

# STATE OF NEW YORK

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3051

2021-2022 Regular Sessions

## IN SENATE

January 27, 2021

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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:

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

4 3. The chair and department of audit and control annually as soon as  
5 practicable after the first of April of each year shall ascertain the  
6 actual total amount of expenses, including in addition to the direct  
7 costs of personal service, the cost of maintenance and operation, the  
8 cost of retirement contributions made and workers' compensation premiums  
9 paid by the state for or on account of personnel, rentals for space  
10 occupied in state owned or state leased buildings, such additional sum  
11 as may be certified to the chair and the department of audit and control  
12 as a reasonable compensation for services rendered by the department of  
13 law and expenses incurred by such department, for transfer into the  
14 training and educational program on occupational safety and health fund  
15 created pursuant to chapter eight hundred eighty-six of the laws of  
16 nineteen hundred eighty-five and section ninety-seven-c of the state  
17 finance law, for the New York state occupational health clinics network,  
18 for the department of labor occupational safety and health program, the  
19 occupational safety and health prevention centers pursuant to title six  
20 of article twenty-nine-D of the public health law and for transfer into  
21 the uninsured employers' fund pursuant to subdivision two of section  
22 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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1 incurred by the board in connection with the administration of this  
2 chapter, except those expenses for which an assessment is authorized for  
3 self-insurance pursuant to subdivision five of section fifty of this  
4 chapter. Assessments pursuant to subparagraph four of paragraph (h) of  
5 subdivision eight of section fifteen of this chapter for the special  
6 disability fund, pursuant to section fifty-c of this chapter for the  
7 self insurer offset fund, pursuant to subdivision three of section twen-  
8 ty-five-a of this chapter for the fund for reopened cases, and pursuant  
9 to section two hundred fourteen of this chapter for the special fund for  
10 disability benefits shall be included in the total amount of expenses  
11 for the purposes of this subdivision. Any overpayment of annual assess-  
12 ments resulting from the requirements of this subdivision shall be  
13 applied as a credit against the future assessment rate provided the fund  
14 balance shall not be reduced below five percent of the total amount  
15 assessed. For the New York state occupational health clinics network,  
16 the department of labor occupational safety and health program, and the  
17 occupational safety and health prevention centers pursuant to title six  
18 of article twenty-nine-D of the public health law, the state shall  
19 appropriate funds annually in an amount not less than the amount appro-  
20 priated and made available in the previous state fiscal year; provided,  
21 however, that if the governor declares a fiscal emergency, and communi-  
22 cates such emergency to the temporary president of the senate and speak-  
23 er of the assembly, state support for these programs may be reduced in a  
24 manner proportionate to one another, and the aforementioned appropri-  
25 ation provisions shall not apply.

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

## 28 TITLE 6

### 29 OCCUPATIONAL SAFETY AND HEALTH PREVENTION CENTERS

30 Section 2999-m-1. Occupational safety and health prevention centers.

31 2999-m-2. Purpose of centers.

32 2999-m-3. Prevention data analysis and dissemination.

33 2999-m-4. Immigrant and vulnerable work force.

34 2999-m-5. Secondary prevention of occupational diseases.

35 § 2999-m-1. Occupational safety and health prevention centers. There  
36 are hereby established two occupational safety and health prevention  
37 centers referred to in this title as "the prevention centers". One such  
38 center shall be located at the City University of New York Barry Common-  
39 er Center for Health and Environment, and the other shall be located at  
40 the Occupational Health Clinical Center at the Upstate Medical Universi-  
41 ty of the State University of New York.

42 § 2999-m-2. Purpose of centers. The purpose of the prevention centers  
43 is to identify, promote and implement strategies throughout New York  
44 state to prevent occupational illnesses and injuries and their related  
45 mortality and disability.

46 § 2999-m-3. Prevention data analysis and dissemination. The  
47 prevention centers will identify, access and analyze all available  
48 federal, state and local government collected occupational health and  
49 hazard data relevant to New York state in order to identify opportu-  
50 nities to implement prevention strategies. These analyses will form the  
51 basis for developing prevention projects with labor, business, govern-  
52 ment and other stakeholders in order to prevent occupational injury and  
53 illnesses.

54 § 2999-m-4. Immigrant and vulnerable work force. The prevention  
55 centers will investigate the occupational health and hazards to immi-

1 grant workers and other workers who are engaged in temporary or contin-  
2 gent work in New York state and identify opportunities in education,  
3 research, and policy to address those hazards in collaboration with all  
4 relevant stakeholders.

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

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

19 § 2490. Oversight committee. 1. There is hereby established the occu-  
20 pational health clinics and prevention centers oversight committee to be  
21 comprised of the following persons or their designees: the commissioner  
22 of health; the commissioner of labor; the chairperson of the workers'  
23 compensation board; six persons appointed by the governor, one of whom  
24 shall be on nomination of the New York state American federation of  
25 labor-congress of industrial organizations, and one of whom shall be on  
26 the nomination of the business council of the state of New York; two  
27 persons appointed by the temporary president of the senate; two persons  
28 appointed by the speaker of the assembly; one person appointed by the  
29 minority leader of the senate and one person appointed by the minority  
30 leader of the assembly. The governor shall designate a chairperson from  
31 among the members of the committee. The initial appointments shall be  
32 made on or before September first, two thousand eight.

33 2. The committee shall meet at least four times a year. Special meet-  
34 ings may be called by the chairperson.

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

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

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

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

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

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

49 (d) dissemination of research results and educational information;

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

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

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

1 (h) other issues as determined by the oversight committee; and  
2 (i) incorporation of provisions to implement its recommendations in  
3 requests for applications of state funding for occupational health clin-  
4 ics and prevention centers.

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

7 § 2490-a. Occupational health clinic and prevention center advisory  
8 committees. The chief executive officer of every clinic in the occupa-  
9 tional health clinic network and prevention center shall convene an  
10 advisory committee consisting of two local representatives each of busi-  
11 ness, labor unions, public health agencies and community groups which  
12 shall be selected in consultation with the occupational health clinics  
13 and prevention centers oversight committee. The oversight committee will  
14 assist in the development of policies, the creation and implementation  
15 of a targeted outreach plan for working with business, unions and work-  
16 ers, an assessment of clinic-specific funding needs and potential fund-  
17 ing sources, and overall guidance for the clinics and prevention centers  
18 on an ongoing basis.

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