STATE OF NEW YORK

2762

2023-2024 Regular Sessions

IN ASSEMBLY

January 27, 2023

Introduced by M. of A. TAGUE, DeSTEFANO, MILLER, DURSO -- read once and referred to the Committee on Health

AN ACT to authorize and direct the commissioner of health to designate HTLV-1 and HTLV-2 communicable diseases; and to amend the public health law, in relation to the HTLV-1 and HTLV-2 viruses

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

Section 1. The commissioner of health is hereby authorized and directed to include HTLV-1 and HTLV-2 in the list of communicable diseases in the New York state sanitary code.

§ 2. Article 21 of the public health law is amended by adding a new title 9 to read as follows:

TITLE IX

HTLV-1 AND HTLV-2

Section 2185. HTLV-1 and HTLV-2; duty to report.
2186. HTLV-1 and HTLV-2; educational materials.
2187. Rules and regulations.

§ 2185. HTLV-1 and HTLV-2; duty to report. 1. Every physician or other person authorized by law to order diagnostic tests or make a medical diagnosis, or any laboratory performing such tests shall immediately upon (a) determination that a person is infected with HTLV-1 or HTLV-2, and (b) periodic monitoring of HTLV-1 and HTLV-2 infections by any laboratory tests report such case or data to the commissioner within twenty-four hours from the time the case is first seen. If a coroner, pathologist, medical examiner, or other person qualified to conduct an examination of a deceased person discovers that at the time of death the individual was afflicted with HTLV-1 or HTLV-2, he or she shall report the case within twenty-four hours to the commissioner as if the diagnosis had been established prior to death.

2. Reports required under this section shall contain such information concerning the case as shall be required by the commissioner. These

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

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reports shall contain, but need not be limited to, all medical information required to establish accurate numbers for statewide prevalence, rates of annual incidence, and morbidity and mortality rates.

3. All reports or information secured by the department under the provisions of this title shall be confidential except: (a) in so far as is necessary to carry out the provisions of this title; (b) when used in the aggregate, without patient specific identifying information, in programs approved by the commissioner for the improvement of the quality of medical care provided to persons with HTLV-1 or HTLV-2; (c) when used within the state or local health department by public health disease programs to assess co-morbidity or completeness of reporting and to direct program needs, in which case patient specific identifying information shall not be disclosed outside the state or local health department; or (d) when used for purposes of patient linkage and retention in care, patient specific identified information may be shared between local and state health departments and health care providers currently treating the patient as approved by the commissioner.

§ 2186. HTLV-1 and HTLV-2; educational materials. 1. The commissioner shall develop, produce and make available to physicians, other health care providers, and other persons at high risk for HTLV-1 and HTLV-2 educational materials, in written and electronic forms, on the diagnosis, treatment and prevention of HTLV-1 and HTLV-2. Such materials shall be written in terms which are understandable by members of the general public. Such materials shall include information and assistance on where to find community support services, support groups, respite, and care management. In instances in which viral typing is possible, these materials shall direct to virus specific community support services, support groups, respite, and care management as HTLV-1 and HTLV-2 are two different retroviruses with differing epidemiologies and disease associations requiring specific recommendations for persons infected with HTLV-1 or HTLV-2.

2. These materials shall be made available to the public free of charge. The commissioner shall make these materials available to clinics that specialize in sexually transmitted diseases, health care facilities, and department of corrections and community supervision facilities.

3. The commissioner shall ensure that all information and materials produced under this section are maintained and updated to reflect best practice recommendations and are culturally and linguistically appropriate for the communities the materials are made available to. The department shall post the same information on its website.

§ 2187. Rules and regulations. The commissioner shall promulgate such rules and regulations as shall be necessary and proper to effectuate the purposes of this title.

§ 3. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment, and/or repeal of any rule or regulation necessary to implement the provisions of this act on its effective date are authorized to be made or completed on or before such effective date.