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COUNTY OF ERIE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

September 28, 2016

Hon. Karen McCarthy
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York, 14202

Re: Local Law. 4 – 2016 A Local Law Preventing Head Trauma from Concussions in Youth Sports
Our File No.: 22-20160010

Dear Hon. McCarthy:

Enclosed please find an original of the above-referenced Local Law for filing in your office.

Thank you.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: _____
Gregory P. Kammer
Assistant County Attorney

GPK/jls
Enclosure

95 FRANKLIN STREET – ROOM 1634, BUFFALO, NEW YORK 14202 – PHONE (716) 858-2200 – FAX (716)858-2281 (NOT FOR SERVICE)
WWW.ERIE.GOV

Local Law Filing

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☑ County ☐ City ☐ Town ☐ Village
(Select one:)
of Erie

FILED
STATE RECORDS
SEP 3 0 2016
DEPARTMENT OF STATE

Local Law No. 4 of the year 20 16

A local law Amendment to Local Law 3 Preventing Head Trauma from Concussions
(Insert Title)
in Youth Sports

Be it enacted by the _____ of the
(Name of Legislative Body)

☑ County ☐ City ☐ Town ☐ Village
(Select one:)
of Erie as follows:

Section 1: LEGISLATIVE INTENT

Contact and collision sports such as football, hockey, 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 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.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

DOS-0239-f-l (Rev. 04/14)

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 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.
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 concussion safety courses either produced departmentally or organized through its network of partners. The content of this course shall 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 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.
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 may be issued a $100 fine, subsequent violations within a calendar year 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 7: EFFECTIVE DATE

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

Section 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.

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

REFERENCE: LOCAL LAW INTRO. 11-1 (2016)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)
I hereby certify that the local law annexed hereto, designated as local law No. 4 of 20 16 of the (County)[redacted] of Erie _____ was duly passed by the Erie County Legislature on September 1 20 16, and was (approved)(~~not approved~~)
(Name of Legislative Body)
(~~repassed after disapproval~~) by the Erie County Executive and was deemed duly adopted
(Elective Chief Executive Officer*)
on September 22 20 1 6, in accordance w ith the applicable provisions of law.

3. (Final adoption by referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local
(Elective Chief Executive Officer*)
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

8. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No._____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

9. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No._____ of 20____ of the County of _____State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2 above.

Karen M. McCarthy
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: Sept 28 2016

DOS-0239-f-l (Rev. 04/14)

A Public Hearing was held on the foregoing Local Law Intro. No. 11-1 2016 on September 21, 2016 due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, MARK C. POLONCARZ, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 22 day of September, 2016.

Mark C. Poloncarz

A Public Hearing was held on the foregoing Local Law Intro. No. 11-1 2016 on September 21, 2016 due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, MARK C. POLONCARZ, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this ____ day of _____, 2016.

_____
Mark C. Poloncarz