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

5802

2009-2010 Regular Sessions

I N A S S E M B L Y

February 20, 2009

Introduced by M. of A. McKEVITT, CALHOUN, WALKER, ALFANO, BARRA -- Multi-Sponsored by -- M. of A. FINCH, McDONOUGH -- read once and referred to the Committee on Health

AN ACT to amend the public health law and the state finance law, in relation to the New York state tobacco settlement cancer research and treatment program

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 section 2424 to read as follows:

S 2424. NEW YORK STATE TOBACCO SETTLEMENT CANCER RESEARCH AND TREATMENT PROGRAM. 1. THERE IS HEREBY ESTABLISHED, WITHIN THE DEPARTMENT, THE NEW YORK STATE TOBACCO SETTLEMENT CANCER RESEARCH AND TREATMENT PROGRAM. THIS PROGRAM SHALL BE ESTABLISHED WITHIN THE ROSWELL PARK CANCER INSTITUTE. THIS PROGRAM IS ESTABLISHED TO FUND THE CONTINUED RESEARCH OF CANCER AND TO PROVIDE TREATMENT TO THOSE WHO SUFFER THE EFFECTS OF TOBACCO USAGE. THIS PROGRAM SHALL BE FUNDED BY THE NEW YORK STATE TOBACCO SETTLEMENT FUND FOR CANCER RESEARCH AND TREATMENT, ESTABLISHED BY SECTION NINETY-FIVE-H OF THE STATE FINANCE LAW.

2. THE PROGRAM SHALL PROVIDE ANNUAL WRITTEN REPORTS TO THE COMMISSIONER ADDRESSING AND SUMMARIZING THE EXPERIENCES OF THE PROGRAM IN ITS QUEST FOR A CURE FOR CANCER AND IN THE NATURE OF THE TREATMENTS PROVIDED UNDER THE PROGRAM. SUCH REPORT SHALL INCLUDE ANY RECOMMENDATIONS FOR ADDITIONAL ACTION NECESSARY TO CONTINUE THE ADVANCE ON A CURE FOR CANCER.

S 2. The state finance law is amended by adding a new section 95-h to read as follows:

S 95-H. NEW YORK STATE TOBACCO SETTLEMENT FUND FOR CANCER RESEARCH AND TREATMENT. 1. THERE IS HEREBY ESTABLISHED IN THE CUSTODY OF THE STATE COMPTROLLER A SPECIAL FUND TO BE KNOWN AS THE "NEW YORK STATE TOBACCO SETTLEMENT FUND FOR CANCER RESEARCH AND TREATMENT".

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

LBD09178-01-9

2. SUCH FUND SHALL CONSIST OF FIVE PERCENT OF THE GROSS MONIES RECEIVED BY THE STATE OF NEW YORK AS A RESULT OF ANY AND ALL TOBACCO RELATED SETTLEMENTS, JUDGMENTS OR AWARDS IN WHICH THE STATE OF NEW YORK IS A NAMED PARTY, BENEFICIARY OR RECIPIENT.

3. MONIES OF THE FUND SHALL BE AVAILABLE TO THE NEW YORK STATE TOBACCO SETTLEMENT CANCER RESEARCH AND TREATMENT PROGRAM ESTABLISHED UNDER SECTION TWENTY-FOUR HUNDRED TWENTY-FOUR OF THE PUBLIC HEALTH LAW.

4. THE MONIES OF THE FUND SHALL BE PAID OUT ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE COMMISSIONER OF HEALTH, OR BY AN OFFICER OR EMPLOYEE OF THE DEPARTMENT OF HEALTH DESIGNATED BY SUCH COMMISSIONER.

S 3. This act shall take effect immediately. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.