

3585

2009-2010 Regular Sessions

I N S E N A T E

March 25, 2009

Introduced by Sens. KRUEGER, HASSELL-THOMPSON, HUNTLEY, C. JOHNSON,
MONSERRATE, SAVINO -- 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 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 ASSEM-
BLY, 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
22 this section, "qualified research institution" may include academic
23 medical institutions, state or local government agencies, public or

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

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1 private organizations within this state, and any other institution
2 approved by the department, which is conducting a breast cancer research
3 project or educational program. If a board member submits an application
4 for a grant from the breast cancer research and education fund, he or
5 she shall be prohibited from reviewing and making a recommendation on
6 the application;

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

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

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

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

47 S 4. The second undesignated paragraph of subdivision 1 of section
48 33-1205 of the environmental conservation law, as added by chapter 279
49 of the laws of 1996, is amended to read as follows:

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

1 maintain corresponding records of the dosage rates, methods of applica-
2 tion and target organisms for each pesticide application. These records
3 shall be maintained on an annual basis and retained for a period of not
4 less than three years and shall be available for inspection upon request
5 by the department.

6 S 5. The closing paragraph of paragraph a of subdivision 2 of section
7 33-1205 of the environmental conservation law, as amended by chapter 260
8 of the laws of 1997, is amended to read as follows:

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

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

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

27 S 7. This act shall take effect on the one hundred eightieth day after
28 it shall have become a law; provided, however, that effective immediate-
29 ly, the addition, amendment and/or repeal of any rule or regulation
30 necessary for the implementation of this act on its effective date are
31 authorized and directed to be made and completed on or before such
32 effective date.