

1581

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. ENGLEBRIGHT, COLTON, GALEF, ALESSI, KAVANAGH, ROSENTHAL, BALL, SCHIMEL, PHEFFER, JAFFEE -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, CAHILL, GLICK, JOHN, MCENENY, MILLMAN, SWEENEY, WEINSTEIN -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to breast cancer research; and to amend the environmental conservation law, in relation to compilation of data on pesticides

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

1 Section 1. Paragraph (e) of subdivision 1 of section 2411 of the
2 public health law, as amended by chapter 219 of the laws of 1997, is
3 amended to read as follows:
4 (e) Solicit, receive, and review applications from public and private
5 agencies and organizations and qualified research institutions for
6 grants from the breast cancer research and education fund, created
7 pursuant to section ninety-seven-yy of the state finance law, to conduct
8 research or educational programs which focus on the causes, prevention,
9 screening, treatment and cure of breast cancer and may include, but are
10 not limited to MAPPING OF BREAST CANCER, AND basic, behavioral, clin-
11 ical, demographic, environmental, epidemiologic and psychosocial
12 research. The board shall make recommendations to the commissioner, and
13 the commissioner shall, in his or her discretion, grant approval of
14 applications for grants from those applications recommended by the
15 board. The board shall consult with the Centers for Disease Control and
16 Prevention, the National Institutes of Health, the Federal Agency For
17 Health Care Policy and Research, the National Academy of Sciences,
18 breast cancer advocacy groups, and other organizations or entities which
19 may be involved in breast cancer research to solicit both information
20 regarding breast cancer research projects that are currently being
21 conducted and recommendations for future research projects. As used in

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

1 this section, "qualified research institution" may include academic
2 medical institutions, state or local government agencies, public or
3 private organizations within this state, and any other institution
4 approved by the department, which is conducting a breast cancer research
5 project or educational program. If a board member submits an application
6 for a grant from the breast cancer research and education fund, he or
7 she shall be prohibited from reviewing and making a recommendation on
8 the application;

9 S 2. Subdivision 2 of section 33-1201 of the environmental conserva-
10 tion law, as added by chapter 279 of the laws of 1996, is amended to
11 read as follows:

12 2. The commissioner shall prepare an annual report summarizing pesti-
13 cide sales, quantity of pesticides used, category of applicator and
14 region of application. PESTICIDE DATA SHALL BE COMPILED AND REPORTED BY
15 BOTH PRODUCT NAME AND BY ACTIVE INGREDIENT. The commissioner shall not
16 provide the name, address, or any other information which would other-
17 wise identify a commercial or private applicator, or any person who
18 sells or offers for sale restricted use or general use pesticides to a
19 private applicator, or any person who received the services of a commer-
20 cial applicator. In accordance with article six of the public officers
21 law, proprietary information contained within such record, including
22 price charged per product, shall not be disclosed. The report shall be
23 submitted to the governor, the temporary president of the senate and the
24 speaker of the assembly, and shall be made available to all interested
25 parties. The first report shall be submitted on July first, nineteen
26 hundred ninety-eight and on [July first] NOVEMBER THIRTIETH annually
27 thereafter.

28 S 3. Paragraph a of subdivision 1 of section 33-1203 of the environ-
29 mental conservation law, as added by chapter 279 of the laws of 1996, is
30 amended to read as follows:

31 a. The commissioner shall, upon written request of an interested
32 party, in printed form or on a diskette in computerized data base
33 format, provide the information on pesticides submitted to the depart-
34 ment pursuant to sections 33-1205 and 33-1207 of this title. Such infor-
35 mation shall be provided by county or counties, or five-digit zip code
36 or codes as selected by the interested party making the written request.
37 PESTICIDE DATA SHALL BE PROVIDED BY BOTH PRODUCT NAME AND ACTIVE INGRE-
38 DIENT. The commissioner shall not provide the name, address, or any
39 other information which would otherwise identify a commercial or private
40 applicator, or any person who sells or offers for sale restricted use or
41 general use pesticides to a private applicator, or any person who
42 received the services of a commercial applicator. In accordance with
43 article six of the public officers law, proprietary information
44 contained within such record, including price charged per product, shall
45 not be disclosed. The provisions of this paragraph shall not apply to
46 the provision of pesticide data to the commissioner of health, the
47 health research science board and researchers pursuant to title one-B of
48 article twenty-four of the public health law.

49 S 4. The second undesignated paragraph of subdivision 1 of section
50 33-1205 of the environmental conservation law, as added by chapter 279
51 of the laws of 1996, is amended to read as follows:

52 Such records shall be maintained for a period of not less than three
53 years. All commercial applicators shall file, at least annually, a
54 report or reports containing such information with the department [on
55 computer diskette or in printed form] IN AN ELECTRONIC FORMAT DEVELOPED
56 BY THE DEPARTMENT CONSISTENT WITH SYSTEM FILE SPECIFICATIONS OR ON

1 SCANNABLE FORMS DEVELOPED BY THE DEPARTMENT on or before February first
2 for the prior calendar year. All commercial applicators shall also
3 maintain corresponding records of the dosage rates, methods of applica-
4 tion and target organisms for each pesticide application. These records
5 shall be maintained on an annual basis and retained for a period of not
6 less than three years and shall be available for inspection upon request
7 by the department.

8 S 5. The closing paragraph of paragraph a of subdivision 2 of section
9 33-1205 of the environmental conservation law, as amended by chapter 260
10 of the laws of 1997, is amended to read as follows:

11 Every person who sells or offers for sale restricted use pesticides to
12 private applicators shall file, at least annually, a report or reports
13 containing such information with the department [on computer diskette or
14 in printed form] IN AN ELECTRONIC FORMAT DEVELOPED BY THE DEPARTMENT
15 CONSISTENT WITH SYSTEM FILE SPECIFICATIONS OR ON SCANNABLE FORMS DEVEL-
16 OPED BY THE DEPARTMENT on or before February first for the prior calen-
17 dar year. The department shall not use the reports filed pursuant to
18 this paragraph for enforcement purposes.

19 S 6. Subdivision 2 of section 33-1207 of the environmental conserva-
20 tion law, as added by chapter 279 of the laws of 1996, is amended to
21 read as follows:

22 2. Such records shall be maintained for a period of not less than
23 three years. All manufacturers and importers shall file an annual
24 report containing such information with the department [on computer
25 diskette or in printed form] IN AN ELECTRONIC FORMAT DEVELOPED BY THE
26 DEPARTMENT CONSISTENT WITH SYSTEM FILE SPECIFICATIONS OR ON SCANNABLE
27 FORMS DEVELOPED BY THE DEPARTMENT on or before February first for the
28 prior calendar year.

29 S 7. This act shall take effect on the sixtieth day after it shall
30 have become a law.