

STATE OF NEW YORK

1764

2017-2018 Regular Sessions

IN SENATE

January 10, 2017

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

AN ACT to amend the public health law, in relation to establishing a lymphedema and lymphatic diseases research grants program; and to amend the state finance law, in relation to creating the lymphedema and lymphatic diseases research and education fund; and making an appropriation therefor

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

1 Section 1. The public health law is amended by adding a new section
2 207-a to read as follows:

3 § 207-a. Lymphedema and lymphatic diseases research grants program. 1.
4 The department shall, within available appropriations, establish the
5 lymphedema and lymphatic diseases research grants program, hereafter
6 "grants program." Such grants program funds shall be used to provide
7 financial assistance in the form of grants, not to exceed fifty thousand
8 dollars per grant, to New York state biomedical research institutions
9 for working capital to further new and emerging research and development
10 for the diagnosis and treatment of lymphedema and lymphatic diseases.
11 Such grants shall be awarded on a competitive basis to biomedical
12 research institutions responding to requests for proposals issued by the
13 foundation when funds are appropriated.

14 2. (a) "Biomedical research institution" shall mean a not-for-profit
15 university, college, hospital, private or federal research laboratory
16 located in New York state, or a consortium of such entities, that
17 conducts an intensive and ongoing program of research and development
18 directly related to lymphedema and/or lymphatic diseases research.

19 (b) "Lymphedema" shall mean an accumulation of lymphatic fluid in the
20 interstitial tissue that causes swelling, most often in the arms and/or
21 legs, and occasionally in other parts of the body, from any cause.

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

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1 (c) "Lymphatic diseases" shall include but not be limited to: insuff-
2 iciency of lymphatic circulatory function (to include all forms of
3 lymphedema), lipedema, complex congenital diseases of the lymphatic
4 vasculature, including lymphangiomatosis, lymphangioma-myomatosis,
5 lymphangiectasias, lymphangiomas, cystic hygromas, Gorham's disease,
6 lymphangiosarcoma, and complex vascular/lymphatic malformations.

7 3. In addition to such other criteria as the department may adopt in
8 rules and regulations for the consideration of applications for grants
9 pursuant to subdivision one of this section, the foundation shall:

10 (a) determine that the applicant is unable to obtain sufficient fund-
11 ing on reasonable terms from other public or private sources to permit
12 the institution's planned investment to proceed without the required
13 assistance;

14 (b) give priority to those applications for assistance from biomedical
15 research institutions that secure private support for research or commit
16 new resources to the expansion of lymphedema and lymphatic diseases
17 research; and

18 (c) consider the potential long term economic benefits to the state of
19 awarding the specific grant and whether the grant will result in a
20 reasonable likelihood of success in meeting the purposes for which it
21 was sought by the applicant.

22 4. The department may apply to the national institutes of health, the
23 United States department of health and human services, and other appro-
24 priate federal, public, and private entities for funding. Such monies
25 shall be deposited into the lymphedema and lymphatic diseases research
26 and education fund, established pursuant to section ninety-nine-aa of
27 the state finance law.

28 5. The department shall submit to the governor, the speaker of the
29 assembly, the temporary president of the senate, and to any other state
30 legislator at his or her request, a report on the grants program by
31 September first, two thousand nineteen and annually thereafter. Such
32 report shall include, for each grant awarded, the name and location of
33 the recipient, a description of the product, device, technique, system
34 or process being researched and developed, the recipient's relationship
35 to the research institution, the amount and use of the grant, the total
36 project cost, and such other information as the department shall deem
37 appropriate. Such report shall also include a list of all applicants and
38 their contact information, regardless of receiving a grant, in order to
39 help demonstrate the need for future funds.

40 6. Nothing in this section shall require the department to disclose
41 any matters involving confidential intellectual property or work prod-
42 uct, whether patentable or not, including any formula, plan, pattern,
43 process, tool, mechanism, compound, procedure, production data or compi-
44 lation of information, which is not patented, but which is known only to
45 certain individuals who are using it to fabricate, produce or compound
46 an article of trade or service having commercial value and which gives
47 its user an opportunity to obtain a business advantage over competitors
48 who do not know it or use it.

49 § 2. The state finance law is amended by adding a new section 99-aa to
50 read as follows:

51 § 99-aa. Lymphedema and lymphatic diseases research and education
52 fund. 1. There is hereby established in the joint custody of the commis-
53 sioner of taxation and finance and the comptroller, a special fund to be
54 known as the lymphedema and lymphatic diseases research and education
55 fund, hereafter the "fund".

1 2. Such fund shall consist of all monies appropriated, credited, or
2 transferred thereto from any other fund or source pursuant to law.
3 Nothing contained in this section shall prevent the state from receiving
4 grants, gifts or bequests for the purposes of the fund as defined in
5 this section and depositing them into the fund according to law.

6 3. Monies of the fund shall be expended only for lymphedema and lymph-
7 atic diseases research and education projects approved by the depart-
8 ment of health.

9 4. (a) "Lymphedema" shall mean an accumulation of lymphatic fluid in
10 the interstitial tissue that causes swelling, most often in the arms
11 and/or legs, and occasionally in other parts of the body, regardless of
12 cause.

13 (b) "Lymphatic diseases" shall include but not be limited to: insuf-
14 ficiency of lymphatic circulatory function (to include all forms of
15 lymphedema), lipedema, complex congenital diseases of the lymphatic
16 vasculature, including lymphangiomatosis, lymphangioleio-myomatosis,
17 lymphangiectasias, lymphangiomas, cystic hygromas, Gorham's disease,
18 lymphangiosarcoma, and complex vascular/lymphatic malformations.

19 (c) "Lymphedema and lymphatic diseases research and education
20 projects" shall mean research by qualified researchers, as determined by
21 the department of health, to stimulate research on the pathogenesis and
22 new treatments for lymphedema and lymphatic diseases. Education projects
23 are those projects which promote and provide information on lymphedema
24 and lymphatic diseases including: prevention, diagnosis, treatment,
25 long-term chronic care, and/or research by qualified organizations as
26 determined by the department of health.

27 5. Monies shall be payable from the fund on the audit and warrant of
28 the comptroller on vouchers approved and certified by the commissioner
29 of health.

30 6. To the extent practicable, the commissioner of health shall ensure
31 that all monies received during a fiscal year are expended prior to the
32 end of that fiscal year.

33 § 3. The sum of two hundred thousand dollars (\$200,000), is hereby
34 appropriated to the department of audit and control out of any moneys in
35 the state treasury in the general fund to the credit of the lymphedema
36 and lymphatic diseases research and education fund, not otherwise appro-
37 priated, and made immediately available, for the purpose of carrying out
38 the provisions of this act. Such moneys shall be payable on the audit
39 and warrant of the comptroller on vouchers certified or approved by the
40 commissioner of health in the manner prescribed by law.

41 § 4. This act shall take effect immediately.