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

1668

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. ENGLEBRIGHT, KOON, EDDINGTON, SCHIMEL -- Multi-Sponsored by -- M. of A. COOK, DIAZ, GALEF, GLICK, GREENE, McENENY, ORTIZ -- read once and referred to the Committee on Health

AN ACT to amend the public health law and the environmental conservation law, in relation to reporting of pesticide poisonings

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

Section 1. The opening paragraph of paragraph (t) of subdivision 5 of section 225 of the public health law is designated subparagraph (i) and a new subparagraph (ii) is added to read as follows:

(II) NOTWITHSTANDING THE REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH, EVERY HEALTH CARE PRACTITIONER LICENSED OR CERTIFIED UNDER TITLE EIGHT OF THE EDUCATION LAW ACTING WITHIN HIS OR HER LAWFUL SCOPE OF PRACTICE IN ATTENDANCE WITH A PERSON WITH CONFIRMED OR SUSPECTED PESTICIDE POISONING, OR CLINICAL LABORATORY TEST RESULTS WHICH SHOW ABNORMALLY DEPRESSED CHOLINESTERASE LEVELS AND ABNORMALLY ELEVATED TISSUE LEVELS OF PESTICIDES, SHALL REPORT SUCH OCCURRENCE TO THE COMMISSIONER AND THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION WITHIN TWENTY-FOUR HOURS, INCLUDING THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE PERSON EXPOSED TO PESTICIDES; THE NATURE OF THE PESTICIDE EXPOSURE; THE LOCATION WHERE THE EXPOSURE OCCURRED; THE NAME OF THE PESTICIDE APPLICATOR, IF APPLICABLE, WHO APPLIED OR OTHERWISE HANDLED THE PESTICIDE; AND THE PESTICIDE IDENTIFIED OR SUSPECTED IN THE PESTICIDE POISONING OR TEST RESULTS. EVERY PERSON WITH CONFIRMED OR SUSPECTED PESTICIDE POISONING OR CLINICAL LABORATORY TEST RESULTS WHICH SHOW ABNORMALLY DEPRESSED CHOLINESTERASE LEVELS AND ABNORMALLY ELEVATED TISSUE LEVELS OF PESTICIDES SHALL BE INFORMED BY THE HEALTH CARE PRACTITIONER LICENSED OR CERTIFIED UNDER TITLE EIGHT OF THE EDUCATION LAW ACTING WITHIN HIS OR HER LAWFUL SCOPE OF PRACTICE, THAT ALL INFORMATION AND DATA FROM THE DIAGNOSIS OR TEST RESULTS WILL BE DISCLOSED TO THE DEPARTMENT OF ENVIRONMENTAL

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

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CONSERVATION. SUCH PERSON SHALL BE INFORMED THAT THEIR NAME, ADDRESS AND TELEPHONE NUMBER WILL BE KEPT CONFIDENTIAL, EXCEPT THAT HE OR SHE MAY WAIVE THIS CONFIDENTIALITY IF THEY WISH. CONFIDENTIALITY OF THE PERSON'S NAME, ADDRESS AND TELEPHONE NUMBER SHALL BE THE SHARED RESPONSIBILITY OF THE DEPARTMENT AND THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, EXCEPT IF THE PERSON WAIVES THIS RIGHT.

S 2. Section 71-2903 of the environmental conservation law is amended by adding a new subdivision 3 to read as follows:

3. THE COMMISSIONER, OR ANY AUTHORIZED DESIGNEE OF THE COMMISSIONER, SHALL IMMEDIATELY INVESTIGATE ALL REPORTS FROM THE DEPARTMENT OF HEALTH, PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (T) OF SUBDIVISION FIVE OF SECTION TWO HUNDRED TWENTY-FIVE OF THE PUBLIC HEALTH LAW, OF CONFIRMED OR SUSPECTED PESTICIDE POISONING OR CLINICAL LABORATORY TEST RESULTS WHICH SHOW ABNORMAL DEPRESSED CHOLINESTERASE LEVELS AND ABNORMAL ELEVATED TISSUE LEVELS OF PESTICIDES. THE COMMISSIONER SHALL ANNUALLY REPORT IN DETAIL THE RESULTS OF SUCH INVESTIGATIONS OF CONFIRMED OR SUSPECTED INCIDENCE OF PESTICIDE POISONING AND RESULTS OF ALL CLINICAL LABORATORY TEST RESULTS WHICH SHOW ABNORMALLY DEPRESSED CHOLINESTERASE LEVELS AND ABNORMALLY ELEVATED TISSUE LEVELS OF PESTICIDES, EXCLUDING ONLY THE NAMES, ADDRESSES AND TELEPHONE NUMBERS OF THE PERSONS EXPOSED TO PESTICIDES, UNLESS THIS RIGHT TO CONFIDENTIALITY HAS BEEN WAIVED, TO THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, THE CHAIRS OF THE SENATE AND ASSEMBLY ENVIRONMENTAL CONSERVATION AND HEALTH COMMITTEES AND THE COMMISSIONER OF HEALTH BY JANUARY THIRTIETH FOR THE PREVIOUS CALENDAR YEAR. ALL INFORMATION AND DATA FROM COMPLETED INVESTIGATIONS SHALL BE AVAILABLE TO THE PUBLIC THROUGH THE FREEDOM OF INFORMATION LAW, EXCEPT AS SUCH INFORMATION IS REQUIRED TO BE KEPT CONFIDENTIAL AND THAT CONFIDENTIALITY HAS NOT BEEN WAIVED.

S 3. This act shall take effect on the sixtieth day after it shall have become a law.