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I N S E N A T E

January 9, 2014

Introduced by Sen. DILAN -- read twice and ordered printed, and when printed to be committed 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 The governor shall designate the chair of the board. The governor,
23 temporary president of the senate, minority leader of the senate, speak-
24 er of the assembly, and minority leader of the assembly may solicit
25 recommendations from the Centers for Disease Control and Prevention, the
26 National Institutes of Health, the Federal Agency For Health Care Policy

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

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1 and Research, and the National Academy of Sciences for appointments or
2 recommendations for appointments to the board.

3 S 2. Paragraphs (a), (b), (c), (e) and (h) of subdivision 1 of section
4 2411 of the public health law, paragraphs (a), (b) and (c) as amended by
5 chapter 219 of the laws of 1997, paragraph (e) as amended by chapter 106
6 of the laws of 2013, and paragraph (h) as amended by chapter 638 of the
7 laws of 2008, are amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 to the breast AND OVARIAN cancer research and education fund and used
2 only for those purposes enumerated in section ninety-seven-yy of the
3 state finance law.

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

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

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

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