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I N   A S S E M B L Y

January 16, 2014

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Introduced by M. of A. ROZIC -- 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 alterna-  
7     tive 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    S 2. Paragraphs (a), (b), (c), (e) and (h) of subdivision 1 of section  
23    2411 of the public health law, paragraphs (a), (b) and (c) as amended by  
24    chapter 219 of the laws of 1997, paragraph (e) as amended by chapter 106  
25    of the laws of 2013, and paragraph (h) as amended by chapter 638 of the  
26    laws of 2008, are amended to read as follows:

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

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

5 (b) Consistent with the survey conducted pursuant to paragraph (a) of  
6 this subdivision, compile a list of data collected by state agencies  
7 which may be of assistance to researchers engaged in breast, OVARIAN  
8 prostate or testicular cancer research as established in section twen-  
9 ty-four hundred twelve of this title;

10 (c) Consult with the Centers for Disease Control and Prevention, the  
11 National Institutes of Health, the Federal Agency For Health Care Policy  
12 and Research, the National Academy of Sciences and other organizations  
13 or entities which may be involved in cancer research to solicit both  
14 information regarding breast, OVARIAN, prostate and testicular cancer  
15 research projects that are currently being conducted and recommendations  
16 for future research projects;

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

44 (h) Meet at least six times in the first year, at the request of the  
45 chair and at any other time as the chair deems necessary. The board  
46 shall meet at least four times a year thereafter. Provided, however,  
47 that at least one such meeting a year shall be a public hearing, at  
48 which the general public may question and present information and  
49 comments to the board with respect to the operation of the health  
50 research science board, the breast AND OVARIAN cancer research and  
51 education fund, the prostate and testicular cancer research and educa-  
52 tion fund and pesticide reporting established pursuant to sections  
53 33-1205 and 33-1207 of the environmental conservation law. At such hear-  
54 ing, the commissioner of the department of environmental conservation or  
55 his or her designee shall make a report to the board with respect to the

1 efficiency and utility of pesticide reporting established pursuant to  
2 sections 33-1205 and 33-1207 of the environmental conservation law [;].

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

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

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

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

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

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

40 2. Such fund shall consist of all revenues received by the department  
41 of taxation and finance, pursuant to the provisions of section two  
42 hundred nine-D and section six hundred twenty-seven of the tax law, all  
43 moneys collected pursuant to section four hundred four-q of the vehicle  
44 and traffic law, as added by chapter five hundred twenty-eight of the  
45 laws of nineteen hundred ninety-nine, and all other moneys appropriated,  
46 credited, or transferred thereto from any other fund or source pursuant  
47 to law. For each state fiscal year, there shall be appropriated to the  
48 fund by the state, in addition to all other moneys required to be depos-  
49 ited into such fund, an amount equal to the amounts of monies collected  
50 and deposited into the fund pursuant to sections two hundred nine-D and  
51 six hundred twenty-seven of the tax law and section four hundred four-q  
52 of the vehicle and traffic law, as added by chapter five hundred twen-  
53 ty-eight of the laws of nineteen hundred ninety-nine, and the amounts of  
54 moneys received and deposited into the fund from grants, gifts and  
55 bequests during the preceding calendar year, as certified by the comp-  
56 troller. Nothing contained herein shall prevent the state from receiving

1 grants, gifts or bequests for the purposes of the fund as defined in  
2 this section and depositing them into the fund according to law.

3 2-a. On or before the first day of February each year, the comptroller  
4 shall certify to the governor, temporary president of the senate, speak-  
5 er of the assembly, chair of the senate finance committee and chair of  
6 the assembly ways and means committee, the amount of money deposited in  
7 the breast AND OVARIAN cancer research and education fund during the  
8 preceding calendar year as the result of revenue derived pursuant to  
9 sections two hundred nine-D and six hundred twenty-seven of the tax law  
10 and section four hundred four-q of the vehicle and traffic law, as added  
11 by chapter five hundred twenty-eight of the laws of nineteen hundred  
12 ninety-nine, and from grants, gifts and bequests.

13 3. Monies of the fund shall be expended only for breast AND OVARIAN  
14 cancer research and educational projects. As used in this section,  
15 "breast AND OVARIAN cancer research and education projects" means scien-  
16 tific research or educational projects which, pursuant to section two  
17 thousand four hundred eleven of the public health law, are approved by  
18 the department of health, upon the recommendation of the health research  
19 science board.

20 4. Monies shall be payable from the fund on the audit and warrant of  
21 the comptroller on vouchers approved and certified by the commissioner  
22 of health.

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

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

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

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

42 S 627. Gift for breast AND OVARIAN cancer research and education.  
43 Effective for any tax year commencing on or after January first, nine-  
44 teen hundred ninety-six, an individual in any taxable year may elect to  
45 contribute to the breast AND OVARIAN cancer research and education fund.  
46 Such contribution shall be in any whole dollar amount and shall not  
47 reduce the amount of state tax owed by such individual. The commissioner  
48 shall include space on the personal income tax return to enable a  
49 taxpayer to make such contribution. Notwithstanding any other provision  
50 of law all revenues collected pursuant to this section shall be credited  
51 to the breast AND OVARIAN cancer research and education fund and used  
52 only for those purposes enumerated in section ninety-seven-yy of the  
53 state finance law.

54 S 8. Section 404-q of the vehicle and traffic law, as added by chapter  
55 528 of the laws of 1999, is amended to read as follows:

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

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

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