

3478--A

2013-2014 Regular Sessions

I N   S E N A T E

February 4, 2013

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Introduced by Sens. GIPSON, CARLUCCI, DILAN, LATIMER, SAMPSON, TKACZYK  
-- read twice and ordered printed, and when printed to be committed to  
the Committee on Insurance -- reported favorably from said committee  
and committed to the Committee on Health -- committee discharged, bill  
amended, ordered reprinted as amended and recommitted to said commit-  
tee

AN ACT to amend the insurance law, in relation to coverage of long term  
medical care for Lyme disease and other tick borne related pathogens;  
and to amend the tax law and the state finance law, in relation to  
providing for taxpayer gifts for tick borne illness research,  
detection and education and establishing the tick borne illness  
research, detection and education fund

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

1     Section 1. This act shall be known and may be cited as the "tick borne  
2     illness treatment and education act of 2013".  
3     S 2. Subsection (i) of section 3216 of the insurance law is amended by  
4     adding a new paragraph 30 to read as follows:  
5     (30) EVERY INSURER ISSUING A POLICY OF ACCIDENT AND HEALTH INSURANCE  
6     FOR DELIVERY IN THIS STATE SHALL PROVIDE COVERAGE FOR ALL COSTS FOR  
7     TREATMENT OF LYME DISEASE (LYME BORRELIOSIS) AND OTHER TICK BORNE  
8     RELATED PATHOGENS. SUCH TREATMENT MAY INCLUDE INTRAVENOUS ANTIBIOTIC  
9     THERAPY, ORAL ANTIBIOTIC THERAPY, OR ANY OTHER TREATMENT, OR ANY COMBI-  
10    NATION OF TREATMENTS, PROVIDED SUCH TREATMENT IS RECOMMENDED BY A PHYSI-  
11    CIAN LICENSED TO PRACTICE MEDICINE IN THE STATE OF NEW YORK.  
12    S 3. Subsection (l) of section 3221 of the insurance law is amended by  
13    adding a new paragraph 19 to read as follows:  
14    (19) EVERY GROUP OR BLANKET POLICY DELIVERED OR ISSUED FOR DELIVERY IN  
15    THIS STATE WHICH PROVIDES HOSPITAL, SURGICAL OR MEDICAL COVERAGE SHALL  
16    PROVIDE COVERAGE FOR ALL COSTS FOR TREATMENT OF LYME DISEASE (LYME  
17    BORRELIOSIS) AND OTHER TICK BORNE RELATED PATHOGENS. SUCH TREATMENT MAY

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

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1 INCLUDE INTRAVENOUS ANTIBIOTIC THERAPY, ORAL ANTIBIOTIC THERAPY, OR ANY  
2 OTHER TREATMENT, OR ANY COMBINATION OF TREATMENTS, PROVIDED SUCH TREAT-  
3 MENT IS RECOMMENDED BY A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE  
4 STATE OF NEW YORK.

5 S 4. Section 4303 of the insurance law is amended by adding a new  
6 subsection (oo) to read as follows:

7 (OO) EVERY MEDICAL EXPENSE INDEMNITY CORPORATION, HOSPITAL SERVICE  
8 CORPORATION AND HEALTH SERVICE CORPORATION WHICH PROVIDES COVERAGE FOR  
9 MEDICAL, SURGICAL OR MAJOR MEDICAL CARE SHALL PROVIDE COVERAGE FOR ALL  
10 COSTS FOR TREATMENT OF LYME DISEASE (LYME BORRELIOSIS) AND OTHER TICK  
11 BORNE RELATED PATHOGENS. SUCH TREATMENT MAY INCLUDE INTRAVENOUS ANTIBI-  
12 OTIC THERAPY, ORAL ANTIBIOTIC THERAPY, OR ANY OTHER TREATMENT, OR ANY  
13 COMBINATION OF TREATMENTS, PROVIDED SUCH TREATMENT IS RECOMMENDED BY A  
14 PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE OF NEW YORK.

15 S 5. The tax law is amended by adding a new section 209-I to read as  
16 follows:

17 S 209-I. GIFT FOR TICK BORNE ILLNESS RESEARCH, DETECTION AND EDUCA-  
18 TION. A TAXPAYER IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE  
19 SUPPORT OF THE TICK BORNE ILLNESS RESEARCH, DETECTION AND EDUCATION  
20 FUND. SUCH CONTRIBUTION SHALL BE IN ANY WHOLE DOLLAR AMOUNT AND SHALL  
21 NOT REDUCE THE AMOUNT OF THE STATE TAX OWED BY SUCH TAXPAYER. THE  
22 COMMISSIONER SHALL INCLUDE SPACE ON THE CORPORATE INCOME TAX RETURN TO  
23 ENABLE A TAXPAYER TO MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER  
24 PROVISION OF LAW, ALL REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL  
25 BE CREDITED TO THE TICK BORNE ILLNESS RESEARCH, DETECTION AND EDUCATION  
26 FUND AND SHALL BE USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION  
27 NINETY-SEVEN-CC OF THE STATE FINANCE LAW.

28 S 6. The tax law is amended by adding a new section 630-d to read as  
29 follows:

30 S 630-D. GIFT FOR TICK BORNE ILLNESS RESEARCH, DETECTION AND EDUCA-  
31 TION. AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE  
32 TICK BORNE ILLNESS RESEARCH, DETECTION AND EDUCATION FUND. SUCH CONTRIB-  
33 UTION SHALL BE IN ANY WHOLE DOLLAR AMOUNT AND SHALL NOT REDUCE THE  
34 AMOUNT OF STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER SHALL  
35 INCLUDE SPACE ON THE PERSONAL INCOME TAX RETURN TO ENABLE A TAXPAYER TO  
36 MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW ALL  
37 REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE  
38 TICK BORNE ILLNESS RESEARCH, DETECTION AND EDUCATION FUND AND USED ONLY  
39 FOR THOSE PURPOSES ENUMERATED IN SECTION NINETY-SEVEN-CC OF THE STATE  
40 FINANCE LAW.

41 S 7. The state finance law is amended by adding a new section 97-cc to  
42 read as follows:

43 S 97-CC. TICK BORNE ILLNESS RESEARCH, DETECTION 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 "TICK BORNE ILLNESS RESEARCH, DETECTION 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 SECTIONS TWO  
49 HUNDRED NINE-I AND SIX HUNDRED THIRTY-D OF THE TAX LAW AND ALL OTHER  
50 MONEYS APPROPRIATED, CREDITED, OR TRANSFERRED THERETO FROM ANY OTHER  
51 FUND OR SOURCE PURSUANT TO LAW. NOTHING CONTAINED IN THIS SECTION SHALL  
52 PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS OR BEQUESTS FOR THE  
53 PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING THEM INTO  
54 THE FUND ACCORDING TO LAW.

1 3. MONIES OF THE FUND SHALL BE EXPENDED ONLY FOR TICK BORNE ILLNESS  
2 RESEARCH, DETECTION AND EDUCATION PROJECTS PURSUANT TO SECTION  
3 TWENTY-SEVEN HUNDRED NINETY-EIGHT OF THE PUBLIC HEALTH LAW.

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

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

10 S 8. This act shall take effect on the one hundred twentieth day after  
11 it shall have become a law provided, however, that effective immediate-  
12 ly, the addition, amendment and/or repeal of any rules or regulations  
13 necessary for the implementation of this act on its effective date are  
14 authorized to be made on or before such effective date.