

# STATE OF NEW YORK

2377

2023-2024 Regular Sessions

## IN SENATE

January 20, 2023

Introduced by Sens. PERSAUD, COMRIE, RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the public health law, in relation to requiring the New York state cancer services program to provide breast cancer, cervical cancer, colon cancer, prostate cancer, testicular cancer and ovarian cancer screenings and diagnostic services at no cost to certain people; and making an appropriation therefor

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

1 Section 1. Subdivision 2 of section 2405 of the public health law, as  
2 amended by section 2 of part A of chapter 109 of the laws of 2010, is  
3 amended to read as follows:

4 2. The program shall include:

5 (a) establishment of a statewide public education and outreach  
6 campaign to publicize evidence based cancer detection and education  
7 services, such campaign shall include: general community education,  
8 outreach to specific underserved populations, evidence based clinical  
9 cancer screening services, and an informational summary that shall  
10 include an explanation of the importance of clinical examinations and  
11 what to expect during clinical examinations and cancer screening  
12 services;

13 (b) provision of grants to approved organizations under section twen-  
14 ty-four hundred six of this title;

15 (c) compilation of data concerning the cancer detection and education  
16 program and dissemination of the data to the public; [~~and~~]

17 (d) development of professional education programs including the bene-  
18 fits of early detection of cancer and clinical examinations, the recom-  
19 mended frequency of clinical examinations and cancer screening services,  
20 and professionally recognized best practices guidelines;

21 (e) a requirement of providing cancer screening and diagnostic  
22 services for cancers including, but not limited to, breast cancer,

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

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1 cervical cancer, colon cancer, prostate cancer, testicular cancer and  
2 ovarian cancer; and

3 (f) an informational pamphlet pertaining to breast cancer, cervical  
4 cancer, colon cancer, prostate cancer, testicular cancer and ovarian  
5 cancer including, but not limited to: information on early detections  
6 and treatments of such cancers; contact information, including but not  
7 limited to, the program's phone number, contact email, and website for  
8 the purposes of the department educating patients; and a telephone  
9 number for the office of professional medical conduct in the department  
10 and the office of the professions in the department of education, at  
11 which a patient may report any misconduct that the patient feels may  
12 have occurred. The informational pamphlet shall be posted as a print-  
13 able file on the department's internet website and may also be made  
14 available for order as a printed deliverable on the department's inter-  
15 net website. The informational pamphlet shall be written in layperson's  
16 language and shall be made available in English and the six most common  
17 non-English languages spoken by individuals with limited English profi-  
18 ciency in New York state as based on the most recent census.

19 § 2. Section 2408 of the public health law, as amended by chapter 430  
20 of the laws of 2005, is amended to read as follows:

21 § 2408. Annual report. The commissioner shall submit on or before  
22 December first, an annual report to the governor and the legislature  
23 concerning the operation of the breast [~~and~~], cervical, ovarian, colon,  
24 prostate and testicular cancer detection and education program.  
25 [~~Commencing in nineteen hundred ninety-five, such~~] Such reports shall  
26 include the experience of the program in providing breast, cervical,  
27 ovarian, colon, prostate and testicular cancer early detection and diag-  
28 nostic services. The annual report shall include strategies for imple-  
29 mentation of the breast, cervical, ovarian, colon, prostate and testicu-  
30 lar cancer prevention plan and for promoting the plan to the general  
31 public, state and local elected officials, and various public and  
32 private organizations, associations, businesses, industries, and agen-  
33 cies. Approved organizations shall provide such data and assessment as  
34 the commissioner may require for such report. Such report shall also  
35 include any recommendations for additional action to respond to the high  
36 incidence of breast cancer in this state.

37 § 3. Section 2409 of the public health law, as added by chapter 300 of  
38 the laws of 1995 and subdivisions 5 and 6 as renumbered by section 72 of  
39 part D of chapter 60 of the laws of 2012, is amended to read as follows:

40 § 2409. [~~Ovarian~~] Breast, cervical, ovarian, colon, prostate and  
41 testicular cancer information program. 1. There is hereby created within  
42 the department the [~~ovarian~~] breast, cervical, ovarian, colon, prostate  
43 and testicular cancer information program (referred to in this section  
44 as the "program"), which shall provide information for consumers,  
45 patients, and health care providers relating to breast, cervical, ovari-  
46 an, colon, prostate and testicular cancer, including signs and symptoms,  
47 risk factors, the benefits of early detection through appropriate diag-  
48 nostic testing and treatment options.

49 2. The program [~~may~~] shall include but not be limited to the following  
50 elements:

51 (a) educational and informational materials in print, audio, video,  
52 electronic, or other media;

53 (b) public service announcements and advertisements; [~~and~~]

54 (c) establishment of toll-free telephone hotlines to provide informa-  
55 tion; and

1 (d) an informational pamphlet pertaining to breast cancer, cervical  
2 cancer, colon cancer, prostate cancer, testicular cancer and ovarian  
3 cancer including, but not limited to: information on early detections  
4 and treatments of such cancers; contact information, including but not  
5 limited to, the program's phone number, contact email, and website, for  
6 the purposes of the department educating patients; and a telephone  
7 number for the office of professional medical conduct in the department  
8 and the office of the professions in the department of education, at  
9 which a patient may report any misconduct that the patient feels may  
10 have occurred. The informational pamphlet shall be posted as a print-  
11 able file on the department's internet website and may also be made  
12 available for order as a printed deliverable on the department's inter-  
13 net website. The informational pamphlet shall be written in  
14 layperson's language and shall be made available in English and the six  
15 most common non-English languages spoken by individuals with limited  
16 English proficiency in New York state as based on the most recent  
17 census.

18 3. The department shall produce, make available to others for reproduc-  
19 tion, or contract with others to develop the materials mentioned in  
20 this section as the commissioner deems appropriate. These materials  
21 shall be made available to the public free of charge as appropriate or  
22 for a fee under certain circumstances. The commissioner shall require,  
23 where appropriate, health care providers to provide or make these mate-  
24 rials available to patients.

25 4. In exercising any of his or her powers under this section, the  
26 commissioner shall consult with appropriate health care professionals,  
27 providers, consumers and patients, or organizations representing them.

28 5. In addition to any state funds appropriated for the program, the  
29 commissioner may accept grants from public or private sources for the  
30 program. The commissioner, in administering this section, shall seek to  
31 coordinate the program with other public and private efforts, and may  
32 undertake joint or cooperative programs with other public or private  
33 entities.

34 6. The commissioner may make rules and regulations necessary and  
35 appropriate for the implementation of this section.

36 § 4. Subdivisions 1 and 3 of section 2409-a of the public health law,  
37 as amended by section 6 of part A of chapter 60 of the laws of 2014, are  
38 amended to read as follows:

39 1. There is hereby established in the department the cancer detection  
40 and education program advisory council, for the purpose of advising the  
41 commissioner with regards to providing information to consumers,  
42 patients, and health care providers relating, but not limited to,  
43 breast, cervical, colon, prostate, testicular and ovarian cancer,  
44 including signs and symptoms, risk factors, the benefits of prevention  
45 and early detection, guideline concordant cancer screening and disease  
46 management, options for diagnostic testing and treatment, new technolo-  
47 gies, and survivorship.

48 3. The commissioner shall appoint twenty-one voting members, which  
49 shall include representation of health care professionals, consumers,  
50 patients, one voting member who shall be a person who has or has had  
51 colon, prostate or testicular cancer, one voting member who shall be a  
52 person who has or has had breast, cervical or ovarian cancer and other  
53 appropriate interests reflective of the diversity of the state, with  
54 expertise in breast, cervical, colon, prostate, testicular and/or ovari-  
55 an cancer. The commissioner shall appoint one member as a chairperson.  
56 The members of the council shall receive no compensation for their

1 services, but shall be allowed their actual and necessary expenses  
2 incurred in performance of their duties.

3 § 5. The sum of twenty-six million eight hundred thousand dollars  
4 (\$26,800,000), or so much thereof as may be necessary, is hereby appro-  
5 priated to the New York state cancer services program out of any moneys  
6 in the state treasury in the general fund to the credit of the depart-  
7 ment of health, not otherwise appropriated, and made immediately avail-  
8 able, for the purpose of carrying out the provisions of this act. Such  
9 moneys shall be payable on the audit and warrant of the comptroller on  
10 vouchers certified or approved by the commissioner of health in the  
11 manner prescribed by law.

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