

STATE OF NEW YORK

5135

2023-2024 Regular Sessions

IN SENATE

February 23, 2023

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

AN ACT to amend the public health law, in relation to creating an educational program regarding the importance of prostate-specific antigen testing

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

1 Section 1. Section 2404-a of the public health law, as amended by
2 chapter 335 of the laws of 2018, is amended to read as follows:

3 § 2404-a. Prostate cancer; duty to inform; educational pamphlet. 1.
4 The commissioner shall develop a standardized written summary and educa-
5 tional pamphlet, in plain non-technical language, which shall explain
6 the following:

7 (a) the symptoms and risk factors for prostate cancer;

8 (b) the available methods for the detection and diagnosis of prostate
9 cancer, including information on the relative accuracy of the available
10 detection and diagnostic techniques, including, but not limited to,
11 prostate-specific antigen testing;

12 (c) the availability of insurance coverage for diagnostic screening
13 for prostate cancer without cost sharing pursuant to subparagraph (B) of
14 paragraph eleven-a of subsection (i) of section three thousand two
15 hundred sixteen, subparagraph (B) of paragraph eleven-a of subsection
16 (1) of section three thousand two hundred twenty-one and paragraph two
17 of subsection (z-1) of section four thousand three hundred three of the
18 insurance law; and

19 (d) the alternative medically viable methods of treating prostate
20 cancer, including but not limited to hormonal, radiological, chemothera-
21 peutic or surgical treatments, or combinations thereof. The summary
22 shall contain information on prostate post-treatment risks and other
23 pertinent information to aid a person in deciding a course of treatment.
24 The summary shall be updated as is necessary.

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

LBD07206-01-3

1 2. The summary shall be provided to any health care provider or prac-
2 titioner providing medical treatment to adult men without charge or fee
3 for distribution in accordance with subdivision three of this section.

4 3. The standardized written summary and educational pamphlet provided
5 for by subdivision one of this section may be provided by a health care
6 provider to each person under his or her care [~~who~~]. Health care provid-
7 ers shall provide to and discuss with each person under his or her care
8 the standardized written summary and educational pamphlet where such
9 person is or may be at risk for prostate cancer or who has been diag-
10 nosed to be afflicted with prostate cancer upon said diagnosis, or as
11 soon thereafter as practicable. A person with a prostate shall be
12 deemed at risk for prostate cancer when such person has a family history
13 of prostate cancer.

14 4. Nothing in this section shall be construed to create a cause of
15 action for lack of informed consent in any instance in which such cause
16 of action would be limited by section twenty-eight hundred five-d of
17 this chapter.

18 5. The commissioner shall have the written summary, required by this
19 section, completed and prepared for distribution on or before January
20 first, nineteen hundred ninety-eight.

21 § 2. This act shall take effect immediately.