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:

Section 1. Subdivision (a) of section 2500-a of the public health law, as amended by chapter 184 of the laws of 2013, is amended to read as follows:

(a) **1.** It shall be the duty of the administrative officer or other person in charge of each institution caring for infants twenty-eight days or less of age and the person required in pursuance of the provisions of section forty-one hundred thirty of this chapter to register the birth of a child, to cause to have administered to every such infant or child in its or his care a test for**:**

i. phenylketonuria,

ii. homozygous sickle cell disease,

iii. hypothyroidism,

iv. branched-chain ketonuria,

v. galactosemia,

vi. homocystinuria,

vii. critical congenital heart defects through pulse oximetry screening, [**and**]

viii. with regard to any newborn infant who is identified as, or 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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conducted pursuant to section twenty-five hundred-g of this title, cause to be administered to such infant a urine polymerase chain reaction (PCR) test for cytomegalovirus, unless the parent of the infant objects thereto; provided that if the commissioner determines that another test for cytomegalovirus is diagnostically equivalent to or better than the urine polymerase chain reaction test, the commissioner may, by regulation under this section, allow or require the use of that other test, and

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

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

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

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

(i) the incidence of cytomegalovirus;

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

(iii) birth defects caused by congenital cytomegalovirus;

(iv) methods of diagnosing congenital cytomegalovirus;

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

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

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