curriculum resource materials which contribute to effective
13 teaching methods and learning in health education regarding alcohol,
14 tobacco, cannabis and other drugs.

15 8. All pre-service training programs in the state for elementary
16 teachers shall include adequate preparation regarding the instruction in
17 alcohol, tobacco, cannabis and other drugs set forth herein, and no
18 teacher shall be licensed except upon satisfactory demonstration of the
19 competencies included in the institutional proposals approved by the
20 department.

21 9. Nothing contained in this section shall be deemed to diminish or
22 impair the duties of the commissioner with respect to the continuing
23 program for critical health problems established by chapter seven
24 hundred eighty-seven of the laws of nineteen hundred sixty-seven as
25 amended. The commissioner shall coordinate actions taken under authority
26 of this section with the provisions of said chapter as they relate to
27 health education in schools, inservice training and training programs,
28 and curriculum or syllabus development regarding the deleterious effects
29 resulting from the use, misuse, and abuse of alcohol, tobacco, cannabis
30 and other drugs.

31 § 2. This act shall take effect immediately.