STATE OF NEW YORK

1147

2021-2022 Regular Sessions

IN SENATE

January 7, 2021

Introduced by Sen. KAMINSKY -- 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 municipal epinephrine bulk purchase program; and to amend the tax law and the state finance law, in relation to establishing the municipal epinephrine bulk purchase fund and providing for taxpayer gifts thereto

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

Section 1. Section 206 of the public health law is amended by adding a new subdivision 31 to read as follows:

31. The commissioner is authorized to approve and implement a municipal epinephrine bulk purchase program designed to assist municipalities to make bulk purchases of epinephrine for use by municipal first responder agencies and elementary and secondary schools in such municipality. The commissioner may establish rules and regulations pertaining to assisting municipalities with the purchasing and distribution of epinephrine by municipalities.

§ 2. The tax law is amended by adding a new section 209-N to read as follows:

§ 209-N. Gift for municipal epinephrine bulk purchases. A taxpayer in any taxable year may elect to contribute to the support of the municipal epinephrine bulk purchase 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 municipal epinephrine bulk purchase fund and shall be used only for those purposes enumerated in section ninety-seven-uuuu of the state finance law.

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

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§ 3. The tax law is amended by adding a new section 630-i to read as follows:

§ 630-i. Gift for municipal epinephrine bulk purchases. An individual in any taxable year may elect to contribute to the municipal epinephrine bulk purchase 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 municipal epinephrine bulk purchase fund and used only for those purposes enumerated in section ninety-seven-uuuu of the state finance law.

§ 4. The state finance law is amended by adding a new section 97-uuuu to read as follows:

§ 97-uuuu. Municipal epinephrine bulk purchase 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 "municipal epinephrine bulk purchase 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-N and section six hundred thirty-i of the tax law, and all other moneys appropriated, credited or transferred thereto from any other fund or source pursuant to law. Nothing contained in this section 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.

3. Monies of the fund shall be expended to provide price reductions for municipalities purchasing epinephrine for municipal first responder agencies and elementary and secondary schools located within such municipalities pursuant to the municipal epinephrine bulk purchase program established by the commissioner of health pursuant to subdivision thirty-one of section two hundred six of the public health law.

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. 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:

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

(b) recipients of awards from the fund;

(c) the amount awarded to each recipient;

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

(e) 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.

§ 5. This act shall take effect immediately.