S T A T E O F N E W Y O R K

1491

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. WRIGHT, TOWNS, BENJAMIN, ESPAILLAT -- Multi-Sponsored by -- M. of A. BOYLAND, COLTON, LAVINE, WEISENBERG -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to establishing a vision care program; and to amend the vehicle and traffic law and the state finance law, in relation to establishing the save our sight fund

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The public health law is amended by adding a new article 27-M to read as follows:

ARTICLE 27-M

VISION CARE PROGRAM

SECTION 2799-AA. SPECIAL PROGRAMS WITH RESPECT TO PROPER VISION CARE.
2799-BB. COUNCIL.

S 2799-AA. SPECIAL PROGRAMS WITH RESPECT TO PROPER VISION CARE. THE COMMISSIONER SHALL ESTABLISH, WITHIN THE DEPARTMENT, A PROGRAM TO IMPLEMENT A VOLUNTARY CHILDREN'S VISION SCREENING, TRAINING AND CERTIFICATION PROGRAM FOR VOLUNTEERS, CHILD DAY-CARE PROVIDERS, NURSES, TEACHERS, MEDICAL DOCTORS PRACTICING IN PRIMARY CARE SETTINGS AND OTHERS SERVING CHILDREN TO PROMOTE EDUCATION REGARDING PROPER VISION CARE. THIS PROGRAM SHALL BE ESTABLISHED TO PROMOTE PUBLIC AWARENESS REGARDING PROPER VISION CARE, THE VALUE OF EARLY DETECTION OF VISION PROBLEMS AND APPROPRIATE TREATMENTS. TO CARRY OUT THE PURPOSES OF THIS SECTION, THE COMMISSIONER SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

1. TO DEVELOP AND IMPLEMENT A REGISTRY AND TARGETED VOLUNTARY CASE MANAGEMENT FOR PROBLEMS, ILLNESSES AND DISEASES OF THE EYE, INCLUDING BUT NOT LIMITED TO, AMBLYOPIA, TO DETERMINE WHETHER CHILDREN WITH SUCH ILLNESSES OR DISEASES OF THE EYE ARE RECEIVING PROFESSIONAL EYE CARE AND TO PROVIDE THEIR PARENTS WITH INFORMATION AND SUPPORT REGARDING THEIR CHILD'S VISION CARE. FOR PURPOSES OF THIS SECTION, "AMBLYOPIA" SHALL

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

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MEAN REDUCED VISION IN AN EYE THAT HAS NOT RECEIVED ADEQUATE USE DURING EARLY CHILDHOOD;

2. TO ESTABLISH A MATCHING GRANT PROGRAM FOR THE PURCHASE AND DISTRIBUTION OF PROTECTIVE EYEWEAR TO CHILDREN;

3. TO PROVIDE VISION HEALTH, EDUCATION AND SAFETY PROGRAMS, AND DEVELOP AND DISTRIBUTE INFORMATIONAL MATERIALS FOR THE PURPOSE OF PUBLIC AWARENESS OF THE BENEFITS OF HEALTHY AND PREVENTATIVE VISION CARE. SUCH INFORMATIONAL MATERIAL SHALL BE DISTRIBUTED TO, INCLUDING BUT NOT LIMITED TO, THE COMMISSIONER OF MOTOR VEHICLES TO PROMOTE VOLUNTARY CONTRIBUTIONS TO THE SAVE OUR SIGHT FUND BY PERSONS APPLYING FOR OR RENEWING THEIR MOTOR VEHICLE REGISTRATIONS OR DRIVER'S LICENSE CONSISTENT WITH THE REQUIREMENTS OF SECTION TWO HUNDRED TWENTY-FOUR-B OF THE VEHICLE AND TRAFFIC LAW, AND TO ELEMENTARY CLASSROOMS AND LOCAL DEPARTMENTS OF HEALTH;

4. TO ACCEPT AND EXPEND ANY GRANTS, AWARDS, OTHER FUNDS AND APPROPRIATIONS AS MAY BE AVAILABLE FOR SUCH PURPOSES, SUBJECT TO THE LIMITATIONS FOR THE APPROVAL OF EXPENDITURES AND AUDIT THEREOF AS PRESCRIBED BY THE STATE FINANCE LAW; AND

5. TO ENTER INTO SUCH CONTRACTS, WITHIN THE AMOUNTS MADE AVAILABLE THEREFOR, AS MAY BE NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

S 2799-BB. COUNCIL. 1. THERE IS HEREBY CREATED A VISION CARE COUNCIL TO ADVISE THE DEPARTMENT ON WAYS TO DETECT VISION PROBLEMS, POSSIBLE TREATMENTS AND APPROPRIATE PREVENTIVE VISION CARE. IN CARRYING OUT THESE FUNCTIONS, THE COUNCIL SHALL ASSIST THE DEPARTMENT IN THE DEVELOPMENT OF EDUCATIONAL MATERIALS AND THE ESTABLISHMENT OF PUBLIC AWARENESS CAMPAIGNS. THE COUNCIL SHALL CONSIST OF TWELVE MEMBERS TO BE APPOINTED WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION. SIX MEMBERS SHALL BE APPOINTED BY THE GOVERNOR, TWO MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, TWO MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY, ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE AND ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY. THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE COUNCIL. THE MEMBERS OF THE COUNCIL SHALL INCLUDE REPRESENTATIVES FROM OPHTHALMOLOGY, OPTOMETRY, TEACHING, NURSING, PEDIATRICS AND NOT-FOR-PROFIT ORGANIZATIONS WHOSE PURPOSE INCLUDES EDUCATION AND DIRECT COMMUNITY SERVICE WHICH INCLUDES VISUAL SCREENING FOR THE GENERAL PUBLIC EMPHASIZING THE PRE-SCHOOL POPULATION. THE APPROPRIATE PROFESSIONAL ASSOCIATIONS OF OPHTHALMOLOGY, OPTOMETRY, TEACHING, NURSING AND PEDIATRICS SHALL MAKE RECOMMENDATIONS FOR APPOINTMENTS TO THE COUNCIL.

2. THE MEMBERS OF THE COUNCIL SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES UNDER THIS SECTION.

S 2. The vehicle and traffic law is amended by adding a new section 224-b to read as follows:

S 224-B. SAVE OUR SIGHT FUND. 1. THE COMMISSIONER, OR HIS OR HER AUTHORIZED AGENT, SHALL ASK EACH PERSON APPLYING FOR OR RENEWING A MOTOR VEHICLE REGISTRATION PURSUANT TO SECTION FOUR HUNDRED ONE OF THIS CHAPTER OR APPLYING FOR AN INITIAL OR RENEWAL LICENSE PURSUANT TO ARTICLE NINETEEN OF THIS CHAPTER WHETHER SUCH PERSON WISHES TO MAKE A VOLUNTARY ONE DOLLAR CONTRIBUTION TO THE SAVE OUR SIGHT FUND ESTABLISHED PURSUANT TO SECTION NINETY-TWO-FF OF THE STATE FINANCE LAW. EVERY APPLICATION AND RENEWAL NOTICE FOR THE REGISTRATION OF A MOTOR VEHICLE SHALL INCLUDE THE QUESTION OF WHETHER THE OWNER OF THE MOTOR VEHICLE AND EVERY APPLICATION AND RENEWAL NOTICE FOR A LICENSE TO OPERATE A MOTOR VEHICLE SHALL INCLUDE THE QUESTION WHETHER THE APPLICANT WISHES TO MAKE A VOLUNTARY

ONE DOLLAR CONTRIBUTION TO THE SAVE OUR SIGHT FUND ESTABLISHED PURSUANT TO SECTION NINETY-TWO-FF OF THE STATE FINANCE LAW. THE COMMISSIONER SHALL ALSO MAKE AVAILABLE TO EACH SUCH PERSON INFORMATIONAL MATERIALS ON THE IMPORTANCE OF EYE CARE AND SAFETY DISTRIBUTED BY THE COMMISSIONER OF HEALTH PURSUANT TO ARTICLE TWENTY-SEVEN-M OF THE PUBLIC HEALTH LAW.

2. ALL REVENUE COLLECTED PURSUANT TO SUBDIVISION ONE OF THIS SECTION SHALL, ON A QUARTERLY BASIS, BE FORWARDED BY THE COMMISSIONER TO THE COMPTROLLER FOR DEPOSIT IN THE SAVE OUR SIGHT FUND ESTABLISHED PURSUANT TO SECTION NINETY-TWO-FF OF THE STATE FINANCE LAW.

S 3. The state finance law is amended by adding a new section 92-ff to read as follows:

S 92-FF. SAVE OUR SIGHT FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF MOTOR VEHICLES AND THE COMPTROLLER, A SPECIAL FUND TO BE KNOWN AS THE "SAVE OUR SIGHT FUND".

2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED BY THE DEPARTMENT OF MOTOR VEHICLES PURSUANT TO THE PROVISIONS OF SECTION TWO HUNDRED TWENTY-FOUR-B OF THE VEHICLE AND TRAFFIC LAW, AND ALL OTHER MONEYS APPROPRIATED, CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS OR BEQUESTS FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING THEM INTO THE FUND ACCORDING TO LAW.

3. MONIES OF THE FUND SHALL BE EXPENDED ONLY FOR VISION CARE PROGRAMS. AS USED IN THIS SECTION, "VISION CARE PROGRAMS" MEAN EDUCATIONAL PROJECTS ADMINISTERED BY NOT-FOR-PROFIT ORGANIZATIONS, WHICH, PURSUANT TO SECTION TWENTY-SEVEN HUNDRED NINETY-NINE-AA OF THE PUBLIC HEALTH LAW, ARE RECOMMENDED TO THE DEPARTMENT OF HEALTH FOR APPROVAL BY THE VISION CARE COUNCIL, ESTABLISHED PURSUANT TO SECTION TWENTY-SEVEN HUNDRED NINE-TY-NINE-BB OF THE PUBLIC HEALTH LAW.

4. MONIES SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER OF HEALTH.

5. TO THE EXTENT PRACTICABLE, THE COMMISSIONER OF HEALTH SHALL ENSURE THAT ALL MONIES RECEIVED DURING A FISCAL YEAR ARE EXPENDED PRIOR TO THE END OF THAT FISCAL YEAR.

S 4. This act shall take effect on the ninetieth day after it shall have become a law.