STATE OF NEW YORK

6314

2023-2024 Regular Sessions

IN ASSEMBLY

April 3, 2023

Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to creating an educational pamphlet regarding the importance of prostate-specific antigen testing

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

Section 1. Section 2404-a of the public health law, as amended by chapter 335 of the laws of 2018, is amended to read as follows:

§ 2404-a. Prostate cancer; duty to inform**; educational pamphlet**. 1. The commissioner shall develop [~~a standardized written summary~~] **an educational pamphlet**, in plain non-technical language, which shall explain the following:

(a) the symptoms and risk factors for prostate cancer;

(b) the available methods for the detection and diagnosis of prostate cancer, including information on the relative accuracy of the available detection and diagnostic techniques**, including, but not limited to, prostate-specific antigen testing**;

(c) the availability of insurance coverage for diagnostic screening for prostate cancer without cost sharing pursuant to subparagraph (B) of paragraph eleven-a of subsection (i) of section three thousand two hundred sixteen, subparagraph (B) of paragraph eleven-a of subsection (1) of section three thousand two hundred twenty-one and paragraph two of subsection (z-1) of section four thousand three hundred three of the insurance law; and

(d) the alternative medically viable methods of treating prostate cancer, including but not limited to hormonal, radiological, chemotherapeutic or surgical treatments, or combinations thereof. The [~~summary~~] **educational pamphlet** shall contain information on prostate post-treatment risks and other pertinent information to aid a person in deciding a

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

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course of treatment. The [~~summary~~] **educational pamphlet** shall be updated as is necessary.

2. The [~~summary~~] **educational pamphlet** shall be provided to any health care provider or practitioner providing medical treatment to adult men **with a prostate** without charge or fee for distribution in accordance with subdivision three of this section.

3. The [~~standardized written summary~~] **educational pamphlet** provided for by subdivision one of this section may be provided by a health care provider to [~~each person~~] **adult men with a prostate** under his or her care [~~who~~]**. Health care providers may provide to and discuss with each adult man with a prostate under his or her care the educational pamphlet where such adult man with a prostate** is or may be at risk for prostate cancer or who has been diagnosed to be afflicted with prostate cancer upon said diagnosis, or as soon thereafter as practicable. **The informational pamphlet shall be written in layperson's language and shall be made available in English and the six most common non-English languages spoken by individuals with limited English proficiency in New York state as based on the most recent census.**

4. Nothing in this section shall be construed to create a cause of action for lack of informed consent in any instance in which such cause of action would be limited by section twenty-eight hundred five-d of this chapter.

[~~5. The commissioner shall have the written summary, required by this section, completed and prepared for distribution on or before January first, nineteen hundred ninety-eight.~~]

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.