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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

July 22, 2016

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

RE: Approval of Local Law Intro. No. 2-4-2016

Dear Honorable Members:

A certified copy of Local Law Intro. No. 2-4-2016, entitled "A LL Preventing Head Trauma from Concussions in Youth Sports," was presented to me for approval on June 24, 2016. A public hearing regarding this Local Law was duly held on July 12, 2016. Pursuant to Erie County Charter Section 205, I hereby Approve Local Law Intro. No. 2-4-2016 based on the assurances I have received from the original co-sponsors of the law to amend it to address a number of outstanding issues and questions.

First, I would like to commend both Majority Leader Lorigo and Legislator Burke as co-sponsors of this local law for bringing attention to such an important and serious issue. As a USA Hockey level 4 coach myself, I have witnessed first-hand what head trauma can do to young people and how a concussion can have long lasting and even permanent effects if not dealt with properly. I would also like to thank all those who attended and spoke at our public hearings. Your testimony only served to highlight the dangers our youth may face when a head trauma incident occurs and, due to the inexperience or ignorance of some, are placed back on the field of play only to suffer additional damage.

As I am sure the Legislators have as well, I have received many letters, phone calls and emails on this local law, which have provided additional perspectives on this issue. These perspectives were broad and from a diverse cross section of stakeholders and residents in not just our region, but country as well. Coaches, tournament organizers, individuals from the tourism industry, parents of children who have suffered multiple concussions, are just a few of the many people who were interested and concerned about this issue and this local law.

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Despite reservations I have about portions of this law, I have approved it in part because it is undeniable that we need to do as much as we can to address this issue and I consider it so necessary that delaying its intent would be irresponsible. That being said the correspondence and communication I am sure we have all received has pointed me in the direction of addressing the public's concerns with the law and its potentially unanticipated consequences.

It is because of that input I have worked with the co-sponsoring Legislators on an amended version to this local law which has been clocked in earlier today, a copy of which is attached hereto. These amendments look to address, with additional clarity, some of the issues that have been brought up in the weeks following the passage of the original local law. Issues pertaining to the Health Department's enforcement, the treatment of out of county teams and the clarification of the exemption process are all part of the amendments that you now have before you. These amendments allow for the strengthening of the local law while removing any ambiguity around how the law would affect teams from other parts of the state, country, or world that come to our region to compete in sporting events. I thank Majority Leader Lorigo and Legislator Burke for working with my office to prepare and introduce said amendments.

I urge your Honorable Body to begin swiftly on moving this amended local law to passage once you return from recess, and I look forward to signing the new amended law once you have approved it. Thank you for the collaborative spirit that has allowed Erie County to once again lead on a tremendously important issue.

Sincerely yours,



Mark C. Poloncarz, Esq.
Erie County Executive

MCP/jr

Encl.

cc: Commissioner Dr. Gale Burstein
Interested Parties

COUNTY OF ERIE
LOCAL LAW NO. ____-2016
LOCAL LAW INTRO NO. ____-2016

**A LOCAL LAW TO AMEND LOCAL LAW INTRO 2-4:
A Local Law Preventing Head Trauma from Concussions in Youth Sports**

Be enacted by the Legislature of the County of Erie as follows:

Section 1: LEGISLATIVE INTENT

Contact and collision sports such as football, hockey, [and] soccer and other sports where head trauma can occur have been an integral part of youth development in our community but there is growing evidence that concussions cause negative long-term health consequences. The intent of this legislation is to insure that all minors playing organized contact or collision youth sports [in] that reside and participate in said sports within Erie County are properly supervised and that those who have been entrusted with the safety of minors are sufficiently trained in identifying concussion related symptoms.

Section 2: DEFINITIONS

- a) Organized youth sport is defined as a sport that is formally governed by an institution or organization.
- b) Contact youth sport is defined as a sport in which the participants necessarily come into bodily contact with one another.
- c) Collision youth sport is defined as a sport where athletes purposely, inadvertently, or by unintentional action hit or collide with each other or inanimate objects, including the ground, with great force.
- d) Supervisor of minors playing contact youth sports hereby referred to as "supervisor" is defined as any coach [, referee] or official who acts in a supervisory or governing capacity on the field of play.
- e) Short Notice is defined as within two weeks.
- f) Hosting body is the team or organization that is based within Erie County that may or may not play teams from outside of Erie County

Section 3: REQUIREMENTS FOR SUPERVISORS

- a) There shall be at least one supervisor of minors playing organized contact or collision sports, who has taken the required concussion training course within the past two years, for each team on the field of play when both teams are based in Erie County. When a team is not based in Erie County then it is the responsibility of the hosting body to ensure the compliance of its supervisors.

[Any supervisor of minors playing organized contact or collision sports shall take a course in concussion safety.]

- b) Any organization facilitating organized contact or collision youth sports, to the best of their ability, shall maintain a record that shows that those who supervise minors playing organized contact or collision youth sports within their organization have taken a course in concussion safety.
- c) If a new supervisor is needed on short notice, the interim supervisor shall have no more than two weeks from the beginning of their duties to take a course in concussion safety.

Section 4: CONCUSSION SAFETY COURSES

- a) The Erie County Department of Health shall facilitate and or ensure the availability of [no less than four] concussion safety courses either produced departmentally or organized through its network of partners. [per year]. The content of this course shall [be determined by the Commissioner of Health] include the most commonly used standards for concussion related trainings as well as standards set forth by the Center for Disease Control. The course shall be free of charge for supervisors.
- b) Acceptable alternatives to the [County concussion] aforementioned safety course either produced by the Health Department, in conjunction with its network of partners, or offered through nationally recognized third party providers are, but are not limited to, the Center for Disease Control's HEADS UP to Youth Sports: Online Training or the NFHS Concussion in Sports Course, concussion prevention and or head trauma training offered to any supervisor through registration with a sport's international, national, statewide, or regional governing body, or concussion prevention and or head trauma training offered to any supervisor through registration with the United States Olympic Committee[, or concussion recognition training deemed by the Erie County Department of Health to be equal to or greater than the Center for Disease Control's HEADS UP to Youth Sports course].
- c) Any supervisor of which this law effects shall complete an aforementioned approved concussion safety course every two years.

Section 5: ENFORCEMENT

- a) The County Health Department will have the power to enforce this law.
- b) The County Health Department shall notify to the best of their abilities all known youth sports organizations that participate in contact or collision sports that a concussion safety course is required for all supervisors of contact or collision youth sports.
- c) Any organization facilitating contact or collision youth sports, except those organizations and teams that are based outside of Erie County and as more fully described in Section 6 herein that cannot or will not produce records showing their supervisors have completed one of the defined courses on concussion safety upon request from the County Health Department [shall]

may be issued a \$100 fine, subsequent violations within a calendar year [shall] may result in a \$200 fine.

Section 6: EXEMPTION

- a) This law does not apply to teams or supervisors of teams that are based outside of Erie County regardless of whether said team participates in a game or other sporting activity inside Erie County. In scenarios where a team from outside of Erie County participates in any sort of contact or collision youth sport against a team based in Erie County it is the responsibility of the hosting team to adhere to this law. If a team from outside of Erie County should participate in a game or other sporting activity in Erie County against another team based outside of Erie County, this law shall not apply to any of the supervisors in said game or activity.
- b) If a team or organization based in Erie County is affiliated with an international, national, statewide, or regional governing body that has concussion prevention and or head trauma training policy, this law shall not supersede that policy and training offered by such governing body shall be deemed by operation of law as an approved concussion safety course for the purposes of sections 3 and 4 herein.
- c) Teams, their supervisors or the sports organizations the teams or supervisors are associated with have the ability to apply for a waiver of exemption from this law. The waiver would be reviewed and decided upon by the office of the commissioner of health on a case by case basis.

Section [6] 7: EFFECTIVE DATE

This local law shall become effective upon filing with the Secretary of State.

Section [7] 8: SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or its application to the person, individual, corporation, firm, partnership, entity, or circumstances directly involved in the controversy in which such judgment or order shall be rendered.

SPONSOR: Legislator Patrick B. Burke, Legislator Joseph C. Lorigo

NOTE: ADDITIONS IN TEXT ARE INDICATED BY UNDERLINE; DELETIONS BY [BRACKETS]