

1139

2011-2012 Regular Sessions

I N S E N A T E

January 5, 2011

Introduced by Sens. PARKER, PERKINS -- read twice and ordered printed,
and when printed to be committed to the Committee on Education

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

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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-
22 riage, among other problems such as liver diseases and cancers of the
23 intestine.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

54 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL REVENUE COLLECTED
55 PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE NEW YORK STATE CELIAC

1 DISEASE AWARENESS AND RESEARCH FUND AND USED ONLY FOR THOSE PURPOSES
2 ENUMERATED IN SECTION NINETY-FIVE-H OF THE STATE FINANCE LAW.

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

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

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

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

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

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

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

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

34 S 6. This act shall take effect immediately.