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

3102

2009-2010 Regular Sessions

I N A S S E M B L Y

January 22, 2009

Introduced by M. of A. KOON, MAGEE, ZEBROWSKI -- Multi-Sponsored by -- M. of A. COLTON, COOK, EDDINGTON, HOOPER, JOHN, MAYERSOHN, PERRY, PHEFFER, ROBINSON, WEISENBERG -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to a comprehensive statewide cancer education program

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

Section 1. Section 2400 of the public health law is amended to read as follows:

S 2400. Cancer; powers and duties of commissioner. The commissioner shall conduct investigations of the cause, mortality, methods of treatment, prevention and cure of cancer, and allied diseases, including the nature and extent of the facilities available in the several counties and cities of the state, for the diagnosis and treatment of these diseases, and shall cooperate with local health authorities, physicians, hospitals, clinics and voluntary associations, in the development of suitable facilities for the diagnosis, treatment and control of cancer AND ESTABLISH A COMPREHENSIVE STATE-WIDE EDUCATION PROGRAM ABOUT PREVENTION, DIAGNOSIS AND TREATMENT OF CANCER.

S 2. Article 24 of the public health law is amended by adding a new title 3 to read as follows:

TITLE III

CANCER DETECTION AND EDUCATION PROGRAM

SECTION 2426. CANCER DETECTION AND EDUCATION PROGRAM; ESTABLISHMENT.
2427. ADVISORY COUNCIL.
2428. ANNUAL REPORT.

S 2426. CANCER DETECTION AND EDUCATION PROGRAM; ESTABLISHMENT. 1. THERE IS HEREBY CREATED WITHIN THE DEPARTMENT THE CANCER DETECTION AND EDUCATION PROGRAM. THIS PROGRAM IS ESTABLISHED TO PROMOTE SCREENING AND DETECTION OF CANCER AMONG NEW YORKERS, TO EDUCATE THE PUBLIC REGARDING

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

LBD02345-01-9

ALL TYPES OF CANCER AND THE BENEFITS OF EARLY DETECTION, AND TO PROVIDE INFORMATION ON AVAILABLE COUNSELING AND REFERRAL SERVICES.

2. THE PROGRAM SHALL INCLUDE:

(A) ESTABLISHMENT OF A STATEWIDE PUBLIC EDUCATION AND OUTREACH CAMPAIGN TO PUBLICIZE THE IMPORTANCE OF CANCER DETECTION AND EDUCATION SERVICES, SUCH CAMPAIGN SHALL INCLUDE: GENERAL COMMUNITY EDUCATION, OUTREACH TO UNDERSERVED POPULATIONS, SCREENING SERVICES AND FOLLOW-UP CARE, AND INFORMATION ON THE EXTENT OF COVERAGE FOR SUCH SERVICES BY HEALTH INSURANCE, THE MEDICAL ASSISTANCE PROGRAM AND OTHER PUBLIC AND PRIVATE PROGRAMS;

(B) COMPILATION OF DATA CONCERNING THE CANCER DETECTION AND EDUCATION PROGRAM AND DISSEMINATION OF THE DATA TO THE PUBLIC; AND

(C) DEVELOPMENT OF PROFESSIONAL EDUCATION PROGRAMS INCLUDING DISSEMINATION OF INFORMATION ABOUT THE CANCER RISKS ASSOCIATED WITH ENVIRONMENTAL AND BEHAVIORAL FACTORS, INCLUDING BUT NOT LIMITED TO, SMOKING, DIET, INFECTIOUS DISEASE, DIOXIN EXPOSURE, CHEMICALS, AND RADIATION. IN ADDITION, THE EDUCATION PROGRAMS SHALL ALSO EDUCATE THE PUBLIC ABOUT THE ROLE OF FAMILY HISTORY AND CANCER.

S 2427. ADVISORY COUNCIL. 1. THERE IS HEREBY ESTABLISHED IN THE DEPARTMENT THE CANCER DETECTION AND EDUCATION ADVISORY COUNCIL TO BE COMPOSED OF THIRTEEN MEMBERS WHO SHALL BE APPOINTED IN THE FOLLOWING MANNER: TWO SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE AND ONE BY THE MINORITY LEADER OF THE SENATE; TWO SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY AND ONE BY THE MINORITY LEADER OF THE ASSEMBLY; SEVEN SHALL BE APPOINTED BY THE GOVERNOR. THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE ADVISORY COUNCIL. THE MEMBERS OF THE COUNCIL SHALL BE REPRESENTATIVE OF THE PUBLIC, PERSONS WITH CANCER, LOCAL HEALTH DEPARTMENTS, HEALTH CARE PROVIDERS, AND RECOGNIZED EXPERTS IN THE PROVISION OF HEALTH SERVICES, CANCER RESEARCH, OR ENVIRONMENTAL HEALTH. THE MEMBERS OF THE COUNCIL SHALL SERVE FOR A TERM OF TWO YEARS TO COMMENCE ON JULY FIRST. REPLACEMENTS OR REAPPOINTMENTS THEREAFTER SHALL BE MADE AT THE EXPIRATION OF THE TERM OF EACH MEMBER, BY THE APPOINTING OFFICIAL WHO ORIGINALLY APPOINTED SUCH MEMBER. VACANCIES SHALL BE FILLED BY APPOINTMENT IN LIKE MANNER FOR UNEXPIRED TERMS.

2. THE ADVISORY COUNCIL SHALL BE RESPONSIBLE FOR ADVISING THE COMMISSIONER WITH RESPECT TO THE IMPLEMENTATION OF THIS TITLE, INCLUDING, BUT NOT LIMITED TO:

(A) PROMOTION OF EARLY DETECTION OF CANCER, INCLUDING: (I) DISSEMINATION OF INFORMATION REGARDING THE INCIDENCE OF CANCER, THE RISK FACTORS ASSOCIATED WITH CANCER AND THE BENEFITS OF EARLY DETECTION AND TREATMENT; AND (II) CLINICAL EXAMINATION;

(B) PROMOTION OF COUNSELING AND INFORMATION ON TREATMENT OPTIONS AND REFERRAL FOR APPROPRIATE MEDICAL TREATMENT;

(C) DISSEMINATION OF INFORMATION TO UNSERVED AND UNDERSERVED POPULATIONS, TO THE GENERAL PUBLIC AND TO HEALTH CARE PROFESSIONALS CONCERNING CANCER, THE BENEFITS OF EARLY DETECTION AND TREATMENT, AND THE AVAILABILITY OF CANCER SCREENING SERVICES;

(D) IDENTIFICATION OF LOCAL CANCER SCREENING SERVICES;

(E) DISSEMINATION OF INFORMATION REGARDING COUNSELING AND REFERRAL SERVICES TO INDIVIDUALS DIAGNOSED WITH CANCER; AND

(F) AN EVALUATION COMPONENT TO ASSIST IN DETERMINING IF THE PROGRAM ACCOMPLISHES ITS STATED OBJECTIVES.

3. THE ADVISORY COUNCIL SHALL PERFORM AN EVALUATION OF EARLY DETECTION AND TREATMENT OF CANCER WITHIN THE STATE AND SHALL SUBMIT TO THE LEGISLATURE AND THE GOVERNOR A REPORT DETAILING ITS FINDINGS AND RECOMMENDATIONS CONCERNING THE STATE'S RESPONSE TO THE INCIDENCE OF CANCER. SUCH

REPORT SHALL BE SUBMITTED NO LATER THAN JANUARY FIRST, TWO THOUSAND TWELVE. THE DEPARTMENT SHALL PROVIDE SUCH INFORMATION AND ASSISTANCE AS THE ADVISORY COUNCIL SHALL REQUIRE IN ORDER TO COMPLETE ITS REPORT.

4. THE ADVISORY COUNCIL SHALL MEET AT LEAST THREE TIMES A YEAR, AT THE REQUEST OF THE CHAIR.

5. THE MEMBERS OF THE COUNCIL SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THE ACTUAL AND NECESSARY EXPENSES INCURRED IN PERFORMANCE OF THEIR DUTIES.

S 2428. ANNUAL REPORT. THE COMMISSIONER SHALL SUBMIT ON OR BEFORE DECEMBER FIRST, AN ANNUAL REPORT TO THE GOVERNOR AND THE LEGISLATURE CONCERNING THE OPERATION OF THE CANCER DETECTION AND EDUCATION ADVISORY COUNCIL. SUCH REPORT SHALL INCLUDE ANY RECOMMENDATIONS FOR ADDITIONAL ACTION TO RESPOND TO THE INCIDENCES OF CANCER IN THIS STATE.

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