# STATE OF NEW YORK

6080--A

2023-2024 Regular Sessions

# IN SENATE

March 28, 2023

Introduced by Sens. HELMING, ASHBY, BORRELLO, GALLIVAN, MATTERA, OBERACKER, O'MARA, PALUMBO, WALCZYK -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law and the public health law, in relation to the ability for school districts to implement telehealth school-based mental health clinics; to amend the state finance law, in relation to the student mental telehealth reimbursement fund; and to amend the racing, pari-mutuel wagering and breeding law, in relation to funding the student mental telehealth reimbursement fund

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

Section 1. Subparagraph (i) of paragraph (j) of subdivision 1 of section 414 of the education law, as amended by chapter 672 of the laws of 2019, is amended to read as follows:

(i) For the purposes of this subdivision, the term "licensed school-based health, dental or mental health clinic" means a clinic that is located in a school facility of a school district or board of cooperative educational services, is operated by an entity other than the school district or board of cooperative educational services and will provide health, dental or mental health services during school hours and/or non-school hours to school-age and preschool children, and that is: (1) a health clinic approved under the provisions of chapter one hundred ninety-eight of the laws of nineteen hundred seventy-eight; or (2) another school-based health or dental clinic licensed by the department of health pursuant to article twenty-eight of the public health law; or (3) a school-based mental health clinic licensed or approved by the office of mental health pursuant to article thirty-one of the mental hygiene law; or (4) a school-based mental health clinic licensed by the

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

LBD10190-02-4

office for people with developmental disabilities pursuant to article sixteen of the mental hygiene law**; or (5) a school-based mental health clinic licensed pursuant to the sections above that operates as a telehealth clinic as defined pursuant to section twenty-nine hundred ninety-nine-cc of the public health law**.

§ 2. Section 2999-dd of the public health law is amended by adding a new subdivision 3-a to read as follows:

**3-a. The commissioner of education, in consultation with the commissioner, the commissioner of mental health, and the commissioner of the office of persons with developmental disabilities, shall develop minimum qualifications for school districts to operate telehealth school-based mental health clinics. Such qualifications shall be consistent with best practices pursuant to school-based mental health clinics as currently operated under existing law.**

§ 3. The state finance law is amended by adding a new section 99-rr to read as follows:

**§ 99-rr. Student mental telehealth reimbursement fund. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance a fund to be known as the student mental telehealth reimbursement fund.**

**2. Such fund shall consist of all revenues generated pursuant to subdivision eight of section thirteen hundred sixty-seven of the racing, pari-mutuel wagering and breeding law and all other moneys credited or transferred thereto from any other fund or source pursuant to law.**

**3. Moneys of the fund, following appropriation by the legislature shall be made available to the state education department for the purposes of providing reimbursement to school districts for the costs of establishing and maintaining school-based mental health clinics that operate as telehealth clinics pursuant to clause five of subparagraph (i) of paragraph (j) of subdivision one of section four hundred fourteen of the education law. Costs eligible for reimbursement shall include but not be limited to: contract costs and fees associated with agreements with telehealth providers; costs of services remitted to providers on a case-by-case basis; costs associated with acquiring and maintaining technological equipment necessary for telehealth services to be rendered; and costs associated with establishing physical space necessary for telehealth services to be rendered.**

§ 4. Subdivision 8 of section 1367 of the racing, pari-mutuel wagering and breeding law, as added by section 3 of part Y of chapter 59 of the laws of 2021, is amended to read as follows:

8. Notwithstanding section thirteen hundred fifty-one of this article, mobile sports wagering gross gaming revenue and tax revenue shall be excluded from sports wagering gross gaming revenue and tax revenue. Mobile sports wagering tax revenue shall be separately maintained and returned to the state for deposit into the state lottery fund for education aid except as otherwise provided in this subdivision. Any interest and penalties imposed by the commission relating to those taxes, all penalties levied and collected by the commission, and the appropriate funds, cash or prizes forfeited from sports wagering shall be deposited into the state lottery fund for education. In the first fiscal year in which mobile sports wagering licensees commence operations and accept mobile sports wagers pursuant to this section, the commission shall pay into the commercial gaming fund one percent of the state tax imposed on mobile sports wagering by this section to be distributed for problem gambling education and treatment purposes pursuant to paragraph a of subdivision four of section ninety-seven-nnnn of the state finance law;

provided however, that such amount shall be equal to six million dollars for each fiscal year thereafter. In the first fiscal year in which mobile sports wagering licensees commence operations and accept mobile sports wagers pursuant to this section, the commission shall pay one percent of the state tax imposed on mobile sports wagering by this section to the general fund, a program to be administered by the office of children and family services for a statewide youth sports activities and education grant program for the purpose of providing annual awards to sports programs for underserved youth under the age of eighteen years; provided however, that such amount shall be equal to five million dollars for each fiscal year thereafter. The commission shall require at least monthly deposits by a platform provider of any payments pursuant to subdivision seven of this section, at such times, under such conditions, and in such depositories as shall be prescribed by the state comptroller. The deposits shall be deposited to the credit of the state commercial gaming revenue fund. The commission shall require a monthly report and reconciliation statement to be filed with it on or before the tenth day of each month, with respect to gross revenues and deposits received and made, respectively, during the preceding month. **In each fiscal year in which mobile sports licensees operate and accept mobile sports wagers pursuant to this subdivision, the commission shall pay five percent of the state tax imposed on mobile sports wagering by this section to the student mental telehealth reimbursement fund established pursuant to section ninety-nine-rr of the state finance law for the purpose of providing annual awards to school districts administering school-based mental health telehealth services.**

§ 5. This act shall take effect on the one hundred eightieth day after it shall have become a law.