

8963

2009-2010 Regular Sessions

I N A S S E M B L Y

June 17, 2009

Introduced by M. of A. POWELL -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to education on celiac disease; to amend the tax law and state finance law, in relation to the celiac disease awareness and research fund; and to amend the vehicle and traffic law, in relation to distinctive plates for the celiac disease awareness and research fund

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

- 1 Section 1. Legislative intent. The legislature hereby finds the
2 following:
- 3 a. Celiac disease is a digestive disease that damages the small intes-
4 tine and interferes with absorption of nutrients from food.
- 5 b. Celiac disease affects people in all parts of the world. Originally
6 thought to be a rare childhood syndrome, celiac disease is now known to
7 be a common genetic disorder.
- 8 c. More than two million people in the United States have the disease,
9 or about 1 in 133 people.
- 10 d. People who have celiac disease cannot tolerate gluten, a protein in
11 wheat, rye, and barley. Gluten is found mainly in foods but may also be
12 found in everyday products such as medicines, vitamins and lip balms.
- 13 e. When people with celiac disease eat foods or use products contain-
14 ing gluten, their immune system responds by damaging or destroying villi
15 the tiny, fingerlike protrusions lining the small intestine. Villi
16 normally allow nutrients from food to be absorbed through the walls of
17 the small intestine into the bloodstream. Without healthy villi, a
18 person becomes malnourished, no matter how much one eats.
- 19 f. People with celiac disease may have no symptoms but can still
20 develop complications of the disease over time. Long-term complications
21 include malnutrition which can lead to anemia, osteoporosis and miscar-

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

LBD14166-01-9

1 riage, among other problems such as liver diseases and cancers of the
2 intestine.

3 g. For these reasons, and because this legislation will have signif-
4 icant savings to New York, the legislature finds it in the public inter-
5 est to raise awareness of this disease.

6 S 2. The education law is amended by adding a new section 804-e to
7 read as follows:

8 S 804-E. EDUCATION REGARDING CELIAC DISEASE AWARENESS. 1. ANY SENIOR
9 HIGH SCHOOL IN THE STATE MAY PROVIDE, AS PART OF HEALTH EDUCATION,
10 INSTRUCTION DESIGNED TO PROMOTE CELIAC DISEASE AWARENESS.

11 2. INSTRUCTION REGARDING CELIAC AWARENESS MAY BE PART OF A HEALTH
12 EDUCATION COURSE IN THE SECONDARY SCHOOLS CURRICULUM.

13 3. STUDENTS MAY BE REQUIRED TO DEMONSTRATE KNOWLEDGE IN THE SUBJECT
14 THROUGH THE USE OF A TEST, GRADED PROJECT OR REPORT, OR ANY OTHER MEANS
15 PRESCRIBED BY THE SCHOOL AUTHORITIES REGARDING CELIAC DISEASE.

16 4. ANY SUCH COURSE SHALL BE TAUGHT BY TEACHERS HOLDING A CERTIFICATE
17 TO TEACH HEALTH. RELATED COURSES IN THE SECONDARY SCHOOL CURRICULUM
18 SHALL BE TAUGHT IN A MANNER SUPPORTIVE OF HEALTH EDUCATION REGARDING
19 CELIAC DISEASE AWARENESS.

20 5. THE COMMISSIONER MAY PRESCRIBE RULES AND REGULATIONS REGARDING SUCH
21 HEALTH EDUCATION COURSES WHICH INCLUDE INSTRUCTION REGARDING CELIAC
22 DISEASE AWARENESS AS THE COMMISSIONER MAY DEEM NECESSARY AND DESIRABLE
23 FOR THE WELFARE OF PUPILS AND THE COMMUNITY. THE CONTENTS MAY BE VARIED
24 TO MEET THE NEEDS OF A PARTICULAR SCHOOL DISTRICT, OR PORTIONS THEREOF,
25 AND NEED NOT BE UNIFORM THROUGHOUT THE STATE, PROVIDED, HOWEVER, THAT
26 ANY SCHOOL DISTRICT IN THE STATE PROVIDING INSTRUCTION ON CELIAC DISEASE
27 AWARENESS SHALL UTILIZE EITHER THE CURRICULUM FOR HEALTH EDUCATION
28 INSTRUCTION CELIAC DISEASE AWARENESS PRESCRIBED BY THE COMMISSIONER OR A
29 COURSE APPROVED BY THE COMMISSIONER IN ACCORDANCE WITH CRITERIA ESTAB-
30 LISHED BY THE COMMISSIONER.

31 S 3. The education law is amended by adding a new section 6505-d to
32 read as follows:

33 S 6505-D. COURSE WORK OR TRAINING IN CELIAC DISEASE AWARENESS. 1.
34 EVERY PHYSICIAN, PHYSICIAN ASSISTANT, DENTIST, REGISTERED NURSE,
35 LICENSED PRACTICAL NURSE, AND NURSE PRACTITIONER PRACTICING IN THE STATE
36 WHO PROVIDES DIRECT MEDICAL SERVICES TO PATIENTS IN THIS STATE SHALL, ON
37 OR BEFORE JULY FIRST, TWO THOUSAND ELEVEN AND EVERY REGISTRATION PERIOD
38 THEREAFTER, COMPLETE COURSE WORK OR TRAINING REGARDING CELIAC DISEASE
39 AWARENESS AND COMPETENCE IN THE PROVISION OF MEDICAL SERVICES IN ACCORD-
40 ANCE WITH REGULATED STANDARDS PROMULGATED BY THE DEPARTMENT, IN CONSUL-
41 TATION WITH THE DEPARTMENT OF HEALTH.

42 2. SUCH CELIAC AWARENESS AND COMPETENCE COURSE WORK OR TRAINING SHALL
43 REQUIRE TWO HOURS OF COURSE WORK OR TRAINING IN ENCOMPASSING CELIAC
44 DISEASE HEALTHCARE.

45 S 4. The tax law is amended by adding a new section 629-a to read as
46 follows:

47 S 629-A. GIFT FOR THE CELIAC DISEASE AWARENESS AND RESEARCH FUND. (A)
48 EFFECTIVE FOR ANY TAX YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO
49 THOUSAND NINE, AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE
50 TO THE NEW YORK STATE CELIAC DISEASE AWARENESS AND RESEARCH FUND ESTAB-
51 LISHED PURSUANT TO SECTION NINETY-FIVE-H OF THE STATE FINANCE LAW.

52 (B) THE CONTRIBUTION SHALL BE IN ANY WHOLE DOLLAR AMOUNT AND SHALL NOT
53 REDUCE THE AMOUNT OF STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER
54 SHALL INCLUDE SPACE ON THE PERSONAL INCOME TAX RETURN TO ENABLE A
55 TAXPAYER TO MAKE SUCH CONTRIBUTION.

1 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL REVENUE COLLECTED
2 PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE NEW YORK STATE CELIAC
3 DISEASE AWARENESS AND RESEARCH FUND AND USED ONLY FOR THOSE PURPOSES
4 ENUMERATED IN SECTION NINETY-FIVE-H OF THE STATE FINANCE LAW.

5 S 5. The state finance law is amended by adding a new section 95-h to
6 read as follows:

7 S 95-H. THE NEW YORK STATE CELIAC DISEASE AWARENESS AND RESEARCH FUND.

8 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER
9 OF TAXATION AND FINANCE AND THE COMPTROLLER, A SPECIAL FUND TO BE KNOWN
10 AS THE NEW YORK STATE CELIAC DISEASE AWARENESS AND RESEARCH FUND.

11 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED PURSUANT TO THE
12 PROVISIONS OF SECTION FOUR HUNDRED FOUR-X OF THE VEHICLE AND TRAFFIC
13 LAW, AND ALL OTHER MONEYS APPROPRIATED, CREDITED, OR TRANSFERRED THERETO
14 FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW. NOTHING CONTAINED IN THIS
15 SECTION SHALL PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS OR BEQUESTS
16 FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING
17 THEM INTO THE FUND ACCORDING TO LAW.

18 3. (A) MONIES OF THE FUND SHALL BE EXPENDED ONLY FOR CELIAC DISEASE
19 AWARENESS PROJECTS OR CELIAC DISEASE RESEARCH PROJECTS APPROVED BY THE
20 DEPARTMENT OF HEALTH IN NEW YORK STATE PROVIDED, HOWEVER, THAT NO MORE
21 THAN TEN PERCENT OF MONIES FROM SUCH FUND SHALL BE EXPENDED ON THE
22 AGGREGATE NUMBER OF CELIAC DISEASE RESEARCH PROJECTS APPROVED IN A
23 FISCAL YEAR.

24 (B) AS USED IN THIS SECTION, THE TERM "CELIAC DISEASE RESEARCH
25 PROJECT" MEANS SCIENTIFIC RESEARCH APPROVED BY THE DEPARTMENT OF HEALTH
26 INTO THE CAUSES AND/OR TREATMENT OF CELIAC DISEASE, AND THE TERM "CELIAC
27 DISEASE AWARENESS PROJECT" MEANS A PROJECT APPROVED BY THE DEPARTMENT OF
28 HEALTH AIMED TOWARD EDUCATING THE GENERAL PUBLIC ABOUT THE CAUSES, SYMP-
29 TOMS, AND TREATMENTS OF CELIAC DISEASE.

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

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

36 S 6. The vehicle and traffic law is amended by adding a new section
37 404-x to read as follows:

38 S 404-X. DISTINCTIVE CELIAC DISEASE AWARENESS LICENSE PLATES. 1. ANY
39 PERSON RESIDING IN THIS STATE SHALL, UPON REQUEST, BE ISSUED A DISTINC-
40 TIVE LICENSE PLATE IN SUPPORT OF CELIAC DISEASE AWARENESS AND RESEARCH
41 BEARING A PHRASE AND/OR DESIGN APPROVED BY THE COMMISSIONER.

42 2. AN APPLICATION FOR SUCH LICENSE PLATE SHALL BE FILED WITH THE
43 COMMISSIONER IN SUCH FORM AND DETAIL AS THE COMMISSIONER SHALL
44 PRESCRIBE.

45 3. A DISTINCTIVE PLATE ISSUED PURSUANT TO THIS SECTION SHALL BE ISSUED
46 IN THE SAME MANNER AS OTHER NUMBER PLATES UPON THE PAYMENT OF THE REGU-
47 LAR REGISTRATION FEE PRESCRIBED BY SECTION FOUR HUNDRED ONE OF THIS
48 ARTICLE; PROVIDED, HOWEVER, THAT AN ADDITIONAL ANNUAL SERVICE CHARGE OF
49 TWENTY-FIVE DOLLARS SHALL BE CHARGED FOR SUCH PLATES.

50 4. EACH TWENTY-FIVE DOLLARS RECEIVED AS THE ANNUAL SERVICE CHARGE
51 UNDER THIS SECTION SHALL BE DEPOSITED TO THE CREDIT OF THE NEW YORK
52 STATE CELIAC DISEASE AWARENESS AND RESEARCH FUND ESTABLISHED PURSUANT TO
53 SECTION NINETY-FIVE-H OF THE STATE FINANCE LAW AND SHALL BE USED FOR
54 RESEARCH PROGRAMS UNDERTAKEN PURSUANT TO SECTION NINETY-FIVE-H OF THE
55 STATE FINANCE LAW. PROVIDED, HOWEVER, THAT ONE YEAR AFTER THE EFFECTIVE
56 DATE OF THIS SECTION, FUNDS IN THE AMOUNT OF FIVE THOUSAND DOLLARS, OR

1 SO MUCH THEREOF AS MAY BE AVAILABLE, SHALL BE ALLOCATED FROM SUCH FUND
2 TO THE DEPARTMENT TO OFFSET COSTS ASSOCIATED WITH THE PRODUCTION OF SUCH
3 LICENSE PLATES.
4 S 7. This act shall take effect immediately.