

6858

2015-2016 Regular Sessions

I N   A S S E M B L Y

April 6, 2015

---

Introduced by M. of A. CRESPO -- read once and referred to the Committee  
on Education

AN ACT to amend the education law, in relation to education on celiac  
disease; and to amend the tax law and the state finance law, in  
relation to the celiac disease awareness and research fund

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

1     Section 1. Legislative intent. The legislature hereby finds the  
2 following:  
3     a. Celiac disease is a digestive disease that damages the small intes-  
4 tine and interferes with absorption of nutrients from food.  
5     b. Celiac disease affects people in all parts of the world. Originally  
6 thought to be a rare childhood syndrome, celiac disease is now known to  
7 be a common genetic disorder.  
8     c. More than two million people in the United States have the disease,  
9 or about 1 in 133 people.  
10     d. People who have celiac disease cannot tolerate gluten, a protein in  
11 wheat, rye, and barley. Gluten is found mainly in foods but may also be  
12 found in everyday products such as medicines, vitamins and lip balms.  
13     e. When people with celiac disease eat foods or use products contain-  
14 ing gluten, their immune system responds by damaging or destroying  
15 villi, the tiny, fingerlike protrusions lining the small intestine.  
16 Villi normally allow nutrients from food to be absorbed through the  
17 walls of the small intestine into the bloodstream. Without healthy  
18 villi, a person becomes malnourished, no matter how much one eats.  
19     f. People with celiac disease may have no symptoms but can still  
20 develop complications of the disease over time. Long-term complications  
21 include malnutrition which can lead to anemia, osteoporosis and miscar-  
22 riage, among other problems such as liver diseases and cancers of the  
23 intestine.

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

LBD06378-01-5

1 g. For these reasons, and because this legislation will have signif-  
2 ificant savings to New York, the legislature finds it in the public inter-  
3 est to raise awareness of this disease.

4 S 2. The education law is amended by adding a new section 804-e to  
5 read as follows:

6 S 804-E. EDUCATION REGARDING CELIAC DISEASE AWARENESS. 1. ANY SENIOR  
7 HIGH SCHOOL IN THE STATE MAY PROVIDE, AS PART OF HEALTH EDUCATION,  
8 INSTRUCTION DESIGNED TO PROMOTE CELIAC DISEASE AWARENESS.

9 2. INSTRUCTION REGARDING CELIAC AWARENESS MAY BE PART OF A HEALTH  
10 EDUCATION COURSE IN THE SECONDARY SCHOOLS CURRICULUM.

11 3. STUDENTS MAY BE REQUIRED TO DEMONSTRATE KNOWLEDGE IN THE SUBJECT  
12 THROUGH THE USE OF A TEST, GRADED PROJECT OR REPORT, OR ANY OTHER MEANS  
13 PRESCRIBED BY THE SCHOOL AUTHORITIES REGARDING CELIAC DISEASE.

14 4. ANY SUCH COURSE SHALL BE TAUGHT BY TEACHERS HOLDING A CERTIFICATE  
15 TO TEACH HEALTH. RELATED COURSES IN THE SECONDARY SCHOOL CURRICULUM  
16 SHALL BE TAUGHT IN A MANNER SUPPORTIVE OF HEALTH EDUCATION REGARDING  
17 CELIAC DISEASE AWARENESS.

18 5. THE COMMISSIONER MAY PRESCRIBE RULES AND REGULATIONS REGARDING SUCH  
19 HEALTH EDUCATION COURSES WHICH INCLUDE INSTRUCTION REGARDING CELIAC  
20 DISEASE AWARENESS AS THE COMMISSIONER MAY DEEM NECESSARY AND DESIRABLE  
21 FOR THE WELFARE OF PUPILS AND THE COMMUNITY. THE CONTENTS MAY BE VARIED  
22 TO MEET THE NEEDS OF A PARTICULAR SCHOOL DISTRICT, OR PORTIONS THEREOF,  
23 AND NEED NOT BE UNIFORM THROUGHOUT THE STATE, PROVIDED, HOWEVER, THAT  
24 ANY SCHOOL DISTRICT IN THE STATE PROVIDING INSTRUCTION ON CELIAC DISEASE  
25 AWARENESS SHALL UTILIZE EITHER THE CURRICULUM FOR HEALTH EDUCATION  
26 INSTRUCTION CELIAC DISEASE AWARENESS PRESCRIBED BY THE COMMISSIONER OR A  
27 COURSE APPROVED BY THE COMMISSIONER IN ACCORDANCE WITH CRITERIA ESTAB-  
28 LISHED BY THE COMMISSIONER.

29 S 3. The education law is amended by adding a new section 6505-d to  
30 read as follows:

31 S 6505-D. COURSE WORK OR TRAINING IN CELIAC DISEASE AWARENESS. 1.  
32 EVERY PHYSICIAN, PHYSICIAN ASSISTANT, DENTIST, REGISTERED NURSE,  
33 LICENSED PRACTICAL NURSE, AND NURSE PRACTITIONER PRACTICING IN THE STATE  
34 WHO PROVIDES DIRECT MEDICAL SERVICES TO PATIENTS IN THIS STATE SHALL, ON  
35 OR BEFORE JULY FIRST, TWO THOUSAND EIGHTEEN AND EVERY REGISTRATION PERI-  
36 OD THEREAFTER, COMPLETE COURSE WORK OR TRAINING REGARDING CELIAC DISEASE  
37 AWARENESS AND COMPETENCE IN THE PROVISION OF MEDICAL SERVICES IN ACCORD-  
38 ANCE WITH REGULATED STANDARDS PROMULGATED BY THE DEPARTMENT, IN CONSUL-  
39 TATION WITH THE DEPARTMENT OF HEALTH.

40 2. SUCH CELIAC AWARENESS AND COMPETENCE COURSE WORK OR TRAINING SHALL  
41 REQUIRE TWO HOURS OF COURSE WORK OR TRAINING IN ENCOMPASSING CELIAC  
42 DISEASE HEALTHCARE.

43 S 4. The tax law is amended by adding a new section 629-a to read as  
44 follows:

45 S 629-A. GIFT FOR THE CELIAC DISEASE AWARENESS AND RESEARCH FUND. (A)  
46 EFFECTIVE FOR ANY TAX YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO  
47 THOUSAND SEVENTEEN, AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO  
48 CONTRIBUTE TO THE NEW YORK STATE CELIAC DISEASE AWARENESS AND RESEARCH  
49 FUND ESTABLISHED PURSUANT TO SECTION NINETY-FIVE-H OF THE STATE FINANCE  
50 LAW.

51 (B) THE CONTRIBUTION SHALL BE IN ANY WHOLE DOLLAR AMOUNT AND SHALL NOT  
52 REDUCE THE AMOUNT OF STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER  
53 SHALL INCLUDE SPACE ON THE PERSONAL INCOME TAX RETURN TO ENABLE A  
54 TAXPAYER TO MAKE SUCH CONTRIBUTION.

55 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL REVENUE COLLECTED  
56 PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE NEW YORK STATE CELIAC

1 DISEASE AWARENESS AND RESEARCH FUND AND USED ONLY FOR THOSE PURPOSES  
2 ENUMERATED IN SECTION NINETY-FIVE-H OF THE STATE FINANCE LAW.

3 S 5. The state finance law is amended by adding a new section 95-h to  
4 read as follows:

5 S 95-H. THE NEW YORK STATE CELIAC DISEASE AWARENESS AND RESEARCH FUND.

6 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER  
7 OF TAXATION AND FINANCE AND THE COMPTROLLER, A SPECIAL FUND TO BE KNOWN  
8 AS THE NEW YORK STATE CELIAC DISEASE AWARENESS AND RESEARCH FUND.

9 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED PURSUANT TO THE  
10 PROVISIONS OF SECTION SIX HUNDRED TWENTY-NINE-A OF THE TAX LAW, AND ALL  
11 OTHER MONEYS APPROPRIATED, CREDITED, OR TRANSFERRED THERETO FROM ANY  
12 OTHER FUND OR SOURCE PURSUANT TO LAW. NOTHING CONTAINED IN THIS SECTION  
13 SHALL PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS OR BEQUESTS FOR THE  
14 PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING THEM INTO  
15 THE FUND ACCORDING TO LAW.

16 3. (A) MONIES OF THE FUND SHALL BE EXPENDED ONLY FOR CELIAC DISEASE  
17 AWARENESS PROJECTS OR CELIAC DISEASE RESEARCH PROJECTS APPROVED BY THE  
18 DEPARTMENT OF HEALTH IN NEW YORK STATE PROVIDED, HOWEVER, THAT NO MORE  
19 THAN TEN PERCENT OF MONIES FROM SUCH FUND SHALL BE EXPENDED ON THE  
20 AGGREGATE NUMBER OF CELIAC DISEASE RESEARCH PROJECTS APPROVED IN A  
21 FISCAL YEAR.

22 (B) AS USED IN THIS SECTION, THE TERM "CELIAC DISEASE RESEARCH  
23 PROJECT" MEANS SCIENTIFIC RESEARCH APPROVED BY THE DEPARTMENT OF HEALTH  
24 INTO THE CAUSES AND/OR TREATMENT OF CELIAC DISEASE, AND THE TERM "CELIAC  
25 DISEASE AWARENESS PROJECT" MEANS A PROJECT APPROVED BY THE DEPARTMENT OF  
26 HEALTH AIMED TOWARD EDUCATING THE GENERAL PUBLIC ABOUT THE CAUSES, SYMP-  
27 TOMS, AND TREATMENTS OF CELIAC DISEASE.

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

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

34 S 6. This act shall take effect immediately.