

# STATE OF NEW YORK

4713

2017-2018 Regular Sessions

## IN SENATE

February 24, 2017

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

AN ACT to amend the insurance law, in relation to coverage of long term medical care for Lyme disease and other tick borne related pathogens; and to amend the tax law and the state finance law, in relation to providing for taxpayer gifts for tick borne illness research, detection and education and establishing the tick borne illness research, detection and education fund

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

1 Section 1. This act shall be known and may be cited as the "tick borne  
2 illness treatment and education act of 2017".

3 § 2. Subsection (i) of section 3216 of the insurance law is amended by  
4 adding a new paragraph 34 to read as follows:

5 (34) Every insurer issuing a policy of accident and health insurance  
6 for delivery in this state shall provide coverage for all costs for  
7 treatment of Lyme disease (Lyme borreliosis) and other tick borne  
8 related pathogens. Such treatment may include intravenous antibiotic  
9 therapy, oral antibiotic therapy, or any other treatment, or any combi-  
10 nation of treatments, provided such treatment is recommended by a physi-  
11 cian licensed to practice medicine in the state of New York.

12 § 3. Subsection (k) of section 3221 of the insurance law is amended by  
13 adding a new paragraph 22 to read as follows:

14 (22) Every group or blanket policy delivered or issued for delivery in  
15 this state which provides hospital, surgical or medical coverage shall  
16 provide coverage for all costs for treatment of Lyme disease (Lyme  
17 borreliosis) and other tick borne related pathogens. Such treatment may  
18 include intravenous antibiotic therapy, oral antibiotic therapy, or any  
19 other treatment, or any combination of treatments, provided such treat-  
20 ment is recommended by a physician licensed to practice medicine in the  
21 state of New York.

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

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1 § 4. Section 4303 of the insurance law is amended by adding a new  
2 subsection (oo) to read as follows:

3 (oo) Every medical expense indemnity corporation, hospital service  
4 corporation and health service corporation which provides coverage for  
5 medical, surgical or major medical care shall provide coverage for all  
6 costs for treatment of Lyme disease (Lyme borreliosis) and other tick  
7 borne related pathogens. Such treatment may include intravenous antibi-  
8 otic therapy, oral antibiotic therapy, or any other treatment, or any  
9 combination of treatments, provided such treatment is recommended by a  
10 physician licensed to practice medicine in the state of New York.

11 § 5. The tax law is amended by adding a new section 209-K to read as  
12 follows:

13 § 209-K. Gift for tick borne illness research, detection and educa-  
14 tion. A taxpayer in any taxable year may elect to contribute to the  
15 support of the tick borne illness research, detection and education  
16 fund. Such contribution shall be in any whole dollar amount and shall  
17 not reduce the amount of the state tax owed by such taxpayer. The  
18 commissioner shall include space on the corporate income tax return to  
19 enable a taxpayer to make such contribution. Notwithstanding any other  
20 provision of law, all revenues collected pursuant to this section shall  
21 be credited to the tick borne illness research, detection and education  
22 fund and shall be used only for those purposes enumerated in section  
23 ninety-seven-cc of the state finance law.

24 § 6. The tax law is amended by adding a new section 630-e to read as  
25 follows:

26 § 630-e. Gift for tick borne illness research, detection and educa-  
27 tion. An individual in any taxable year may elect to contribute to the  
28 tick borne illness research, detection and education fund. Such contrib-  
29 ution shall be in any whole dollar amount and shall not reduce the  
30 amount of state tax owed by such individual. The commissioner shall  
31 include space on the personal income tax return to enable a taxpayer to  
32 make such contribution. Notwithstanding any other provision of law all  
33 revenues collected pursuant to this section shall be credited to the  
34 tick borne illness research, detection and education fund and used only  
35 for those purposes enumerated in section ninety-seven-cc of the state  
36 finance law.

37 § 7. The state finance law is amended by adding a new section 97-cc to  
38 read as follows:

39 § 97-cc. Tick borne illness research, detection and education fund. 1.  
40 There is hereby established in the joint custody of the commissioner of  
41 taxation and finance and the comptroller, a special fund to be known as  
42 the "tick borne illness research, detection and education fund".

43 2. Such fund shall consist of all revenues received by the department  
44 of taxation and finance, pursuant to the provisions of sections two  
45 hundred nine-K and six hundred thirty-e of the tax law and all other  
46 moneys appropriated, credited, or transferred thereto from any other  
47 fund or source pursuant to law. Nothing contained in this section shall  
48 prevent the state from receiving grants, gifts or bequests for the  
49 purposes of the fund as defined in this section and depositing them into  
50 the fund according to law.

51 3. Monies of the fund shall be expended only for tick borne illness  
52 research, detection and education projects pursuant to section twenty-  
53 seven hundred ninety-eight of the public health law.

54 4. Monies shall be payable from the fund on the audit and warrant of  
55 the comptroller on vouchers approved and certified by the commissioner  
56 of health.

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

4 § 8. This act shall take effect on the one hundred twentieth day after  
5 it shall have become a law provided, however, that effective immediate-  
6 ly, the addition, amendment and/or repeal of any rules or regulations  
7 necessary for the implementation of this act on its effective date are  
8 authorized to be made on or before such effective date.