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

8185

I N S E N A T E

August 31, 2016

Introduced by Sen. MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the state finance law and the public health law, in relation to the establishment of a fund to benefit the residents of Hoosick Falls, Hoosick and Petersburgh regarding medical monitoring expenses for those exposed to PFOA (perfluorooctanoic acid) contaminated water

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

Section 1. The state finance law is amended by adding a new section 97-yyyy to read as follows:

S 97-YYYY. PFOA MEDICAL MONITORING FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF HEALTH AND THE COMPTROLLER A FUND TO BE KNOWN AS THE "PFOA MEDICAL MONITORING FUND".

2. THE FUND SHALL CONSIST OF ALL MONIES APPROPRIATED FOR ITS PURPOSE, ALL MONIES REQUIRED BY THIS SECTION OR ANY OTHER PROVISION OF LAW TO BE PAID INTO OR CREDITED TO SUCH FUND. WHENEVER A LAWSUIT RESULTS IN A CIVIL JUDGMENT FOR EXPENSES ALREADY PAID FOR BY THE FUND, THAT PORTION OF THE CIVIL JUDGMENT SHALL BE PAID INTO THE FUND. NOTHING CONTAINED HEREIN SHALL PREVENT THE DEPARTMENT OF HEALTH 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, WHEN ALLOCATED, SHALL BE AVAILABLE PURSUANT TO SECTION TWO HUNDRED SIXTY-SEVEN OF THE PUBLIC HEALTH LAW.

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

S 2. Article 2 of the public health law is amended by adding a new title 7 to read as follows:

TITLE VII

PFOA MEDICAL MONITORING FUND

SECTION 267. PFOA MEDICAL MONITORING FUND.

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

LBD16039-01-6

S 267. PFOA MEDICAL MONITORING FUND. 1. DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE FOLLOWING MEANINGS UNLESS A DIFFERENT MEANING IS PLAINLY REQUIRED BY THE CONTEXT:

(A) CUSTODIANS. THE TERM "CUSTODIANS" MEANS THE COMMISSIONER OF HEALTH AND THE COMPTROLLER.

(B) MEDICAL MONITORING. THE TERM "MEDICAL MONITORING" MEANS THE SCREENING FOR HEALTH PROBLEMS CAUSED BY EXPOSURE TO A HAZARDOUS SUBSTANCE EVEN THOUGH THERE IS NO ASCERTAINABLE INJURY OR SYMPTOMS.

(C) PFOA. THE TERM "PFOA" MEANS PERFLUOROOCTANOIC ACID.

(D) INITIAL SCREENING. THE TERM "INITIAL SCREENING" MEANS THE INITIAL BLOOD TEST GIVEN TO DETERMINE A PERSON'S LEVEL OF PFOA IN THEIR BODY.

2. USE OF THE FUND. THE CUSTODIANS SHALL PROVIDE FOR THE ADMINISTRATION OF THE PFOA MEDICAL MONITORING FUND AS ESTABLISHED BY SECTION NINETY-SEVEN-YYYY OF THE STATE FINANCE LAW, IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION AND ALL APPLICABLE LAWS, RULES, REGULATIONS AND OTHER REQUIREMENTS. THIS SHALL INCLUDE, BUT NOT BE LIMITED TO, THE MONIES IN SUCH FUND BEING UTILIZED FOR THE PURPOSE OF ENSURING MEDICAL MONITORING OF THOSE EXPOSED TO PFOA IN THE VILLAGE OF HOOSICK FALLS AND THE TOWNS OF HOOSICK AND PETERSBURGH IN ACCORDANCE WITH THE FOLLOWING:

(A) THOSE ELIGIBLE TO BE BENEFITTED BY THE PFOA MEDICAL MONITORING FUND SHALL BE:

(I) THOSE WHO WERE PART OF THE TWO THOUSAND SIXTEEN BIOMONITORING STUDY PERFORMED IN THE VILLAGE OF HOOSICK FALLS, TOWN OF HOOSICK AND TOWN OF PETERSBURG IN TWO THOUSAND SIXTEEN; AND

(II) THOSE NOT PART OF THE TWO THOUSAND SIXTEEN BIOMONITORING STUDY BUT WHO CAN SHOW PROOF THAT THEY LIVED IN, WORKED IN, OR VISITED THE VILLAGE OF HOOSICK FALLS, TOWN OF HOOSICK OR TOWN OF PETERSBURG BEFORE WATER FILTRATION ELIMINATED PFOA FROM ITS WATER SOURCES AND HAD EXPOSURE TO PFOA CONTAMINATED WATER DURING THAT TIME.

(B) THOSE WHO WERE NOT FOUND TO HAVE ELEVATED LEVELS OF PFOA AFTER AN INITIAL SCREENING OR THOSE WHO REFUSE AN INITIAL SCREENING FOR PFOA SHALL NOT BE ELIGIBLE FOR BENEFITS BEYOND THEIR INITIAL SCREENING FOR PFOA LEVELS.

(C) THE PFOA MEDICAL MONITORING FUND SHALL PAY FOR ALL MEDICAL MONITORING EXPENSES WHEN NOT PAID FOR BY INSURANCE INCLUDING, BUT NOT LIMITED TO:

(I) COPAYS AND DEDUCTIBLES;

(II) INITIAL SCREENING REQUIRED FOR DETERMINING PFOA LEVELS IN ONE'S BODY;

(III) CONTINUED MEDICAL MONITORING UNTIL THE INDIVIDUAL'S PFOA BLOOD LEVEL IS REDUCED TO TWO PARTS PER BILLION;

(IV) SCREENING TESTS FOR ILLNESSES LINKED TO PFOA CONTAMINATION AND THOSE ILLNESSES THAT ARE FOUND TO BE POTENTIALLY LINKED TO PFOA CONTAMINATION INCLUDING, BUT NOT LIMITED TO: KIDNEY CANCER, TESTICULAR CANCER, PRE-ECLAMPSIA, ULCERATIVE COLITIS, THYROID DISEASE, HYPERCHOLESTEROLEMIA, DEVELOPMENTAL EFFECTS FOR FETUSES, LIVER TISSUE DAMAGE AND IMMUNE SYSTEM IMPAIRMENTS; AND

(V) ANY OTHER CIRCUMSTANCE THE CUSTODIANS DEEM REQUIRED TO FULFILL THEIR DUTIES UNDER THIS SECTION.

S 3. This act shall take effect immediately.