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

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative intent. The legislature hereby finds the following:

a. Celiac disease is a digestive disease that damages the small intestine and interferes with absorption of nutrients from food.

b. Celiac disease affects people in all parts of the world. Originally thought to be a rare childhood syndrome, celiac disease is now known to be a common genetic disorder.

c. More than two million people in the United States have the disease, or about 1 in 133 people.

d. People who have celiac disease cannot tolerate gluten, a protein in wheat, rye, and barley. Gluten is found mainly in foods but may also be found in everyday products such as medicines, vitamins and lip balms.

e. When people with celiac disease eat foods or use products containing gluten, their immune system responds by damaging or destroying villi the tiny, fingerlike protrusions lining the small intestine. Villi normally allow nutrients from food to be absorbed through the walls of the small intestine into the bloodstream. Without healthy villi, a person becomes malnourished, no matter how much one eats.

f. People with celiac disease may have no symptoms but can still develop complications of the disease over time. Long-term complications include malnutrition which can lead to anemia, osteoporosis and miscarriage, among other problems such as liver diseases and cancers of the intestine.

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

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g. For these reasons, and because this legislation will have significant savings to New York, the legislature finds it in the public interest to raise awareness of this disease.

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

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

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

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

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

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

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

S 6505-D. COURSE WORK OR TRAINING IN CELIAC DISEASE AWARENESS. 1. EVERY PHYSICIAN, PHYSICIAN ASSISTANT, DENTIST, REGISTERED NURSE, LICENSED PRACTICAL NURSE, AND NURSE PRACTITIONER PRACTICING IN THE STATE WHO PROVIDES DIRECT MEDICAL SERVICES TO PATIENTS IN THIS STATE SHALL, ON OR BEFORE JULY FIRST, TWO THOUSAND THIRTEEN AND EVERY REGISTRATION PERIOD THEREAFTER, COMPLETE COURSE WORK OR TRAINING REGARDING CELIAC DISEASE AWARENESS AND COMPETENCE IN THE PROVISION OF MEDICAL SERVICES IN ACCORDANCE WITH REGULATED STANDARDS PROMULGATED BY THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH.

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

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

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

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

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

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

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

S 95-H. THE NEW YORK STATE CELIAC DISEASE AWARENESS AND RESEARCH FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE AND THE COMPTROLLER, A SPECIAL FUND TO BE KNOWN AS THE NEW YORK STATE CELIAC DISEASE AWARENESS AND RESEARCH FUND.

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

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

(B) AS USED IN THIS SECTION, THE TERM "CELIAC DISEASE RESEARCH PROJECT" MEANS SCIENTIFIC RESEARCH APPROVED BY THE DEPARTMENT OF HEALTH INTO THE CAUSES AND/OR TREATMENT OF CELIAC DISEASE, AND THE TERM "CELIAC DISEASE AWARENESS PROJECT" MEANS A PROJECT APPROVED BY THE DEPARTMENT OF HEALTH AIMED TOWARD EDUCATING THE GENERAL PUBLIC ABOUT THE CAUSES, SYMPTOMS, AND TREATMENTS OF CELIAC DISEASE.

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

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

S 6. This act shall take effect immediately.