

4182

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 1, 2013

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Introduced by M. of A. ENGLEBRIGHT, SCHIMEL -- Multi-Sponsored by -- M.  
of A. COOK, GALEF, GLICK, ORTIZ -- read once and referred to the  
Committee on Health

AN ACT to amend the public health law and the environmental conservation  
law, in relation to reporting of pesticide poisonings

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

1     Section 1. The opening paragraph of paragraph (t) of subdivision 5 of  
2     section 225 of the public health law is designated subparagraph (i) and  
3     a new subparagraph (ii) is added to read as follows:  
4     (II) NOTWITHSTANDING THE REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS  
5     PARAGRAPH, EVERY HEALTH CARE PRACTITIONER LICENSED OR CERTIFIED UNDER  
6     TITLE EIGHT OF THE EDUCATION LAW ACTING WITHIN HIS OR HER LAWFUL SCOPE  
7     OF PRACTICE IN ATTENDANCE WITH A PERSON WITH CONFIRMED OR SUSPECTED  
8     PESTICIDE POISONING, OR CLINICAL LABORATORY TEST RESULTS WHICH SHOW  
9     ABNORMALLY DEPRESSED CHOLINESTERASE LEVELS AND ABNORMALLY ELEVATED  
10    TISSUE LEVELS OF PESTICIDES, SHALL REPORT SUCH OCCURRENCE TO THE COMMIS-  
11    SIONER AND THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION WITHIN TWEN-  
12    TY-FOUR HOURS, INCLUDING THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE  
13    PERSON EXPOSED TO PESTICIDES; THE NATURE OF THE PESTICIDE EXPOSURE; THE  
14    LOCATION WHERE THE EXPOSURE OCCURRED; THE NAME OF THE PESTICIDE APPLICA-  
15    TOR, IF APPLICABLE, WHO APPLIED OR OTHERWISE HANDLED THE PESTICIDE; AND  
16    THE PESTICIDE IDENTIFIED OR SUSPECTED IN THE PESTICIDE POISONING OR TEST  
17    RESULTS. EVERY PERSON WITH CONFIRMED OR SUSPECTED PESTICIDE POISONING OR  
18    CLINICAL LABORATORY TEST RESULTS WHICH SHOW ABNORMALLY DEPRESSED CHOLI-  
19    NESTERASE LEVELS AND ABNORMALLY ELEVATED TISSUE LEVELS OF PESTICIDES  
20    SHALL BE INFORMED BY THE HEALTH CARE PRACTITIONER LICENSED OR CERTIFIED  
21    UNDER TITLE EIGHT OF THE EDUCATION LAW ACTING WITHIN HIS OR HER LAWFUL  
22    SCOPE OF PRACTICE, THAT ALL INFORMATION AND DATA FROM THE DIAGNOSIS OR  
23    TEST RESULTS WILL BE DISCLOSED TO THE DEPARTMENT OF ENVIRONMENTAL  
24    CONSERVATION. SUCH PERSON SHALL BE INFORMED THAT THEIR NAME, ADDRESS AND

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

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1 TELEPHONE NUMBER WILL BE KEPT CONFIDENTIAL, EXCEPT THAT HE OR SHE MAY  
2 WAIVE THIS CONFIDENTIALITY IF THEY WISH. CONFIDENTIALITY OF THE PERSON'S  
3 NAME, ADDRESS AND TELEPHONE NUMBER SHALL BE THE SHARED RESPONSIBILITY OF  
4 THE DEPARTMENT AND THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, EXCEPT  
5 IF THE PERSON WAIVES THIS RIGHT.

6 S 2. Section 71-2903 of the environmental conservation law is amended  
7 by adding a new subdivision 3 to read as follows:

8 3. THE COMMISSIONER, OR ANY AUTHORIZED DESIGNEE OF THE COMMISSIONER,  
9 SHALL IMMEDIATELY INVESTIGATE ALL REPORTS FROM THE DEPARTMENT OF HEALTH,  
10 PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (T) OF SUBDIVISION FIVE OF  
11 SECTION TWO HUNDRED TWENTY-FIVE OF THE PUBLIC HEALTH LAW, OF CONFIRMED  
12 OR SUSPECTED PESTICIDE POISONING OR CLINICAL LABORATORY TEST RESULTS  
13 WHICH SHOW ABNORMAL DEPRESSED CHOLINESTERASE LEVELS AND ABNORMAL  
14 ELEVATED TISSUE LEVELS OF PESTICIDES. THE COMMISSIONER SHALL ANNUALLY  
15 REPORT IN DETAIL THE RESULTS OF SUCH INVESTIGATIONS OF CONFIRMED OR  
16 SUSPECTED INCIDENCE OF PESTICIDE POISONING AND RESULTS OF ALL CLINICAL  
17 LABORATORY TEST RESULTS WHICH SHOW ABNORMALLY DEPRESSED CHOLINESTERASE  
18 LEVELS AND ABNORMALLY ELEVATED TISSUE LEVELS OF PESTICIDES, EXCLUDING  
19 ONLY THE NAMES, ADDRESSES AND TELEPHONE NUMBERS OF THE PERSONS EXPOSED  
20 TO PESTICIDES, UNLESS THIS RIGHT TO CONFIDENTIALITY HAS BEEN WAIVED, TO  
21 THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, THE  
22 CHAIRS OF THE SENATE AND ASSEMBLY ENVIRONMENTAL CONSERVATION AND HEALTH  
23 COMMITTEES AND THE COMMISSIONER OF HEALTH BY JANUARY THIRTIETH FOR THE  
24 PREVIOUS CALENDAR YEAR. ALL INFORMATION AND DATA FROM COMPLETED INVESTI-  
25 GATIONS SHALL BE AVAILABLE TO THE PUBLIC THROUGH THE FREEDOM OF INFORMA-  
26 TION LAW, EXCEPT AS SUCH INFORMATION IS REQUIRED TO BE KEPT CONFIDENTIAL  
27 AND THAT CONFIDENTIALITY HAS NOT BEEN WAIVED.

28 S 3. This act shall take effect on the sixtieth day after it shall  
29 have become a law.