

# STATE OF NEW YORK

4194

2019-2020 Regular Sessions

## IN SENATE

March 4, 2019

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

AN ACT to amend the public health law, in relation to establishing a lymphedema and lymphatic diseases research grants program; and to amend the state finance law, in relation to creating the lymphedema and lymphatic diseases research and education fund

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

Section 1. The public health law is amended by adding a new section 207-b to read as follows:

§ 207-b. Lymphedema and lymphatic diseases research grants program. 1. The department shall, within available appropriations, establish the lymphedema and lymphatic diseases research grants program, hereafter "grants program." Such grants program funds shall be used to provide financial assistance in the form of grants, not to exceed fifty thousand dollars per grant, to New York state biomedical research institutions for working capital to further new and emerging research and development for the diagnosis and treatment of lymphedema and lymphatic diseases. Such grants shall be awarded on a competitive basis to biomedical research institutions responding to requests for proposals issued by the foundation when funds are appropriated.

2. (a) "Biomedical research institution" shall mean a not-for-profit university, college, hospital, private or federal research laboratory located in New York state, or a consortium of such entities, that conducts an intensive and ongoing program of research and development directly related to lymphedema and/or lymphatic diseases research.

(b) "Lymphedema" shall mean an accumulation of lymphatic fluid in the interstitial tissue that causes swelling, most often in the arms and/or legs, and occasionally in other parts of the body, from any cause.

(c) "Lymphatic diseases" shall include but not be limited to: insufficiency of lymphatic circulatory function (to include all forms of

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

LBD03594-01-9

1 lymphedema), lipedema, complex congenital diseases of the lymphatic  
2 vasculature, including lymphangiomatosis, lymphangioleio-myomatosis,  
3 lymphangiectasias, lymphangiomas, cystic hygromas, Gorham's disease,  
4 lymphangiosarcoma, and complex vascular/lymphatic malformations.

5 3. In addition to such other criteria as the department may adopt in  
6 rules and regulations for the consideration of applications for grants  
7 pursuant to subdivision one of this section, the foundation shall:

8 (a) determine that the applicant is unable to obtain sufficient fund-  
9 ing on reasonable terms from other public or private sources to permit  
10 the institution's planned investment to proceed without the required  
11 assistance;

12 (b) give priority to those applications for assistance from biomedical  
13 research institutions that secure private support for research or commit  
14 new resources to the expansion of lymphedema and lymphatic diseases  
15 research; and

16 (c) consider the potential long term economic benefits to the state of  
17 awarding the specific grant and whether the grant will result in a  
18 reasonable likelihood of success in meeting the purposes for which it  
19 was sought by the applicant.

20 4. The department may apply to the national institutes of health, the  
21 United States department of health and human services, and other appro-  
22 priate federal, public, and private entities for funding. Such monies  
23 shall be deposited into the lymphedema and lymphatic diseases research  
24 and education fund, established pursuant to section ninety-nine-ff of  
25 the state finance law.

26 5. The department shall submit to the governor, the speaker of the  
27 assembly, the temporary president of the senate, and to any other state  
28 legislator at his or her request, a report on the grants program by  
29 September first, two thousand twenty-one and annually thereafter. Such  
30 report shall include, for each grant awarded, the name and location of  
31 the recipient, a description of the product, device, technique, system  
32 or process being researched and developed, the recipient's relationship  
33 to the research institution, the amount and use of the grant, the total  
34 project cost, and such other information as the department shall deem  
35 appropriate. Such report shall also include a list of all applicants and  
36 their contact information, regardless of receiving a grant, in order to  
37 help demonstrate the need for future funds.

38 6. Nothing in this section shall require the department to disclose  
39 any matters involving confidential intellectual property or work prod-  
40 uct, whether patentable or not, including any formula, plan, pattern,  
41 process, tool, mechanism, compound, procedure, production data or compi-  
42 lation of information, which is not patented, but which is known only to  
43 certain individuals who are using it to fabricate, produce or compound  
44 an article of trade or service having commercial value and which gives  
45 its user an opportunity to obtain a business advantage over competitors  
46 who do not know it or use it.

47 § 2. The state finance law is amended by adding a new section 99-ff to  
48 read as follows:

49 § 99-ff. Lymphedema and lymphatic diseases research and education  
50 fund. 1. There is hereby established in the joint custody of the commis-  
51 sioner of taxation and finance and the comptroller, a special fund to be  
52 known as the lymphedema and lymphatic diseases research and education  
53 fund, hereafter the "fund".

54 2. Such fund shall consist of all monies appropriated, credited, or  
55 transferred thereto from any other fund or source pursuant to law.  
56 Nothing contained in this section shall prevent the state from receiving

1 grants, gifts or bequests for the purposes of the fund as defined in  
2 this section and depositing them into the fund according to law.

3 3. Monies of the fund shall be expended only for lymphedema and lymphatic diseases research and education projects approved by the department of health.

4 4. (a) "Lymphedema" shall mean an accumulation of lymphatic fluid in  
5 the interstitial tissue that causes swelling, most often in the arms  
6 and/or legs, and occasionally in other parts of the body, regardless of  
7 cause.

8 (b) "Lymphatic diseases" shall include but not be limited to: insufficiency of lymphatic circulatory function (to include all forms of lymphedema), lipedema, complex congenital diseases of the lymphatic vasculature, including lymphangiomatosis, lymphangioleio-myomatosis, lymphangiectasias, lymphangiomas, cystic hygromas, Gorham's disease, lymphangiosarcoma, and complex vascular/lymphatic malformations.

9 (c) "Lymphedema and lymphatic diseases research and education projects" shall mean research by qualified researchers, as determined by the department of health, to stimulate research on the pathogenesis and new treatments for lymphedema and lymphatic diseases. Education projects are those projects which promote and provide information on lymphedema and lymphatic diseases including: prevention, diagnosis, treatment, long-term chronic care, and/or research by qualified organizations as determined by the department of health.

10 5. 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.

11 6. 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.

12 § 3. This act shall take effect immediately.