

4992

2013-2014 Regular Sessions

I N A S S E M B L Y

February 14, 2013

Introduced by M. of A. ESPINAL -- read once and referred to the Committee on Health

AN ACT to amend the public health law, the state finance law, the tax law and the vehicle and traffic law, in relation to ovarian cancer research

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

1 Section 1. The opening paragraph of paragraph (b) and paragraph (d) of
2 subdivision 1 of section 2410 of the public health law, the opening
3 paragraph of paragraph (b) as added and paragraph (d) as amended by
4 chapter 32 of the laws of 2008, are amended to read as follows:
5 the governor shall appoint six regional members, three of whom shall
6 serve as full voting members and three of whom shall serve as alternative
7 members without voting rights. Such regional members shall be
8 persons who have or have had breast OR OVARIAN cancer, and shall be
9 actively involved with a community-based, grass-roots breast OR OVARIAN
10 cancer organization. Two of such appointments shall be made upon the
11 recommendation of the temporary president of the senate and two shall be
12 made upon the recommendation of the speaker of the assembly. One
13 regional member shall be appointed from each of the following geographic
14 areas of the state: Long Island, New York City, the Hudson Valley,
15 Northern New York, Central New York and Western New York. The order of
16 appointments and recommendations for appointments and voting rights
17 shall rotate as follows:
18 (d) the governor shall appoint one voting member who shall be a person
19 who has or has survived breast OR OVARIAN cancer and one voting member
20 who shall be a person who has or has survived prostate or testicular
21 cancer.
22 The governor shall designate the chair of the board. The governor,
23 temporary president of the senate, minority leader of the senate, speaker
24 of the assembly, and minority leader of the assembly may solicit

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

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1 recommendations from the Centers for Disease Control and Prevention, the
2 National Institutes of Health, the Federal Agency For Health Care Policy
3 and Research, and the National Academy of Sciences for appointments or
4 recommendations for appointments to the board.

5 S 2. Paragraphs (a), (b), (c), (e) and (h) of subdivision 1 of section
6 2411 of the public health law, paragraphs (a), (b), (c) and (e) as
7 amended by chapter 219 of the laws of 1997 and paragraph (h) as amended
8 by chapter 638 of the laws of 2008, are amended to read as follows:

9 (a) Survey state agencies, boards, programs and other state govern-
10 mental entities to assess what, if any, relevant data has been or is
11 being collected which may be of use to researchers engaged in breast,
12 OVARIAN prostate or testicular cancer research;

13 (b) Consistent with the survey conducted pursuant to paragraph (a) of
14 this subdivision, compile a list of data collected by state agencies
15 which may be of assistance to researchers engaged in breast, OVARIAN
16 prostate or testicular cancer research as established in section twenty-
17 ty-four hundred twelve of this title;

18 (c) Consult with the Centers for Disease Control and Prevention, the
19 National Institutes of Health, the Federal Agency For Health Care Policy
20 and Research, the National Academy of Sciences and other organizations
21 or entities which may be involved in cancer research to solicit both
22 information regarding breast, OVARIAN prostate and testicular cancer
23 research projects that are currently being conducted and recommendations
24 for future research projects;

25 (e) Solicit, receive, and review applications from public and private
26 agencies and organizations and qualified research institutions for
27 grants from the breast AND OVARIAN cancer research and education fund,
28 created pursuant to section ninety-seven-yy of the state finance law, to
29 conduct research or educational programs which focus on the causes,
30 prevention, screening, treatment and cure of breast AND OVARIAN cancer
31 and may include, but are not limited to MAPPING OF BREAST AND OVARIAN
32 CANCERS, AND basic, behavioral, clinical, demographic, environmental,
33 epidemiologic and psychosocial research. The board shall make recommen-
34 dations to the commissioner, and the commissioner shall, in his or her
35 discretion, grant approval of applications for grants from those appli-
36 cations recommended by the board. The board shall consult with the
37 Centers for Disease Control and Prevention, the National Institutes of
38 Health, the Federal Agency For Health Care Policy and Research, the
39 National Academy of Sciences, breast AND OVARIAN cancer advocacy groups,
40 and other organizations or entities which may be involved in breast AND
41 OVARIAN cancer research to solicit both information regarding breast AND
42 OVARIAN cancer research projects that are currently being conducted and
43 recommendations for future research projects. As used in this section,
44 "qualified research institution" may include academic medical insti-
45 tutions, state or local government agencies, public or private organiza-
46 tions within this state, and any other institution approved by the
47 department, which is conducting a breast OR OVARIAN cancer research
48 project or educational program. If a board member submits an application
49 for a grant from the breast AND OVARIAN cancer research and education
50 fund, he or she shall be prohibited from reviewing and making a recom-
51 mendation on the application;

52 (h) Meet at least six times in the first year, at the request of the
53 chair and at any other time as the chair deems necessary. The board
54 shall meet at least four times a year thereafter. Provided, however,
55 that at least one such meeting a year shall be a public hearing, at
56 which the general public may question and present information and

1 comments to the board with respect to the operation of the health
2 research science board, the breast AND OVARIAN cancer research and
3 education fund, the prostate and testicular cancer research and educa-
4 tion fund and pesticide reporting established pursuant to sections
5 33-1205 and 33-1207 of the environmental conservation law. At such hear-
6 ing, the commissioner of the department of environmental conservation or
7 his or her designee shall make a report to the board with respect to the
8 efficiency and utility of pesticide reporting established pursuant to
9 sections 33-1205 and 33-1207 of the environmental conservation law [;].

10 S 3. Section 2412 of the public health law, as amended by chapter 219
11 of the laws of 1997, is amended to read as follows:

12 S 2412. Agency implementation. All state agencies, including, but not
13 limited to, the departments of agriculture and markets, environmental
14 conservation, and health, shall review their programs and operations
15 (pursuant to guidelines established by the board) to determine whether
16 they currently collect data which may be of use to researchers engaged
17 in breast, OVARIAN, prostate or testicular cancer research. Any agency
18 collecting such data shall forward a description of the data to the
19 health research science board.

20 S 4. Section 2413 of the public health law, as amended by chapter 219
21 of the laws of 1997, is amended to read as follows:

22 S 2413. Biennial report. The commissioner shall submit a report on or
23 before January first commencing in nineteen hundred ninety-nine, and
24 biennially thereafter, to the governor, the temporary president of the
25 senate and the speaker of the assembly concerning the operation of the
26 health research science board. Such report shall include recommendations
27 from the health research science board including, but not limited to,
28 the types of data that would be useful for breast, OVARIAN, prostate or
29 testicular cancer researchers and whether private citizen use of resi-
30 dential pesticides should be added to the reporting requirements. The
31 report shall also include a summary of research requests granted or
32 denied. In addition, such report shall include an evaluation by the
33 commissioner, the commissioner of the department of environmental
34 conservation and the health research science board of the basis, effi-
35 ciency and scientific utility of the information derived from pesticide
36 reporting pursuant to sections 33-1205 and 33-1207 of the environmental
37 conservation law and recommend whether such system should be modified or
38 continued. The report shall include a summary of the comments and recom-
39 mendations presented by the public at the board's public hearings.

40 S 5. Section 97-yy of the state finance law, as added by chapter 279
41 of the laws of 1996 and subdivisions 2 and 2-a as amended by chapter 385
42 of the laws of 2007, is amended to read as follows:

43 S 97-yy. Breast AND OVARIAN cancer research and education fund. 1.
44 There is hereby established in the joint custody of the commissioner of
45 taxation and finance and the comptroller, a special fund to be known as
46 the "breast AND OVARIAN cancer research and education fund".

47 2. Such fund shall consist of all revenues received by the department
48 of taxation and finance, pursuant to the provisions of section two
49 hundred nine-D and section six hundred twenty-seven of the tax law, all
50 moneys collected pursuant to section four hundred four-q of the vehicle
51 and traffic law, as added by chapter five hundred twenty-eight of the
52 laws of nineteen hundred ninety-nine, and all other moneys appropriated,
53 credited, or transferred thereto from any other fund or source pursuant
54 to law. For each state fiscal year, there shall be appropriated to the
55 fund by the state, in addition to all other moneys required to be depos-
56 ited into such fund, an amount equal to the amounts of monies collected

1 and deposited into the fund pursuant to sections two hundred nine-D and
2 six hundred twenty-seven of the tax law and section four hundred four-q
3 of the vehicle and traffic law, as added by chapter five hundred twenty-
4 eight of the laws of nineteen hundred ninety-nine, and the amounts of
5 moneys received and deposited into the fund from grants, gifts and
6 bequests during the preceding calendar year, as certified by the comp-
7 troller. Nothing contained herein shall prevent the state from receiving
8 grants, gifts or bequests for the purposes of the fund as defined in
9 this section and depositing them into the fund according to law.

10 2-a. On or before the first day of February each year, the comptroller
11 shall certify to the governor, temporary president of the senate, speak-
12 er of the assembly, chair of the senate finance committee and chair of
13 the assembly ways and means committee, the amount of money deposited in
14 the breast AND OVARIAN cancer research and education fund during the
15 preceding calendar year as the result of revenue derived pursuant to
16 sections two hundred nine-D and six hundred twenty-seven of the tax law
17 and section four hundred four-q of the vehicle and traffic law, as added
18 by chapter five hundred twenty-eight of the laws of nineteen hundred
19 ninety-nine, and from grants, gifts and bequests.

20 3. Monies of the fund shall be expended only for breast AND OVARIAN
21 cancer research and educational projects. As used in this section,
22 "breast AND OVARIAN cancer research and education projects" means scien-
23 tific research or educational projects which, pursuant to section two
24 thousand four hundred eleven of the public health law, are approved by
25 the department of health, upon the recommendation of the health research
26 science board.

27 4. Monies shall be payable from the fund on the audit and warrant of
28 the comptroller on vouchers approved and certified by the commissioner
29 of health.

30 5. To the extent practicable, the commissioner of health shall ensure
31 that all monies received during a fiscal year are expended prior to the
32 end of that fiscal year.

33 S 6. Section 209-D of the tax law, as added by chapter 279 of the laws
34 of 1996, is amended to read as follows:

35 S 209-D. Gift for breast AND OVARIAN cancer research and education.
36 Effective for any tax year commencing on or after January first, nine-
37 teen hundred ninety-six, a taxpayer in any taxable year may elect to
38 contribute to the support of the breast AND OVARIAN cancer research and
39 education fund. Such contribution shall be in any whole dollar amount
40 and shall not reduce the amount of the state tax owed by such taxpayer.
41 The commissioner shall include space on the corporate income tax return
42 to enable a taxpayer to make such contribution. Notwithstanding any
43 other provision of law, all revenues collected pursuant to this section
44 shall be credited to the breast AND OVARIAN cancer research and educa-
45 tion fund and shall be used only for those purposes enumerated in
46 section ninety-seven-yy of the state finance law.

47 S 7. Section 627 of the tax law, as added by chapter 279 of the laws
48 of 1996, is amended to read as follows:

49 S 627. Gift for breast AND OVARIAN cancer research and education.
50 Effective for any tax year commencing on or after January first, nine-
51 teen hundred ninety-six, an individual in any taxable year may elect to
52 contribute to the breast AND OVARIAN cancer research and education fund.
53 Such contribution shall be in any whole dollar amount and shall not
54 reduce the amount of state tax owed by such individual. The commissioner
55 shall include space on the personal income tax return to enable a
56 taxpayer to make such contribution. Notwithstanding any other provision

1 of law all revenues collected pursuant to this section shall be credited
2 to the breast AND OVARIAN cancer research and education fund and used
3 only for those purposes enumerated in section ninety-seven-yy of the
4 state finance law.

5 S 8. Section 404-q of the vehicle and traffic law, as added by chapter
6 528 of the laws of 1999, is amended to read as follows:

7 S 404-q. Distinctive "drive for the cure" license plates. 1. Any
8 person residing in this state shall, upon request, be issued a distinc-
9 tive "drive for the cure" license plate in support of breast, OVARIAN,
10 prostate and testicular cancer research bearing the phrase "drive for
11 the cure". Application for said license plate shall be filed with the
12 commissioner in such form and detail as the commissioner shall
13 prescribe.

14 2. A distinctive "drive for the cure" license plate issued pursuant to
15 this section shall be issued in the same manner as other number plates
16 upon the payment of the regular registration fee prescribed by section
17 four hundred one of this article, provided, however, that an additional
18 annual service charge of twenty-five dollars shall be charged for such
19 plate. Twelve dollars and fifty cents from each twenty-five dollars
20 received as annual service charges under this section shall be deposited
21 to the credit of the breast AND OVARIAN cancer research and education
22 fund established pursuant to section ninety-seven-yy of the state
23 finance law and shall be used for research and education programs under-
24 taken pursuant to section twenty-four hundred ten of the public health
25 law. Twelve dollars and fifty cents from each twenty-five dollars
26 received as annual service charges under this section shall be deposited
27 to the credit of the prostate and testicular cancer research and educa-
28 tion fund established pursuant to section ninety-seven-ccc of the state
29 finance law and shall be used for research and education programs under-
30 taken pursuant to section ninety-seven-ccc of the state finance law.
31 Provided, however that one year after the effective date of this section
32 funds in the amount of six thousand dollars, or so much thereof as may
33 be available, shall be allocated to the department to offset costs asso-
34 ciated with the production of such license plates.

35 S 9. This act shall take effect on the sixtieth day after it shall
36 have become a law.