STATE OF NEW YORK

4948

2019-2020 Regular Sessions

IN SENATE

April 2, 2019

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

AN ACT to amend the workers' compensation law and the public health law, in relation to occupational safety and health prevention centers located at the city university of New York Barry Commoner Center for Health and Environment and the occupational health clinical center at the Upstate Medical University of the state university of New York

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

Section 1. Subdivision 3 of section 151 of the workers' compensation law, as amended by section 1 of subpart J of part NNN of chapter 59 of the laws of 2017, is amended to read as follows:

3. The chair and department of audit and control annually as soon as practicable after the first of April of each year shall ascertain the actual total amount of expenses, including in addition to the direct costs of personal service, the cost of maintenance and operation, the cost of retirement contributions made and workers' compensation premiums paid by the state for or on account of personnel, rentals for space occupied in state owned or state leased buildings, such additional sum as may be certified to the chair and the department of audit and control as a reasonable compensation for services rendered by the department of law and expenses incurred by such department, for transfer into the training and educational program on occupational safety and health fund created pursuant to chapter eight hundred eighty-six of the laws of nineteen hundred eighty-five and section ninety-seven-c of the state finance law, for the New York state occupational health clinics network, for the department of labor occupational safety and health program**, the occupational safety and health prevention centers pursuant to title six of article twenty-nine-D of the public health law** and for transfer into the uninsured employers' fund pursuant to subdivision two of section twenty-six-a of this chapter, and all other direct or indirect costs,

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

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incurred by the board in connection with the administration of this chapter, except those expenses for which an assessment is authorized for self-insurance pursuant to subdivision five of section fifty of this chapter. Assessments pursuant to subparagraph four of paragraph (h) of subdivision eight of section fifteen of this chapter for the special disability fund, pursuant to section fifty-c of this chapter for the self insurer offset fund, pursuant to subdivision three of section twenty-five-a of this chapter for the fund for reopened cases, and pursuant to section two hundred fourteen of this chapter for the special fund for disability benefits shall be included in the total amount of expenses for the purposes of this subdivision. Any overpayment of annual assessments resulting from the requirements of this subdivision shall be applied as a credit against the future assessment rate provided the fund balance shall not be reduced below five percent of the total amount assessed. **For the New York state occupational health clinics network, the department of labor occupational safety and health program, and the occupational safety and health prevention centers pursuant to title six of article twenty-nine-D of the public health law, the state shall appropriate funds annually in an amount not less than the amount appropriated and made available in the previous state fiscal year; provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and speaker of the assembly, state support for these programs may be reduced in a manner proportionate to one another, and the aforementioned appropriation provisions shall not apply.**

§ 2. Article 29-D of the public health law is amended by adding a new title 6 to read as follows:

TITLE 6

OCCUPATIONAL SAFETY AND HEALTH PREVENTION CENTERS

Section 2999-m-1. Occupational safety and health prevention centers.
2999-m-2. Purpose of centers.
2999-m-3. Prevention data analysis and dissemination.
2999-m-4. Immigrant and vulnerable work force.
2999-m-5. Secondary prevention of occupational diseases.

§ 2999-m-1. Occupational safety and health prevention centers. There are hereby established two occupational safety and health prevention centers referred to in this title as "the prevention centers". One such center shall be located at the City University of New York Barry Commoner Center for Health and Environment, and the other shall be located at the Occupational Health Clinical Center at the Upstate Medical University of the State University of New York.

§ 2999-m-2. Purpose of centers. The purpose of the prevention centers is to identify, promote and implement strategies throughout New York state to prevent occupational illnesses and injuries and their related mortality and disability.

§ 2999-m-3. Prevention data analysis and dissemination. The prevention centers will identify, access and analyze all available federal, state and local government collected occupational health and hazard data relevant to New York state in order to identify opportunities to implement prevention strategies. These analyses will form the basis for developing prevention projects with labor, business, government and other stakeholders in order to prevent occupational injury and illnesses.

§ 2999-m-4. Immigrant and vulnerable work force. The prevention centers will investigate the occupational health and hazards to immi-

grant workers and other workers who are engaged in temporary or contingent work in New York state and identify opportunities in education, research, and policy to address those hazards in collaboration with all relevant stakeholders.

§ 2999-m-5. Secondary prevention of occupational diseases. In view of the prevention components required of health insurance plans under the affordable care and patient protection act of 2010, the prevention centers will educate, promote, and advocate for the early detection of occupational illnesses and injuries through improved utilization of mandated preventive services. In collaboration with the occupational health clinic network and other relevant parties, the prevention centers will develop and implement a strategy to identify, notify, and recruit workers at high risk of lung cancer due to past exposures to asbestos, silica, diesel exhaust, beryllium and other lung carcinogens to facilitate their participation in low dose CT scanning programs for lung cancer screening in New York state.

§ 3. Section 2490 of the public health law, as amended by chapter 139 of the laws of 2008, is amended to read as follows:

§ 2490. Oversight committee. 1. There is hereby established the occupational health clinics and prevention centers oversight committee to be comprised of the following persons or their designees: the commissioner of health; the commissioner of labor; the chairperson of the workers' compensation board; six persons appointed by the governor, one of whom shall be on nomination of the New York state American federation of labor-congress of industrial organizations, and one of whom shall be on the nomination of the business council of the state of New York; two persons appointed by the temporary president of the senate; two persons appointed by the speaker of the assembly; one person appointed by the minority leader of the senate and one person appointed by the minority leader of the assembly. The governor shall designate a chairperson from among the members of the committee. The initial appointments shall be made on or before September first, two thousand eight.

2. The committee shall meet at least four times a year. Special meetings may be called by the chairperson.

3. Members of the oversight committee shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties hereunder.

4. Vacancies shall be filled in the same manner as the original appointments.

5. The committee shall make recommendations to the governor and the legislature on or before [~~September thirtieth, two thousand nine,~~] December thirty-first, two thousand twenty regarding:

(a) statewide needs to be met by the [~~network~~] prevention centers;

(b) coordination of clinic and prevention center activities with not-for-profit, private sector concerns and state agencies, including but not limited to an evaluation of current jurisdictional and oversight responsibilities;

(c) coordination and sharing of clinic resources and services;

(d) dissemination of research results and educational information;

(e) identification of funding sources for the prevention centers and the network;

(f) the activities of the clinics and prevention centers and their effectiveness in meeting the objectives as set forth in statute and in clinic specific contracts with the state;

(g) local, regional, occupation or business sector specific needs that may be met by one or more clinic or prevention center;

(h) other issues as determined by the oversight committee; and

(i) incorporation of provisions to implement its recommendations in requests for applications of state funding for occupational health clinics **and prevention centers**.

§ 4. Section 2490-a of the public health law, as added by chapter 139 of the laws of 2008, is amended to read as follows:

§ 2490-a. Occupational health clinic **and prevention center** advisory committees. The chief executive officer of every clinic in the occupational health clinic network **and prevention center** shall convene an advisory committee consisting of two local representatives each of business, labor unions, public health agencies and community groups which shall be selected in consultation with the occupational health clinics **and prevention centers** oversight committee. The oversight committee will assist in the development of policies, the creation and implementation of a targeted outreach plan for working with business, unions and workers, an assessment of clinic-specific funding needs and potential funding sources, and overall guidance for the clinics **and prevention centers** on an ongoing basis.

§ 5. This act shall take effect on the thirtieth day following a first appropriation for the prevention centers for a state fiscal year; provided that the commissioner of health shall notify the legislative bill drafting commission upon the occurrence of such appropriation in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.