

# STATE OF NEW YORK

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4237

2017-2018 Regular Sessions

## IN SENATE

February 6, 2017

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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:

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

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

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

22 The governor shall designate the chair of the board. The governor,  
23 temporary president of the senate, minority leader of the senate, speak-  
24 er of the assembly, and minority leader of the assembly may solicit  
25 recommendations from the Centers for Disease Control and Prevention, the  
26 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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1 and Research, and the National Academy of Sciences for appointments or  
2 recommendations for appointments to the board.

3 § 2. Paragraphs (a), (b), (c), (e) and (h) of subdivision 1 of section  
4 2411 of the public health law, as amended by section 5 of part A of  
5 chapter 60 of the laws of 2014, are amended to read as follows:

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

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

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

22 (e) Solicit, receive, and review applications from public and private  
23 agencies and organizations and qualified research institutions for  
24 grants from the breast and ovarian cancer research and education fund,  
25 created pursuant to section ninety-seven-yy of the state finance law, to  
26 conduct research or educational programs which focus on the causes,  
27 prevention, screening, treatment and cure of breast and ovarian cancer  
28 and may include, but are not limited to mapping of breast and ovarian  
29 cancer, and basic, behavioral, clinical, demographic, environmental,  
30 epidemiologic and psychosocial research. The board shall make recommen-  
31 dations to the commissioner, and the commissioner shall, in his or her  
32 discretion, grant approval of applications for grants from those appli-  
33 cations recommended by the board. The board shall consult with the  
34 Centers for Disease Control and Prevention, the National Institutes of  
35 Health, the Federal Agency For Health Care Policy and Research, the  
36 National Academy of Sciences, breast cancer advocacy groups, and other  
37 organizations or entities which may be involved in breast and ovarian  
38 cancer research to solicit both information regarding breast and ovarian  
39 cancer research projects that are currently being conducted and recom-  
40 mendations for future research projects. As used in this section, "qual-  
41 ified research institution" may include academic medical institutions,  
42 state or local government agencies, public or private organizations  
43 within this state, and any other institution approved by the department,  
44 which is conducting a breast or ovarian cancer research project or  
45 educational program. If a board member submits an application for a  
46 grant from the breast and ovarian cancer research and education fund, he  
47 or she shall be prohibited from reviewing and making a recommendation on  
48 the application;

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

1 33-1205 and 33-1207 of the environmental conservation law. At such hear-  
2 ing, the commissioner of the department of environmental conservation or  
3 his or her designee shall make a report to the board with respect to the  
4 efficiency and utility of pesticide reporting established pursuant to  
5 sections 33-1205 and 33-1207 of the environmental conservation law.  
6 Should the existing bylaws be amended by the board, any such amendments  
7 shall be consistent with the revisions of this paragraph[+].

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

10 § 2412. Agency implementation. All state agencies, including, but not  
11 limited to, the departments of agriculture and markets, environmental  
12 conservation, and health, shall review their programs and operations  
13 (pursuant to guidelines established by the board) to determine whether  
14 they currently collect data which may be of use to researchers engaged  
15 in breast, ovarian, prostate or testicular cancer research. Any agency  
16 collecting such data shall forward a description of the data to the  
17 health research science board.

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

21 § 2413. Biennial report. The commissioner shall submit a report on or  
22 before January first commencing in nineteen hundred ninety-nine, and  
23 biennially thereafter, to the governor, the temporary president of the  
24 senate and the speaker of the assembly concerning the operation of the  
25 health research science board. Such report shall include recommendations  
26 from the health research science board including, but not limited to,  
27 the types of data that would be useful for breast or ovarian cancer  
28 researchers and whether private citizen use of residential pesticides  
29 should be added to the reporting requirements. The report shall also  
30 include a summary of research requests granted or denied. In addition,  
31 such report shall include an evaluation by the commissioner, the commis-  
32 sioner of the department of environmental conservation and the health  
33 research science board of the basis, efficiency and scientific utility  
34 of the information derived from pesticide reporting pursuant to sections  
35 33-1205 and 33-1207 of the environmental conservation law and recommend  
36 whether such system should be modified or continued. The report shall  
37 include a summary of the comments and recommendations presented by the  
38 public at the board's public hearings.

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

43 § 97-yy. Breast and ovarian cancer research and education fund. 1.  
44 There is hereby established in the joint custody of the commissioner of  
45 taxation and finance and the comptroller, a special fund to be known as  
46 the "breast and ovarian cancer research and education fund".

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

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

10 2-a. On or before the first day of February each year, the comptroller  
11 shall certify to the governor, temporary president of the senate, speaker  
12 of the assembly, chair of the senate finance committee and chair of  
13 the assembly ways and means committee, the amount of money deposited in  
14 the breast and ovarian cancer research and education fund during the  
15 preceding calendar year as the result of revenue derived pursuant to  
16 sections two hundred nine-D and six hundred twenty-seven of the tax law  
17 and section four hundred four-q of the vehicle and traffic law, as added  
18 by chapter five hundred twenty-eight of the laws of nineteen hundred  
19 ninety-nine, and from grants, gifts and bequests.

20 2-b. On or before the first day of February each year, the commissioner  
21 of health shall provide a written report to the temporary president  
22 of the senate, speaker of the assembly, chair of the senate finance  
23 committee, chair of the assembly ways and means committee, chair of the  
24 senate committee on health, chair of the assembly health committee, the  
25 state comptroller and the public. Such report shall include how the  
26 monies of the fund were utilized during the preceding calendar year, and  
27 shall include:

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

30 (ii) recipients of awards from the fund;

31 (iii) the amount awarded to each;

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

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

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

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

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

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

52 § 209-D. Gift for breast and ovarian cancer research and education.  
53 Effective for any tax year commencing on or after January first, nineteen  
54 hundred ninety-six, a taxpayer in any taxable year may elect to  
55 contribute to the support of the breast and ovarian cancer research and  
56 education fund. Such contribution shall be in any whole dollar amount

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

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

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

22 § 8. Section 404-q of the vehicle and traffic law, as added by chapter  
23 528 of the laws of 1999, subdivision 2 as amended by section 7-a of part  
24 A of chapter 60 of the laws of 2014, is amended to read as follows:

25 § 404-q. Distinctive "drive for the cure" license plates. 1. Any  
26 person residing in this state shall, upon request, be issued a distinc-  
27 tive "drive for the cure" license plate in support of breast, ovarian,  
28 prostate and testicular cancer research bearing the phrase "drive for  
29 the cure". Application for said license plate shall be filed with the  
30 commissioner in such form and detail as the commissioner shall  
31 prescribe.

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

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