

# STATE OF NEW YORK

4195

2019-2020 Regular Sessions

## IN SENATE

March 4, 2019

Introduced by Sen. GOUNARDES -- 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  
2 208-b to read as follows:

3 § 208-b. 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-ff 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 twenty-one 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-ff to  
50 read as follows:

51 § 99-ff. 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: insuff-  
14 iciency 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.