

STATE OF NEW YORK

8053

2023-2024 Regular Sessions

IN ASSEMBLY

September 27, 2023

Introduced by M. of A. GONZALEZ-ROJAS, PAULIN -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public health law, in relation to establishing a COVID-19 pandemic response study commission

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

1 Section 1. Section 2180 of the public health law is amended by adding
2 two new subdivisions 14 and 15 to read as follows:

3 14. "COVID-19 pandemic" means the pandemic of COVID-19 beginning in or
4 about February, two thousand twenty.

5 15. "Commission" means the COVID-19 pandemic response study commission
6 established pursuant to section twenty-one hundred eighty-four of this
7 title.

8 § 2. The public health law is amended by adding a new section 2184 to
9 read as follows:

10 § 2184. COVID-19 pandemic response study commission. 1. (a) There is
11 hereby established in the department a COVID-19 pandemic response study
12 commission to study the state's response to the COVID-19 pandemic and to
13 make recommendations.

14 (b) The commission shall consist of sixteen voting members as follows,
15 after receiving the recommendations received by the commissioner pursu-
16 ant to paragraph (c) of this subdivision: eight shall be appointed by
17 the governor, one of whom shall be designated by the governor as the
18 chair of the commission; three shall be appointed by the temporary pres-
19 ident of the senate; three shall be appointed by the speaker of the
20 assembly; one shall be appointed by the senate minority leader; and one
21 shall be appointed by the assembly minority leader. At least half of the
22 appointees of each appointing officer, respectively, shall be chosen
23 from the recommendations of the commissioner pursuant to paragraph (c)
24 of this subdivision. The commissioner and the commissioner of the divi-
25 sion of homeland security and emergency services, or their respective

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

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1 designees, shall be ex officio non-voting members of the commission. If
2 a vacancy occurs in the membership of the commission, it shall be filled
3 by appointment by the respective appointing officer.

4 (c) The commissioner shall consult with the commissioner of the divi-
5 sion of homeland security and emergency services, the county health
6 commissioners, the New York city commissioner of health and mental
7 hygiene, the local health officers, and the deans of the schools of
8 public health in the state, to solicit recommendations (which may
9 include themselves) for appointment to the commission. The commissioner
10 shall advise the governor, the temporary president of the senate, the
11 speaker of the assembly, the senate minority leader and the assembly
12 minority leader of the recommendations the commissioner receives pursu-
13 ant to this paragraph.

14 (d) A majority of the members appointed to the commission shall
15 constitute a quorum to hold a meeting and to conduct official business.
16 The commission shall act by the majority vote of the members appointed
17 to the commission.

18 (e) All members of the commission shall be selected by the appointing
19 officials based on the member's expertise and experience in relevant
20 fields such as health care, public health, emergency procurement, emer-
21 gency management, labor and business. At least one member shall have
22 expertise or experience in addressing the health care needs of under-
23 served communities disproportionately affected by COVID-19.

24 (f) Members of the commission shall receive no compensation for their
25 services, but shall be allowed their actual and necessary expenses
26 incurred in the performance of their duties under this section. Members
27 of the commission shall not be precluded from holding other state or
28 local government office or employment.

29 (g) The commission may request and shall receive the assistance of any
30 federal, state or local government official or entity in carrying out
31 its functions. The commission may receive financial support for carrying
32 out its functions from any federal, state or non-profit entity.

33 2. (a) The commission shall study the response to the COVID-19 pandem-
34 ic by state and local governments, public entities, health care insti-
35 tutions and providers, educational institutions, other institutions and
36 entities, and the public, including, but not limited to: hospitals;
37 nursing homes and other congregate care settings; the shutdown and re-o-
38 penings of educational institutions; policies and practices relating to
39 employers, employees and consumers; relationships among state, federal
40 and local government officials and entities; effective communication and
41 sharing of data with the public; and the policies, staffing and exper-
42 tise needed to plan for and respond to future pandemics, epidemics, and
43 public emergencies.

44 (b) The commission shall conduct appropriate studies and public hear-
45 ings, including one or more hearings on its preliminary report or
46 reports.

47 (c) The commission shall issue one or more preliminary reports of its
48 findings and recommendations. The commission shall issue the first
49 preliminary report within one year after its initial meeting. The
50 preliminary report or reports shall be posted on the department's
51 website.

52 (d) The commission shall publish a final report of its findings and
53 recommendations within eighteen months of its initial meeting, which
54 shall be published on the department's website.

55 (e) The commission's proceedings shall be subject to articles six and
56 seven of the public officers law.

1 (f) The commission shall have the authority to hire employees and
2 execute contracts in exercising its functions.

3 (g) The commission may conduct and solicit research and data-gathering
4 as it deems necessary, consistent with applicable law.

5 (h) For the accomplishment of its purposes, the commission shall have
6 access to state records and documents, including confidential materials,
7 and shall be able to interview witnesses, issue subpoenas and, by major-
8 ity vote, refer matters for prosecution. The commission shall protect
9 the confidentiality of individual patient information.

10 3. The commission shall expire and be deemed repealed sixty days after
11 it issues its final report, provided that the governor, by executive
12 order, may continue the existence of the commission and its functions
13 for one or more fixed periods. If the governor continues the existence
14 of the commission, the commission may issue additional reports.

15 § 3. This act shall take effect immediately and shall expire and be
16 deemed repealed upon the issuance of the commission's final report as
17 required pursuant to subdivision 3 of section 2184 of the public health
18 law, as added by section two of this act; provided, however, that the
19 commissioner of health or the commissioner of the division of homeland
20 security and emergency services shall notify the legislative bill draft-
21 ing commission upon the occurrence of the delivery of the report or the
22 continuance of such commission provided for in subdivision 3 of section
23 2184 of the public health law as added by section two of this act in
24 order that the commission may maintain an accurate and timely effective
25 data base of the official text of the laws of the state of New York in
26 furtherance of effectuating the provisions of section 44 of the legisla-
27 tive law and section 70-b of the public officers law.