

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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Introduced by Sens. KRUEGER, HASSELL-THOMPSON, HUNTLEY, OPPENHEIMER, PARKER, SERRANO, STAVISKY -- 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 ASSEMBLY, 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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