

# STATE OF NEW YORK

2816--B

2017-2018 Regular Sessions

## IN SENATE

January 17, 2017

Introduced by Sens. HANNON, AVELLA, LARKIN, MARCHIONE, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- 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) 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,  
16 vii. critical congenital heart defects through pulse oximetry screen-  
17 ing, [~~and~~]  
18 viii. with regard to any newborn infant who is identified as, or  
19 suspected of, having a hearing impairment as a result of a screening

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

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1 conducted pursuant to section twenty-five hundred-g of this title, cause  
2 to be administered to such infant a urine polymerase chain reaction  
3 (PCR) test for cytomegalovirus, unless the parent of the infant objects  
4 thereto; provided that if the commissioner determines that another test  
5 for cytomegalovirus is diagnostically equivalent to or better than the  
6 urine polymerase chain reaction test, the commissioner may, by regu-  
7 lation under this section, allow or require the use of that other test,

8 and

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

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

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

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

23 (i) the incidence of cytomegalovirus;

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

26 (iii) birth defects caused by congenital cytomegalovirus;

27 (iv) methods of diagnosing congenital cytomegalovirus;

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

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

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