

STATE OF NEW YORK

8168

IN SENATE

January 10, 2024

Introduced by Sen. SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Health

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:

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

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

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

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

10 § 2184. COVID-19 pandemic response study commission. 1. (a) There is
11 hereby established in the department a COVID-19 pandemic response study
12 commission to study the state's response to the COVID-19 pandemic and to
13 make recommendations.

14 (b) The commission shall consist of sixteen voting members as follows,
15 after receiving the recommendations received by the commissioner pursu-
16 ant to paragraph (c) of this subdivision: eight shall be appointed by
17 the governor, one of whom shall be designated by the governor as the
18 chair of the commission; three shall be appointed by the temporary pres-
19 ident of the senate; three shall be appointed by the speaker of the
20 assembly; one shall be appointed by the senate minority leader; and one
21 shall be appointed by the assembly minority leader. At least half of the
22 appointees of each appointing officer, respectively, shall be chosen
23 from the recommendations of the commissioner pursuant to paragraph (c)
24 of this subdivision. The commissioner and the commissioner of the divi-
25 sion of homeland security and emergency services, or their respective
26 designees, shall be ex officio non-voting members of the commission. If
27 a vacancy occurs in the membership of the commission, it shall be filled
28 by appointment by the respective appointing officer.

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

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1 (c) The commissioner shall consult with the commissioner of the divi-
2 sion of homeland security and emergency services, the county health
3 commissioners, the New York city commissioner of health and mental
4 hygiene, the local health officers, and the deans of the schools of
5 public health in the state, to solicit recommendations (which may
6 include themselves) for appointment to the commission. The commissioner
7 shall advise the governor, the temporary president of the senate, the
8 speaker of the assembly, the senate minority leader and the assembly
9 minority leader of the recommendations the commissioner receives pursu-
10 ant to this paragraph.

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

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

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

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

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

41 (b) The commission shall conduct appropriate studies and public hear-
42 ings, including one or more hearings on its preliminary report or
43 reports.

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

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

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

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

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

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

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

13 § 3. This act shall take effect immediately and shall expire and be
14 deemed repealed upon the issuance of the commission's final report as
15 required pursuant to subdivision 3 of section 2184 of the public health
16 law, as added by section two of this act; provided, however, that the
17 commissioner of health or the commissioner of the division of homeland
18 security and emergency services shall notify the legislative bill draft-
19 ing commission upon the occurrence of the delivery of the report or the
20 continuance of such commission provided for in subdivision 3 of section
21 2184 of the public health law as added by section two of this act in
22 order that the commission may maintain an accurate and timely effective
23 data base of the official text of the laws of the state of New York in
24 furtherance of effectuating the provisions of section 44 of the legisla-
25 tive law and section 70-b of the public officers law.