STATE OF NEW YORK

4237

2017-2018 Regular Sessions

IN SENATE

February 6, 2017

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

AN ACT to amend the public health law, the state finance law, the tax law and the vehicle and traffic law, in relation to ovarian cancer research

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

Section 1. The opening paragraph of paragraph (b) and paragraph (d) of subdivision 1 of section 2410 of the public health law, the opening paragraph of paragraph (b) as added and paragraph (d) as amended by chapter 32 of the laws of 2008, are amended to read as follows:

the governor shall appoint six regional members, three of whom shall serve as full voting members and three of whom shall serve as alternative members without voting rights. Such regional members shall be persons who have or have had breast **or ovarian** cancer, and shall be actively involved with a community-based, grass-roots breast **or ovarian** cancer organization. Two of such appointments shall be made upon the recommendation of the temporary president of the senate and two shall be made upon the recommendation of the speaker of the assembly. One regional member shall be appointed from each of the following geographic areas of the state: Long Island, New York City, the Hudson Valley, Northern New York, Central New York and Western New York. The order of appointments and recommendations for appointments and voting rights shall rotate as follows:

(d) the governor shall appoint one voting member who shall be a person who has or has survived breast **or ovarian** cancer and one voting member who shall be a person who has or has survived prostate or testicular cancer.

The governor shall designate the chair of the board. The governor, temporary president of the senate, minority leader of the senate, speaker of the assembly, and minority leader of the assembly may solicit recommendations from the Centers for Disease Control and Prevention, the National Institutes of Health, the Federal Agency For Health Care Policy

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

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and Research, and the National Academy of Sciences for appointments or recommendations for appointments to the board.

§ 2. Paragraphs (a), (b), (c), (e) and (h) of subdivision 1 of section 2411 of the public health law, as amended by section 5 of part A of chapter 60 of the laws of 2014, are amended to read as follows:

(a) Survey state agencies, boards, programs and other state governmental entities to assess what, if any, relevant data has been or is being collected which may be of use to researchers engaged in breast **or ovarian** cancer research;

(b) Consistent with the survey conducted pursuant to paragraph (a) of this subdivision, compile a list of data collected by state agencies which may be of assistance to researchers engaged in breast **or ovarian** cancer research as established in section twenty-four hundred twelve of this title;

(c) Consult with the Centers for Disease Control and Prevention, the National Institutes of Health, the Federal Agency For Health Care Policy and Research, the National Academy of Sciences and other organizations or entities which may be involved in cancer research to solicit both information regarding breast **and ovarian** cancer research projects that are currently being conducted and recommendations for future research projects;

(e) Solicit, receive, and review applications from public and private agencies and organizations and qualified research institutions for grants from the breast **and ovarian** cancer research and education fund, created pursuant to section ninety-seven-yy of the state finance law, to conduct research or educational programs which focus on the causes, prevention, screening, treatment and cure of breast **and ovarian** cancer and may include, but are not limited to mapping of breast **and ovarian** cancer, and basic, behavioral, clinical, demographic, environmental, epidemiologic and psychosocial research. The board shall make recommendations to the commissioner, and the commissioner shall, in his or her discretion, grant approval of applications for grants from those applications recommended by the board. The board shall consult with the Centers for Disease Control and Prevention, the National Institutes of Health, the Federal Agency For Health Care Policy and Research, the National Academy of Sciences, breast cancer advocacy groups, and other organizations or entities which may be involved in breast **and ovarian** cancer research to solicit both information regarding breast **and ovarian** cancer research projects that are currently being conducted and recommendations for future research projects. As used in this section, "qualified research institution" may include academic medical institutions, state or local government agencies, public or private organizations within this state, and any other institution approved by the department, which is conducting a breast **or ovarian** cancer research project or educational program. If a board member submits an application for a grant from the breast **and ovarian** cancer research and education fund, he or she shall be prohibited from reviewing and making a recommendation on the application;

(h) Meet at least six times in the first year, at the request of the chair and at any other time as the chair deems necessary. The board shall meet at least two times a year and as needed thereafter. Provided, however, that at least one such meeting a year shall be a public hearing, at which the general public may question and present information and comments to the board with respect to the operation of the health research science board, the breast **and ovarian** cancer research and education fund, and pesticide reporting established pursuant to sections

33-1205 and 33-1207 of the environmental conservation law. At such hearing, the commissioner of the department of environmental conservation or his or her designee shall make a report to the board with respect to the efficiency and utility of pesticide reporting established pursuant to sections 33-1205 and 33-1207 of the environmental conservation law. Should the existing bylaws be amended by the board, any such amendments shall be consistent with the revisions of this paragraph[~~:~~].

§ 3. Section 2412 of the public health law, as amended by chapter 219 of the laws of 1997, is amended to read as follows:

§ 2412. Agency implementation. All state agencies, including, but not limited to, the departments of agriculture and markets, environmental conservation, and health, shall review their programs and operations (pursuant to guidelines established by the board) to determine whether they currently collect data which may be of use to researchers engaged in breast, **ovarian,** prostate or testicular cancer research. Any agency collecting such data shall forward a description of the data to the health research science board.

§ 4. Section 2413 of the public health law, as amended by section 5-a of part A of chapter 60 of the laws of 2014, is amended to read as follows:

§ 2413. Biennial report. The commissioner shall submit a report on or before January first commencing in nineteen hundred ninety-nine, and biennially thereafter, to the governor, the temporary president of the senate and the speaker of the assembly concerning the operation of the health research science board. Such report shall include recommendations from the health research science board including, but not limited to, the types of data that would be useful for breast **or ovarian** cancer researchers and whether private citizen use of residential pesticides should be added to the reporting requirements. The report shall also include a summary of research requests granted or denied. In addition, such report shall include an evaluation by the commissioner, the commissioner of the department of environmental conservation and the health research science board of the basis, efficiency and scientific utility of the information derived from pesticide reporting pursuant to sections 33-1205 and 33-1207 of the environmental conservation law and recommend whether such system should be modified or continued. The report shall include a summary of the comments and recommendations presented by the public at the board's public hearings.

§ 5. Section 97-yy of the state finance law, as added by chapter 279 of the laws of 1996, subdivisions 2 and 2-a as amended by chapter 385 of the laws of 2007, and subdivision 2-b as amended by chapter 453 of the laws of 2015, is amended to read as follows:

§ 97-yy. Breast **and ovarian** cancer research and education fund. 1. There is hereby established in the joint custody of the commissioner of taxation and finance and the comptroller, a special fund to be known as the "breast **and ovarian** cancer research and education fund".

2. Such fund shall consist of all revenues received by the department of taxation and finance, pursuant to the provisions of section two hundred nine-D and section six hundred twenty-seven of the tax law, all moneys collected pursuant to section four hundred four-q of the vehicle and traffic law, as added by chapter five hundred twenty-eight of the laws of nineteen hundred ninety-nine, and all other moneys appropriated, credited, or transferred thereto from any other fund or source pursuant to law. For each state fiscal year, there shall be appropriated to the fund by the state, in addition to all other moneys required to be deposited into such fund, an amount equal to the amounts of monies collected

and deposited into the fund pursuant to sections two hundred nine-D and six hundred twenty-seven of the tax law and section four hundred four-q of the vehicle and traffic law, as added by chapter five hundred twenty-eight of the laws of nineteen hundred ninety-nine, and the amounts of moneys received and deposited into the fund from grants, gifts and bequests during the preceding calendar year, as certified by the comptroller. Nothing contained herein shall prevent the state from receiving grants, gifts or bequests for the purposes of the fund as defined in this section and depositing them into the fund according to law.

2-a. On or before the first day of February each year, the comptroller shall certify to the governor, temporary president of the senate, speaker of the assembly, chair of the senate finance committee and chair of the assembly ways and means committee, the amount of money deposited in the breast **and ovarian** cancer research and education fund during the preceding calendar year as the result of revenue derived pursuant to sections two hundred nine-D and six hundred twenty-seven of the tax law and section four hundred four-q of the vehicle and traffic law, as added by chapter five hundred twenty-eight of the laws of nineteen hundred ninety-nine, and from grants, gifts and bequests.

2-b. On or before the first day of February each year, the commissioner of health shall provide a written report to the temporary president of the senate, speaker of the assembly, chair of the senate finance committee, chair of the assembly ways and means committee, chair of the senate committee on health, chair of the assembly health committee, the state comptroller and the public. Such report shall include how the monies of the fund were utilized during the preceding calendar year, and shall include:

(i) the amount of money dispersed from the fund and the award process used for such disbursements;

(ii) recipients of awards from the fund;

(iii) the amount awarded to each;

(iv) the purposes for which such awards were granted; and

(v) a summary financial plan for such monies which shall include estimates of all receipts and all disbursements for the current and succeeding fiscal years, along with the actual results from the prior fiscal year.

3. Monies of the fund shall be expended only for breast **and ovarian** cancer research and educational projects. As used in this section, "breast **and ovarian** cancer research and education projects" means scientific research or educational projects which, pursuant to section two thousand four hundred eleven of the public health law, are approved by the department of health, upon the recommendation of the health research science board.

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

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

§ 6. Section 209-D of the tax law, as added by chapter 279 of the laws of 1996, is amended to read as follows:

§ 209-D. Gift for breast **and ovarian** cancer research and education. Effective for any tax year commencing on or after January first, nineteen hundred ninety-six, a taxpayer in any taxable year may elect to contribute to the support of the breast **and ovarian** cancer research and education fund. Such contribution shall be in any whole dollar amount

and shall not reduce the amount of the state tax owed by such taxpayer. The commissioner shall include space on the corporate income tax return to enable a taxpayer to make such contribution. Notwithstanding any other provision of law, all revenues collected pursuant to this section shall be credited to the breast **and ovarian** cancer research and education fund and shall be used only for those purposes enumerated in section ninety-seven-yy of the state finance law.

§ 7. Section 627 of the tax law, as added by chapter 279 of the laws of 1996, is amended to read as follows:

§ 627. Gift for breast **and ovarian** cancer research and education. Effective for any tax year commencing on or after January first, nineteen hundred ninety-six, an individual in any taxable year may elect to contribute to the breast **and ovarian** cancer research and education fund. Such contribution shall be in any whole dollar amount and shall not reduce the amount of state tax owed by such individual. The commissioner shall include space on the personal income tax return to enable a taxpayer to make such contribution. Notwithstanding any other provision of law all revenues collected pursuant to this section shall be credited to the breast **and ovarian** cancer research and education fund and used only for those purposes enumerated in section ninety-seven-yy of the state finance law.

§ 8. Section 404-q of the vehicle and traffic law, as added by chapter 528 of the laws of 1999, subdivision 2 as amended by section 7-a of part A of chapter 60 of the laws of 2014, is amended to read as follows:

§ 404-q. Distinctive "drive for the cure" license plates. 1. Any person residing in this state shall, upon request, be issued a distinctive "drive for the cure" license plate in support of breast, **ovarian,** prostate and testicular cancer research bearing the phrase "drive for the cure". Application for said license plate shall be filed with the commissioner in such form and detail as the commissioner shall prescribe.

2. A distinctive "drive for the cure" license plate issued pursuant to this section shall be issued in the same manner as other number plates upon the payment of the regular registration fee prescribed by section four hundred one of this article, provided, however, that an additional annual service charge of twenty-five dollars shall be charged for such plate. Twelve dollars and fifty cents from each twenty-five dollars received as annual service charges under this section shall be deposited to the credit of the breast **and ovarian** cancer research and education fund established pursuant to section ninety-seven-yy of the state finance law and shall be used for research and education programs undertaken pursuant to section twenty-four hundred ten of the public health law. Twelve dollars and fifty cents from each twenty-five dollars received as annual service charges under this section shall be deposited to the credit of the New York State prostate and testicular cancer research and education fund established pursuant to section ninety-five-e of the state finance law and shall be used for research and education programs undertaken pursuant to section ninety-five-e of the state finance law. Provided, however that one year after the effective date of this section funds in the amount of six thousand dollars, or so much thereof as may be available, shall be allocated to the department to offset costs associated with the production of such license plates.

§ 9. This act shall take effect on the sixtieth day after it shall have become a law.