

# STATE OF NEW YORK

587--C

2017-2018 Regular Sessions

## IN ASSEMBLY

January 9, 2017

Introduced by M. of A. L. ROSENTHAL, ORTIZ, ZEBROWSKI, SANTABARBARA, GUNTHER, CARROLL, GALEF, NIOU, DINOWITZ, BLAKE, SEAWRIGHT, SOLAGES, HARRIS, JENNE, RAIA -- Multi-Sponsored by -- M. of A. BUCHWALD, ENGLEBRIGHT, HYNDMAN, LUPARDO, McDONOUGH, NOLAN, SIMON, STECK, THIELE -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to the testing of certain newborns for cytomegalovirus and public education thereon

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Subdivision (a) of section 2500-a of the public health law,  
2 as amended by chapter 184 of the laws of 2013, is amended to read as  
3 follows:  
4 (a) 1. It shall be the duty of the administrative officer or other  
5 person in charge of each institution caring for infants twenty-eight  
6 days or less of age and the person required in pursuance of the  
7 provisions of section forty-one hundred thirty of this chapter to regis-  
8 ter the birth of a child, to cause to have administered to every such  
9 infant or child in its or his care a test for:  
10 i. phenylketonuria,  
11 ii. homozygous sickle cell disease,  
12 iii. hypothyroidism,  
13 iv. branched-chain ketonuria,  
14 v. galactosemia,  
15 vi. homocystinuria,

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

LBD01942-05-8

1 vii. critical congenital heart defects through pulse oximetry screen-  
2 ing, [~~and~~]

3 viii. with regard to any newborn infant who is identified as, or  
4 suspected of, having a hearing impairment as a result of a screening  
5 conducted pursuant to section twenty-five hundred-g of this title, cause  
6 to be administered to such infant a urine polymerase chain reaction  
7 (PCR) test for cytomegalovirus, unless the parent of the infant objects  
8 thereto; provided that if the commissioner determines that another test  
9 for cytomegalovirus is diagnostically equivalent to or better than the  
10 urine polymerase chain reaction test, the commissioner may, by regu-  
11 lation under this section, allow or require the use of that other test,  
12 and

13 ix. such other diseases and conditions as may from time to time be  
14 designated by the commissioner in accordance with rules or regulations  
15 prescribed by the commissioner.

16 2. Testing, the recording of the results of such tests, tracking,  
17 follow-up reviews and educational activities shall be performed at such  
18 times and in such manner as may be prescribed by the commissioner. The  
19 commissioner shall promulgate regulations setting forth the manner in  
20 which information describing the purposes of the requirements of this  
21 section shall be disseminated to parents or a guardian of the infant  
22 tested.

23 § 2. Subdivision 1 of section 207 of the public health law is amended  
24 by adding a new paragraph (o) to read as follows:

25 (o) For women who may become pregnant, expectant parents and parents  
26 of infants, information regarding:

27 (i) the incidence of cytomegalovirus;

28 (ii) the transmission and risks of cytomegalovirus to pregnant women  
29 and women who may become pregnant;

30 (iii) birth defects caused by congenital cytomegalovirus;

31 (iv) methods of diagnosing congenital cytomegalovirus;

32 (v) the available preventive measures to avoid the infection of women  
33 who are pregnant or may become pregnant; and

34 (vi) available methods of treating cytomegalovirus and resources  
35 available for families of children born with cytomegalovirus.

36 § 3. This act shall take effect immediately; provided, however, that  
37 section one of this act shall take effect on the one hundred twentieth  
38 day after it shall have become a law. Effective immediately, the addi-  
39 tion, amendment and/or repeal of any rule or regulation necessary for  
40 the implementation of section one of this act on its effective date are  
41 authorized and directed to be made and completed on or before such  
42 effective date.