STATE OF NEW YORK

8053--A

2023-2024 Regular Sessions

IN ASSEMBLY

September 27, 2023

Introduced by M. of A. GONZALEZ-ROJAS, PAULIN, HEVESI, LEVENBERG, SIMON, DAVILA, SILLITTI -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to establishing a COVID-19 pandemic response study commission

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

Section 1. Section 2180 of the public health law is amended by adding two new subdivisions 14 and 15 to read as follows:

14. "COVID-19 pandemic" means the pandemic of COVID-19 beginning in or about February, two thousand twenty.

15. "Commission" means the COVID-19 pandemic response study commission established pursuant to section twenty-one hundred eighty-four of this title.

§ 2. The public health law is amended by adding a new section 2184 to read as follows:

§ 2184. COVID-19 pandemic response study commission. 1. (a) There is hereby established in the department a COVID-19 pandemic response study commission to study the state's response to the COVID-19 pandemic and to make recommendations.

(b) The commission shall consist of sixteen voting members as follows, after receiving the recommendations received by the commissioner pursuant to paragraph (c) of this subdivision: eight shall be appointed by the governor, one of whom shall be designated by the governor as the chair of the commission; three shall be appointed by the temporary president of the senate; three shall be appointed by the speaker of the assembly; one shall be appointed by the senate minority leader; and one shall be appointed by the assembly minority leader. At least half of the

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

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appointees of each appointing officer, respectively, shall be chosen from the recommendations of the commissioner pursuant to paragraph (c) of this subdivision. The commissioner and the commissioner of the division of homeland security and emergency services, or their respective designees, shall be ex officio non-voting members of the commission. If a vacancy occurs in the membership of the commission, it shall be filled by appointment by the respective appointing officer.

(c) The commissioner shall consult with the commissioner of the division of homeland security and emergency services, the county health commissioners, the New York city commissioner of health and mental hygiene, the local health officers, and the deans of the schools of public health in the state, to solicit recommendations (which may include themselves) for appointment to the commission. The commissioner shall advise the governor, the temporary president of the senate, the speaker of the assembly, the senate minority leader and the assembly minority leader of the recommendations the commissioner receives pursuant to this paragraph.

(d) A majority of the members appointed to the commission shall constitute a quorum to hold a meeting and to conduct official business. The commission shall act by the majority vote of the members appointed to the commission.

(e) All members of the commission shall be selected by the appointing officials based on the member's expertise and experience in relevant fields such as health care, public health, emergency procurement, emergency management, labor and business. At least one member shall have expertise or experience in addressing the health care needs of underserved communities disproportionately affected by COVID-19.

(f) Members of the commission shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties under this section. Members of the commission shall not be precluded from holding other state or local government office or employment.

(g) The commission may request and shall receive the assistance of any federal, state or local government official or entity in carrying out its functions. The commission may receive financial support for carrying out its functions from any federal, state or non-profit entity.

2. (a) The commission shall study the response to the COVID-19 pandemic by state and local governments, public entities, health care institutions and providers, educational institutions, other institutions and entities, and the public, including, but not limited to: hospitals, nursing homes, jails, prisons, other secure facilities, and other congregate care settings; the shutdown and re-openings of educational institutions; policies and practices relating to employers, employees and consumers; relationships among state, federal and local government officials and entities; effective communication and sharing of data with the public; and the policies, staffing and expertise needed to plan for and respond to future pandemics, epidemics, and public emergencies.

(b) The commission shall conduct appropriate studies and public hearings, including one or more hearings on its preliminary report or reports.

(c) The commission shall issue one or more preliminary reports of its findings and recommendations. The commission shall issue the first preliminary report within one year after its initial meeting. The preliminary report or reports shall be posted on the department's website.

(d) The commission shall publish a final report of its findings and recommendations within eighteen months of its initial meeting, which shall be published on the department's website.

(e) The commission's proceedings shall be subject to articles six and seven of the public officers law.

(f) The commission shall have the authority to hire employees and execute contracts in exercising its functions.

(g) The commission may conduct and solicit research and data-gathering as it deems necessary, consistent with applicable law.

(h) For the accomplishment of its purposes, the commission shall have access to state records and documents, including confidential materials, and shall be able to interview witnesses, and issue subpoenas. The commission shall protect the confidentiality of individual patient information.

3. The commission shall expire and be deemed repealed sixty days after it issues its final report, provided that the governor, by executive order, may continue the existence of the commission and its functions for one or more fixed periods. If the governor continues the existence of the commission, the commission may issue additional reports.

§ 3. This act shall take effect immediately and shall expire and be deemed repealed upon the issuance of the commission's final report as required pursuant to subdivision 3 of section 2184 of the public health law, as added by section two of this act; provided, however, that the commissioner of health or the commissioner of the division of homeland security and emergency services shall notify the legislative bill drafting commission upon the occurrence of the delivery of the report or the continuance of such commission provided for in subdivision 3 of section 2184 of the public health law as added by section two of this act 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.