

# STATE OF NEW YORK

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587--B

2017-2018 Regular Sessions

## IN ASSEMBLY

January 9, 2017

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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

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) It shall be the duty of the administrative officer or other person  
5 in charge of each institution caring for infants twenty-eight days or  
6 less of age and the person required in pursuance of the provisions of  
7 section forty-one hundred thirty of this chapter to register the birth  
8 of a child, to cause to have administered to every such infant or child  
9 in its or his care a test for phenylketonuria, homozygous sickle cell  
10 disease, hypothyroidism, branched-chain ketonuria, galactosemia, homo-  
11 cystinuria, critical congenital heart defects through pulse oximetry  
12 screening, and with regard to any newborn infant who is identified as,  
13 or suspected of, having a hearing impairment as a result of a screening  
14 conducted pursuant to section twenty-five hundred-g of this title, cause  
15 to be administered to such infant a urine polymerase chain reaction  
16 (PCR) test for cytomegalovirus, unless the parent of the infant objects  
17 thereto, and such other diseases and conditions as may from time to time

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

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1 be designated by the commissioner in accordance with rules or regu-  
2 lations prescribed by the commissioner. Testing, the recording of the  
3 results of such tests, tracking, follow-up reviews and educational  
4 activities shall be performed at such times and in such manner as may be  
5 prescribed by the commissioner. The commissioner shall promulgate regu-  
6 lations setting forth the manner in which information describing the  
7 purposes of the requirements of this section shall be disseminated to  
8 parents or a guardian of the infant tested.

9 § 2. The public health law is amended by adding a new section 2500-1  
10 to read as follows:

11 § 2500-1. Cytomegalovirus public education. 1. The department shall  
12 develop and publish informational materials for women who may become  
13 pregnant, expectant parents and parents of infants regarding:

14 (a) the incidence of cytomegalovirus;

15 (b) the transmission and risks of cytomegalovirus to pregnant women  
16 and women who may become pregnant;

17 (c) birth defects caused by congenital cytomegalovirus;

18 (d) methods of diagnosing congenital cytomegalovirus;

19 (e) the available preventive measures to avoid the infection of women  
20 who are pregnant or may become pregnant; and

21 (f) available methods of treating cytomegalovirus and resources avail-  
22 able for families of children born with cytomegalovirus.

23 2. The department shall publish the information required pursuant to  
24 subdivision one of this section on its internet website, and distribute  
25 information regarding birth defects, treatment and resources to all  
26 hospitals performing cytomegalovirus testing pursuant to section twen-  
27 ty-five hundred-a of this title.

28 3. The department may promulgate rules to implement the purposes of  
29 this section.

30 § 3. This act shall take effect immediately; except that section one  
31 of this act shall take effect on the one hundred twentieth day after it  
32 shall have become a law; provided, however, that effective immediately,  
33 the addition, amendment and/or repeal of any rule or regulation neces-  
34 sary for the implementation of section one of this act on its effective  
35 date are authorized and directed to be made and completed on or before  
36 such effective date.