

2333--A

2015-2016 Regular Sessions

I N S E N A T E

January 22, 2015

Introduced by Sen. DILAN -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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.

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

LBD07772-02-6

1 The governor shall designate the chair of the board. The governor,
2 temporary president of the senate, minority leader of the senate, speak-
3 er of the assembly, and minority leader of the assembly may solicit
4 recommendations from the Centers for Disease Control and Prevention, the
5 National Institutes of Health, the Federal Agency For Health Care Policy
6 and Research, and the National Academy of Sciences for appointments or
7 recommendations for appointments to the board.

8 S 2. Paragraphs (a), (b), (c), (e) and (h) of subdivision 1 of section
9 2411 of the public health law, as amended by section 5 of part A of
10 chapter 60 of the laws of 2014, are amended to read as follows:

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

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

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

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

54 (h) Meet at least six times in the first year, at the request of the
55 chair and at any other time as the chair deems necessary. The board
56 shall meet at least two times a year and as needed thereafter. Provided,

1 however, that at least one such meeting a year shall be a public hear-
2 ing, at which the general public may question and present information
3 and comments to the board with respect to the operation of the health
4 research science board, the breast AND OVARIAN cancer research and
5 education fund, and pesticide reporting established pursuant to sections
6 33-1205 and 33-1207 of the environmental conservation law. At such hear-
7 ing, the commissioner of the department of environmental conservation or
8 his or her designee shall make a report to the board with respect to the
9 efficiency and utility of pesticide reporting established pursuant to
10 sections 33-1205 and 33-1207 of the environmental conservation law.
11 Should the existing bylaws be amended by the board, any such amendments
12 shall be consistent with the revisions of this paragraph[;].

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

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

23 S 4. Section 2413 of the public health law, as amended by section 5-a
24 of part A of chapter 60 of the laws of 2014, is amended to read as
25 follows:

26 S 2413. Biennial report. The commissioner shall submit a report on or
27 before January first commencing in nineteen hundred ninety-nine, and
28 biennially thereafter, to the governor, the temporary president of the
29 senate and the speaker of the assembly concerning the operation of the
30 health research science board. Such report shall include recommendations
31 from the health research science board including, but not limited to,
32 the types of data that would be useful for breast OR OVARIAN cancer
33 researchers and whether private citizen use of residential pesticides
34 should be added to the reporting requirements. The report shall also
35 include a summary of research requests granted or denied. In addition,
36 such report shall include an evaluation by the commissioner, the commis-
37 sioner of the department of environmental conservation and the health
38 research science board of the basis, efficiency and scientific utility
39 of the information derived from pesticide reporting pursuant to sections
40 33-1205 and 33-1207 of the environmental conservation law and recommend
41 whether such system should be modified or continued. The report shall
42 include a summary of the comments and recommendations presented by the
43 public at the board's public hearings.

44 S 5. Section 97-yy of the state finance law, as added by chapter 279
45 of the laws of 1996, subdivisions 2 and 2-a as amended by chapter 385 of
46 the laws of 2007, and subdivision 2-b as amended by chapter 453 of the
47 laws of 2015, is amended to read as follows:

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

52 2. Such fund shall consist of all revenues received by the department
53 of taxation and finance, pursuant to the provisions of section two
54 hundred nine-D and section six hundred twenty-seven of the tax law, all
55 moneys collected pursuant to section four hundred four-q of the vehicle
56 and traffic law, as added by chapter five hundred twenty-eight of the

1 laws of nineteen hundred ninety-nine, and all other moneys appropriated,
2 credited, or transferred thereto from any other fund or source pursuant
3 to law. For each state fiscal year, there shall be appropriated to the
4 fund by the state, in addition to all other moneys required to be depos-
5 ited into such fund, an amount equal to the amounts of monies collected
6 and deposited into the fund pursuant to sections two hundred nine-D and
7 six hundred twenty-seven of the tax law and section four hundred four-q
8 of the vehicle and traffic law, as added by chapter five hundred twen-
9 ty-eight of the laws of nineteen hundred ninety-nine, and the amounts of
10 moneys received and deposited into the fund from grants, gifts and
11 bequests during the preceding calendar year, as certified by the comp-
12 troller. Nothing contained herein shall prevent the state from receiving
13 grants, gifts or bequests for the purposes of the fund as defined in
14 this section and depositing them into the fund according to law.

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

25 2-b. On or before the first day of February each year, the commission-
26 er of health shall provide a written report to the temporary president
27 of the senate, speaker of the assembly, chair of the senate finance
28 committee, chair of the assembly ways and means committee, chair of the
29 senate committee on health, chair of the assembly health committee, the
30 state comptroller and the public. Such report shall include how the
31 monies of the fund were utilized during the preceding calendar year, and
32 shall include:

33 (i) the amount of money dispersed from the fund and the award process
34 used for such disbursements;

35 (ii) recipients of awards from the fund;

36 (iii) the amount awarded to each;

37 (iv) the purposes for which such awards were granted; and

38 (v) a summary financial plan for such monies which shall include esti-
39 mates of all receipts and all disbursements for the current and succeed-
40 ing fiscal years, along with the actual results from the prior fiscal
41 year.

42 3. Monies of the fund shall be expended only for breast AND OVARIAN
43 cancer research and educational projects. As used in this section,
44 "breast AND OVARIAN cancer research and education projects" means scien-
45 tific research or educational projects which, pursuant to section two
46 thousand four hundred eleven of the public health law, are approved by
47 the department of health, upon the recommendation of the health research
48 science board.

49 4. Monies shall be payable from the fund on the audit and warrant of
50 the comptroller on vouchers approved and certified by the commissioner
51 of health.

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

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

1 S 209-D. Gift for breast AND OVARIAN cancer research and education.
2 Effective for any tax year commencing on or after January first, nine-
3 teen hundred ninety-six, a taxpayer in any taxable year may elect to
4 contribute to the support of the breast AND OVARIAN cancer research and
5 education fund. Such contribution shall be in any whole dollar amount
6 and shall not reduce the amount of the state tax owed by such taxpayer.
7 The commissioner shall include space on the corporate income tax return
8 to enable a taxpayer to make such contribution. Notwithstanding any
9 other provision of law, all revenues collected pursuant to this section
10 shall be credited to the breast AND OVARIAN cancer research and educa-
11 tion fund and shall be used only for those purposes enumerated in
12 section ninety-seven-yy of the state finance law.

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

15 S 627. Gift for breast AND OVARIAN cancer research and education.
16 Effective for any tax year commencing on or after January first, nine-
17 teen hundred ninety-six, an individual in any taxable year may elect to
18 contribute to the breast AND OVARIAN cancer research and education fund.
19 Such contribution shall be in any whole dollar amount and shall not
20 reduce the amount of state tax owed by such individual. The commissioner
21 shall include space on the personal income tax return to enable a
22 taxpayer to make such contribution. Notwithstanding any other provision
23 of law all revenues collected pursuant to this section shall be credited
24 to the breast AND OVARIAN cancer research and education fund and used
25 only for those purposes enumerated in section ninety-seven-yy of the
26 state finance law.

27 S 8. Section 404-q of the vehicle and traffic law, as added by chapter
28 528 of the laws of 1999, subdivision 2 as amended by section 7-a of part
29 A of chapter 60 of the laws of 2014, is amended to read as follows:

30 S 404-q. Distinctive "drive for the cure" license plates. 1. Any
31 person residing in this state shall, upon request, be issued a distinc-
32 tive "drive for the cure" license plate in support of breast, OVARIAN,
33 prostate and testicular cancer research bearing the phrase "drive for
34 the cure". Application for said license plate shall be filed with the
35 commissioner in such form and detail as the commissioner shall
36 prescribe.

37 2. A distinctive "drive for the cure" license plate issued pursuant to
38 this section shall be issued in the same manner as other number plates
39 upon the payment of the regular registration fee prescribed by section
40 four hundred one of this article, provided, however, that an additional
41 annual service charge of twenty-five dollars shall be charged for such
42 plate. Twelve dollars and fifty cents from each twenty-five dollars
43 received as annual service charges under this section shall be deposited
44 to the credit of the breast AND OVARIAN cancer research and education
45 fund established pursuant to section ninety-seven-yy of the state
46 finance law and shall be used for research and education programs under-
47 taken pursuant to section twenty-four hundred ten of the public health
48 law. Twelve dollars and fifty cents from each twenty-five dollars
49 received as annual service charges under this section shall be deposited
50 to the credit of the New York State prostate and testicular cancer
51 research and education fund established pursuant to section
52 ninety-five-e of the state finance law and shall be used for research
53 and education programs undertaken pursuant to section ninety-five-e of
54 the state finance law. Provided, however that one year after the effec-
55 tive date of this section funds in the amount of six thousand dollars,
56 or so much thereof as may be available, shall be allocated to the

1 department to offset costs associated with the production of such
2 license plates.
3 S 9. This act shall take effect on the sixtieth day after it shall
4 have become a law.