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

3478--A

2013-2014 Regular Sessions

I N S E N A T E

February 4, 2013

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 committee

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. This act shall be known and may be cited as the "tick borne illness treatment and education act of 2013".

S 2. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 30 to read as follows:

(30) EVERY INSURER ISSUING A POLICY OF ACCIDENT AND HEALTH INSURANCE FOR DELIVERY IN THIS STATE SHALL PROVIDE COVERAGE FOR ALL COSTS FOR TREATMENT OF LYME DISEASE (LYME BORRELIOSIS) AND OTHER TICK BORNE RELATED PATHOGENS. SUCH TREATMENT MAY INCLUDE INTRAVENOUS ANTIBIOTIC THERAPY, ORAL ANTIBIOTIC THERAPY, OR ANY OTHER TREATMENT, OR ANY COMBINATION OF TREATMENTS, PROVIDED SUCH TREATMENT IS RECOMMENDED BY A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE OF NEW YORK.

S 3. Subsection (l) of section 3221 of the insurance law is amended by adding a new paragraph 19 to read as follows:

(19) EVERY GROUP OR BLANKET POLICY DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE WHICH PROVIDES HOSPITAL, SURGICAL OR MEDICAL COVERAGE SHALL PROVIDE COVERAGE FOR ALL COSTS FOR TREATMENT OF LYME DISEASE (LYME 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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INCLUDE INTRAVENOUS ANTIBIOTIC THERAPY, ORAL ANTIBIOTIC THERAPY, OR ANY OTHER TREATMENT, OR ANY COMBINATION OF TREATMENTS, PROVIDED SUCH TREATMENT IS RECOMMENDED BY A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE OF NEW YORK.

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

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

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

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

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

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

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

S 97-CC. TICK BORNE ILLNESS RESEARCH, DETECTION AND EDUCATION FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE AND THE COMPTROLLER, A SPECIAL FUND TO BE KNOWN AS THE "TICK BORNE ILLNESS RESEARCH, DETECTION AND EDUCATION FUND".

2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED BY THE DEPARTMENT OF TAXATION AND FINANCE, PURSUANT TO THE PROVISIONS OF SECTIONS TWO HUNDRED NINE-I AND SIX HUNDRED THIRTY-D OF THE TAX LAW AND ALL OTHER MONEYS APPROPRIATED, CREDITED, OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS OR BEQUESTS FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING THEM INTO THE FUND ACCORDING TO LAW.

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

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

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

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