

9246

I N A S S E M B L Y

February 4, 2016

Introduced by M. of A. ROSENTHAL -- read once and referred to the
Committee on Health

AN ACT to amend the public health law, in relation to establishing a
lymphedema and lymphatic diseases research grants program; and to
amend the state finance law, in relation to creating the lymphedema
and lymphatic diseases research and education fund

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

1 Section 1. The public health law is amended by adding a new section
2 207-a to read as follows:

3 S 207-A. LYMPHEDEMA AND LYMPHATIC DISEASES RESEARCH GRANTS PROGRAM. 1.
4 THE DEPARTMENT SHALL, WITHIN AVAILABLE APPROPRIATIONS, ESTABLISH THE
5 LYMPHEDEMA AND LYMPHATIC DISEASES RESEARCH GRANTS PROGRAM, HEREAFTER
6 "GRANTS PROGRAM." SUCH GRANTS PROGRAM FUNDS SHALL BE USED TO PROVIDE
7 FINANCIAL ASSISTANCE IN THE FORM OF GRANTS, NOT TO EXCEED FIFTY THOUSAND
8 DOLLARS PER GRANT, TO NEW YORK STATE BIOMEDICAL RESEARCH INSTITUTIONS
9 FOR WORKING CAPITAL TO FURTHER NEW AND EMERGING RESEARCH AND DEVELOPMENT
10 FOR THE DIAGNOSIS AND TREATMENT OF LYMPHEDEMA AND LYMPHATIC DISEASES.
11 SUCH GRANTS SHALL BE AWARDED ON A COMPETITIVE BASIS TO BIOMEDICAL
12 RESEARCH INSTITUTIONS RESPONDING TO REQUESTS FOR PROPOSALS ISSUED BY THE
13 FOUNDATION WHEN FUNDS ARE APPROPRIATED.

14 2. (A) "BIOMEDICAL RESEARCH INSTITUTION" SHALL MEAN A NOT-FOR-PROFIT
15 UNIVERSITY, COLLEGE, HOSPITAL, PRIVATE OR FEDERAL RESEARCH LABORATORY
16 LOCATED IN NEW YORK STATE, OR A CONSORTIUM OF SUCH ENTITIES, THAT
17 CONDUCTS AN INTENSIVE AND ONGOING PROGRAM OF RESEARCH AND DEVELOPMENT
18 DIRECTLY RELATED TO LYMPHEDEMA AND/OR LYMPHATIC DISEASES RESEARCH.

19 (B) "LYMPHEDEMA" SHALL MEAN AN ACCUMULATION OF LYMPHATIC FLUID IN THE
20 INTERSTITIAL TISSUE THAT CAUSES SWELLING, MOST OFTEN IN THE ARMS AND/OR
21 LEGS, AND OCCASIONALLY IN OTHER PARTS OF THE BODY, FROM ANY CAUSE.

22 (C) "LYMPHATIC DISEASES" SHALL INCLUDE BUT NOT BE LIMITED TO: INSUF-
23 FICIENCY OF LYMPHATIC CIRCULATORY FUNCTION (TO INCLUDE ALL FORMS OF
24 LYMPHEDEMA), LIPEDEMA, COMPLEX CONGENITAL DISEASES OF THE LYMPHATIC
25 VASCULATURE, INCLUDING LYMPHANGIOMATOSIS, LYMPHANGIOLEIO-MYOMATOSIS,

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

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1 LYMPHANGIECTASIAS, LYMPHANGIOMAS, CYSTIC HYGROMAS, GORHAM'S DISEASE,
2 LYMPHANGIOSARCOMA, AND COMPLEX VASCULAR/LYMPHATIC MALFORMATIONS.

3 3. IN ADDITION TO SUCH OTHER CRITERIA AS THE DEPARTMENT MAY ADOPT IN
4 RULES AND REGULATIONS FOR THE CONSIDERATION OF APPLICATIONS FOR GRANTS
5 PURSUANT TO SUBDIVISION ONE OF THIS SECTION, THE FOUNDATION SHALL:

6 (A) DETERMINE THAT THE APPLICANT IS UNABLE TO OBTAIN SUFFICIENT FUND-
7 ING ON REASONABLE TERMS FROM OTHER PUBLIC OR PRIVATE SOURCES TO PERMIT
8 THE INSTITUTION'S PLANNED INVESTMENT TO PROCEED WITHOUT THE REQUIRED
9 ASSISTANCE;

10 (B) GIVE PRIORITY TO THOSE APPLICATIONS FOR ASSISTANCE FROM BIOMEDICAL
11 RESEARCH INSTITUTIONS THAT SECURE PRIVATE SUPPORT FOR RESEARCH OR COMMIT
12 NEW RESOURCES TO THE EXPANSION OF LYPHHEDEMA AND LYMPHATIC DISEASES
13 RESEARCH; AND

14 (C) CONSIDER THE POTENTIAL LONG TERM ECONOMIC BENEFITS TO THE STATE OF
15 AWARDING THE SPECIFIC GRANT AND WHETHER THE GRANT WILL RESULT IN A
16 REASONABLE LIKELIHOOD OF SUCCESS IN MEETING THE PURPOSES FOR WHICH IT
17 WAS SOUGHT BY THE APPLICANT.

18 4. THE DEPARTMENT MAY APPLY TO THE NATIONAL INSTITUTES OF HEALTH, THE
19 UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND OTHER APPRO-
20 PRIATE FEDERAL, PUBLIC, AND PRIVATE ENTITIES FOR FUNDING. SUCH MONIES
21 SHALL BE DEPOSITED INTO THE LYPHHEDEMA AND LYMPHATIC DISEASES RESEARCH
22 AND EDUCATION FUND, ESTABLISHED PURSUANT TO SECTION NINETY-NINE-Y OF THE
23 STATE FINANCE LAW.

24 5. THE DEPARTMENT SHALL SUBMIT TO THE GOVERNOR, THE SPEAKER OF THE
25 ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, AND TO ANY OTHER STATE
26 LEGISLATOR AT HIS OR HER REQUEST, A REPORT ON THE GRANTS PROGRAM BY
27 SEPTEMBER FIRST, TWO THOUSAND EIGHTEEN AND ANNUALLY THEREAFTER. SUCH
28 REPORT SHALL INCLUDE, FOR EACH GRANT AWARDED, THE NAME AND LOCATION OF
29 THE RECIPIENT, A DESCRIPTION OF THE PRODUCT, DEVICE, TECHNIQUE, SYSTEM
30 OR PROCESS BEING RESEARCHED AND DEVELOPED, THE RECIPIENT'S RELATIONSHIP
31 TO THE RESEARCH INSTITUTION, THE AMOUNT AND USE OF THE GRANT, THE TOTAL
32 PROJECT COST, AND SUCH OTHER INFORMATION AS THE DEPARTMENT SHALL DEEM
33 APPROPRIATE. SUCH REPORT SHALL ALSO INCLUDE A LIST OF ALL APPLICANTS AND
34 THEIR CONTACT INFORMATION, REGARDLESS OF RECEIVING A GRANT, IN ORDER TO
35 HELP DEMONSTRATE THE NEED FOR FUTURE FUNDS.

36 6. NOTHING IN THIS SECTION SHALL REQUIRE THE DEPARTMENT TO DISCLOSE
37 ANY MATTERS INVOLVING CONFIDENTIAL INTELLECTUAL PROPERTY OR WORK PROD-
38 UCT, WHETHER PATENTABLE OR NOT, INCLUDING ANY FORMULA, PLAN, PATTERN,
39 PROCESS, TOOL, MECHANISM, COMPOUND, PROCEDURE, PRODUCTION DATA OR COMPI-
40 LATION OF INFORMATION, WHICH IS NOT PATENTED, BUT WHICH IS KNOWN ONLY TO
41 CERTAIN INDIVIDUALS WHO ARE USING IT TO FABRICATE, PRODUCE OR COMPOUND
42 AN ARTICLE OF TRADE OR SERVICE HAVING COMMERCIAL VALUE AND WHICH GIVES
43 ITS USER AN OPPORTUNITY TO OBTAIN A BUSINESS ADVANTAGE OVER COMPETITORS
44 WHO DO NOT KNOW IT OR USE IT.

45 S 2. The state finance law is amended by adding a new section 99-y to
46 read as follows:

47 S 99-Y. LYPHHEDEMA AND LYMPHATIC DISEASES RESEARCH AND EDUCATION FUND.
48 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER
49 OF TAXATION AND FINANCE AND THE COMPTROLLER, A SPECIAL FUND TO BE KNOWN
50 AS THE LYPHHEDEMA AND LYMPHATIC DISEASES RESEARCH AND EDUCATION FUND,
51 HEREAFTER THE "FUND".

52 2. SUCH FUND SHALL CONSIST OF ALL MONIES APPROPRIATED, CREDITED, OR
53 TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW.
54 NOTHING CONTAINED IN THIS SECTION SHALL PREVENT THE STATE FROM RECEIVING
55 GRANTS, GIFTS OR BEQUESTS FOR THE PURPOSES OF THE FUND AS DEFINED IN
56 THIS SECTION AND DEPOSITING THEM INTO THE FUND ACCORDING TO LAW.

1 3. MONIES OF THE FUND SHALL BE EXPENDED ONLY FOR LYMPHEDEMA AND LYMP-
2 HATIC DISEASES RESEARCH AND EDUCATION PROJECTS APPROVED BY THE DEPART-
3 MENT OF HEALTH.

4 4. (A) "LYMPHEDEMA" SHALL MEAN AN ACCUMULATION OF LYMPHATIC FLUID IN
5 THE INTERSTITIAL TISSUE THAT CAUSES SWELLING, MOST OFTEN IN THE ARMS
6 AND/OR LEGS, AND OCCASIONALLY IN OTHER PARTS OF THE BODY, REGARDLESS OF
7 CAUSE.

8 (B) "LYMPHATIC DISEASES" SHALL INCLUDE BUT NOT BE LIMITED TO: INSUF-
9 FICIENCY OF LYMPHATIC CIRCULATORY FUNCTION (TO INCLUDE ALL FORMS OF
10 LYMPHEDEMA), LIPEDEMA, COMPLEX CONGENITAL DISEASES OF THE LYMPHATIC
11 VASCULATURE, INCLUDING LYMPHANGIOMATOSIS, LYMPHANGIOLEIO-MYOMATOSIS,
12 LYMPHANGIECTASIAS, LYMPHANGIOMAS, CYSTIC HYGROMAS, GORHAM'S DISEASE,
13 LYMPHANGIOSARCOMA, AND COMPLEX VASCULAR/LYMPHATIC MALFORMATIONS.

14 (C) "LYMPHEDEMA AND LYMPHATIC DISEASES RESEARCH AND EDUCATION
15 PROJECTS" SHALL MEAN RESEARCH BY QUALIFIED RESEARCHERS, AS DETERMINED BY
16 THE DEPARTMENT OF HEALTH, TO STIMULATE RESEARCH ON THE PATHOGENESIS AND
17 NEW TREATMENTS FOR LYMPHEDEMA AND LYMPHATIC DISEASES. EDUCATION PROJECTS
18 ARE THOSE PROJECTS WHICH PROMOTE AND PROVIDE INFORMATION ON LYMPHEDEMA
19 AND LYMPHATIC DISEASES INCLUDING: PREVENTION, DIAGNOSIS, TREATMENT,
20 LONG-TERM CHRONIC CARE, AND/OR RESEARCH BY QUALIFIED ORGANIZATIONS AS
21 DETERMINED BY THE DEPARTMENT OF HEALTH.

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

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

28 S 3. This act shall take effect immediately.