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

6509

I N S E N A T E

February 17, 2012

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to require the New York city police department to release certain information regarding incidence of cancer in World Trade Center police responders

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

Section 1. As used in this act the following terms shall have the following meanings:

(a) "Police officers who participated in World Trade Center rescue, recovery or cleanup operations" shall mean any police officer, as defined by subdivision 34 of section 1.20 of the criminal procedure law, who: (i) participated in the rescue, recovery, or cleanup operations at the World Trade Center site; (ii) worked at the Fresh Kills Land Fill in New York; (iii) worked at the New York city morgue or the temporary morgue on pier locations on the west side of Manhattan; or (iv) manned the barges between the west side of Manhattan and the Fresh Kills Land Fill in New York. For purposes of this section, "World Trade Center site" shall mean anywhere below a line starting from the Hudson River and Canal Street; east on Canal Street to Pike Street; south on Pike Street to the East River; and extending to the lower tip of Manhattan.

(b) "Contracted as a result of the police officer's participation in World Trade Center rescue, recovery or cleanup operations" shall mean that: (i) the police officer successfully passed a physical examination prior to such rescue, recovery or cleanup operation, which examination failed to reveal any evidence of a condition of cancer; and (ii) such condition of cancer was diagnosed after participation in such rescue, recovery or cleanup operation.

S 2. (a) Notwithstanding articles 6 and 6-A of the public officers law, the New York city police department shall be required to transmit to the Mount Sinai Medical Center in New York city within thirty days of the effective date of this act, and thereafter, upon request therefor from an institution of higher education or another research institution engaged in study relating to the incidence of cancer in police officers

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

LBD14569-02-2

who participated in the World Trade Center rescue, recovery or cleanup operations, to such institution within thirty days of such a request, information in its possession concerning every police officer who: (i) participated in World Trade Center rescue, recovery or cleanup operations; (ii) was employed by such department at the time of such rescue, recovery or cleanup operations; and (iii) who, within the best knowledge of such department, has contracted any condition of cancer as a result of the police officer's participation in World Trade Center rescue, recovery or cleanup operations.

(b) Upon the failure or refusal to comply with the requirements of this subdivision, Mount Sinai Medical Center, the requesting institution, the patrolmen's benevolent association or an individual police officer who participated in the World Trade Center rescue, recovery or cleanup operations may apply to the supreme court for an order directed to the person responsible requiring compliance. Upon such application the court may issue such order as may be just, and a failure to comply with the order of the court shall be a contempt of court and punishable as such.

S 3. Notwithstanding articles 6 and 6-A of the public officers law, the New York city police department shall be required to prepare and publish an analysis of the incidence of cancer in police officers who participated in the World Trade Center rescue, recovery or cleanup operations, based upon information in its possession concerning every police officer who: (i) participated in World Trade Center rescue, recovery or cleanup operations; (ii) was employed by such department at the time of such rescue, recovery or cleanup operations; and (iii) who, within the best knowledge of such department, has contracted any condition of cancer as a result of the police officer's participation in World Trade Center rescue, recovery or cleanup operations.

S 4. Any such data or information released pursuant to section two or three of this act shall contain the minimum amount of personally identifiable and demographic information necessary to conduct the research project or analysis, provided, however, that no such data or information shall be released or published that contains the names or social security numbers of the subject police officers or other information that directly identifies the subject police officers, unless appropriate waivers are obtained from the individual police officers prior to such release or publication.

S 5. This act shall take effect on the thirtieth day after it shall have become a law.