

# STATE OF NEW YORK

---

5649

2019-2020 Regular Sessions

## IN ASSEMBLY

February 14, 2019

---

Introduced by M. of A. ROZIC, BICHOTTE, COLTON, CRESPO, D'URSO, GUNTHER, JONES, OTIS, CROUCH -- Multi-Sponsored by -- M. of A. WEPRIN -- read once and referred 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.

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

LBD01113-01-9

§ 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 or 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 [~~cancer~~] and ovarian cancers, 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 and ovarian 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 and 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

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

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

8 § 2412. Agency implementation. All state agencies, including, but not  
9 limited to, the departments of agriculture and markets, environmental  
10 conservation, and health, shall review their programs and operations  
11 (pursuant to guidelines established by the board) to determine whether  
12 they currently collect data which may be of use to researchers engaged  
13 in breast, ovarian, prostate or testicular cancer research. Any agency  
14 collecting such data shall forward a description of the data to the  
15 health research science board.

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

19 § 2413. Biennial report. The commissioner shall submit a report on or  
20 before January first commencing in nineteen hundred ninety-nine, and  
21 biennially thereafter, to the governor, the temporary president of the  
22 senate and the speaker of the assembly concerning the operation of the  
23 health research science board. Such report shall include recommendations  
24 from the health research science board including, but not limited to,  
25 the types of data that would be useful for breast and ovarian cancer  
26 researchers and whether private citizen use of residential pesticides  
27 should be added to the reporting requirements. The report shall also  
28 include a summary of research requests granted or denied. In addition,  
29 such report shall include an evaluation by the commissioner, the commis-  
30 sioner of the department of environmental conservation and the health  
31 research science board of the basis, efficiency and scientific utility  
32 of the information derived from pesticide reporting pursuant to sections  
33 33-1205 and 33-1207 of the environmental conservation law and recommend  
34 whether such system should be modified or continued. The report shall  
35 include a summary of the comments and recommendations presented by the  
36 public at the board's public hearings.

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

41 § 97-yy. Breast and ovarian cancer research and education fund. 1.  
42 There is hereby established in the joint custody of the commissioner of  
43 taxation and finance and the comptroller, a special fund to be known as  
44 the "breast and ovarian cancer research and education fund".

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

1 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  
2 moneys received and deposited into the fund from grants, gifts and  
3 bequests during the preceding calendar year, as certified by the comptroller. Nothing contained herein shall prevent the state from receiving  
4 grants, gifts or bequests for the purposes of the fund as defined in  
5 this section and depositing them into the fund according to law.

6 2-a. On or before the first day of February each year, the comptroller  
7 shall certify to the governor, temporary president of the senate, speaker  
8 of the assembly, chair of the senate finance committee and chair of  
9 the assembly ways and means committee, the amount of money deposited in  
10 the breast and ovarian cancer research and education fund during the  
11 preceding calendar year as the result of revenue derived pursuant to  
12 sections two hundred nine-D and six hundred twenty-seven of the tax law  
13 and section four hundred four-q of the vehicle and traffic law, as added  
14 by chapter five hundred twenty-eight of the laws of nineteen hundred  
15 ninety-nine, and from grants, gifts and bequests.

16 2-b. On or before the first day of February each year, the commissioner  
17 of health shall provide a written report to the temporary president  
18 of the senate, speaker of the assembly, chair of the senate finance  
19 committee, chair of the assembly ways and means committee, chair of the  
20 senate committee on health, chair of the assembly health committee, the  
21 state comptroller and the public. Such report shall include how the  
22 monies of the fund were utilized during the preceding calendar year, and  
23 shall include:

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

26 (ii) recipients of awards from the fund;

27 (iii) the amount awarded to each;

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

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

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

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

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

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

46 § 209-D. Gift for breast and ovarian cancer research and education.  
47 Effective for any tax year commencing on or after January first, nineteen hundred ninety-six, a taxpayer in any taxable year may elect to  
48 contribute to the support of the breast and ovarian cancer research and  
49 education fund. Such contribution shall be in any whole dollar amount  
50 and shall not reduce the amount of the state tax owed by such taxpayer.  
51 The commissioner shall include space on the corporate income tax return

1 to enable a taxpayer to make such contribution. Notwithstanding any  
2 other provision of law, all revenues collected pursuant to this section  
3 shall be credited to the breast and ovarian cancer research and educa-  
4 tion fund and shall be used only for those purposes enumerated in  
5 section ninety-seven-yy of the state finance law.

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

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

20 § 8. Section 404-q of the vehicle and traffic law, as added by chapter  
21 528 of the laws of 1999 and subdivision 2 as amended by section 7-a of  
22 part A of chapter 60 of the laws of 2014, is amended to read as follows:

23 § 404-q. Distinctive "drive for the cure" license plates. 1. Any  
24 person residing in this state shall, upon request, be issued a distinc-  
25 tive "drive for the cure" license plate in support of breast, ovarian,  
26 prostate and testicular cancer research bearing the phrase "drive for  
27 the cure". Application for said license plate shall be filed with the  
28 commissioner in such form and detail as the commissioner shall  
29 prescribe.

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

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