

# STATE OF NEW YORK

1677

2023-2024 Regular Sessions

## IN ASSEMBLY

January 17, 2023

Introduced by M. of A. L. ROSENTHAL, DICKENS -- Multi-Sponsored by -- M. of A. COOK -- read once and referred to the Committee on Health

AN ACT to amend the public authorities law, in relation to establishing a lymphedema and lymphatic diseases research grants program; and to amend the state finance law, in relation to creating the lymphedema and lymphatic diseases research and education fund

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

1 Section 1. The public authorities law is amended by adding a new  
2 section 3153-a to read as follows:

3 § 3153-a. Lymphedema and lymphatic diseases research grants program.

4 1. The foundation shall, within available appropriations, establish the  
5 lymphedema and lymphatic diseases research grants program, hereafter  
6 "grants program". The grants program shall be administered by the foun-  
7 ation, in consultation with the department of health. Such grants  
8 program funds shall be used to provide financial assistance in the form  
9 of grants, not to exceed fifty thousand dollars per grant, to New York  
10 state biomedical research institutions for working capital to further  
11 new and emerging research and development for the diagnosis and treat-  
12 ment of lymphedema and lymphatic diseases. Such grants shall be awarded  
13 on a competitive basis to biomedical research institutions responding to  
14 requests for proposals issued by the foundation when funds are appropri-  
15 ated.

16 2. (a) "Biomedical research institution" shall mean a not-for-profit  
17 university, college, hospital, private or federal research laboratory  
18 located in New York state, or a consortium of such entities, that  
19 conducts an intensive and ongoing program of research and development  
20 directly related to lymphedema and/or lymphatic diseases research.

21 (b) "Lymphedema" shall mean an accumulation of lymphatic fluid in the  
22 interstitial tissue that causes swelling, most often in the arms and/or  
23 legs, and occasionally in other parts of the body, from any cause.

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

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1 (c) "Lymphatic diseases" shall include but not be limited to: insuffi-  
2 ciency of lymphatic circulatory function (to include all forms of  
3 lymphedema), lipedema, complex congenital diseases of the lymphatic  
4 vasculature, including lymphangiomatosis, lymphangioloio-myomatosis,  
5 lymphangiectasias, lymphangiomas, cystic hygromas, Gorham's disease,  
6 lymphangiosarcoma, and complex vascular/lymphatic malformations.

7 3. In addition to such other criteria as the foundation may adopt in  
8 rules and regulations for the consideration of applications for grants  
9 pursuant to subdivision one of this section, the foundation shall:

10 (a) determine that the applicant is unable to obtain sufficient fund-  
11 ing on reasonable terms from other public or private sources to permit  
12 the institution's planned investment to proceed without the required  
13 assistance;

14 (b) give priority to those applications for assistance from biomedical  
15 research institutions that secure private support for research or commit  
16 new resources to the expansion of lymphedema and lymphatic diseases  
17 research; and

18 (c) consider the potential long term economic benefits to the state of  
19 awarding the specific grant and whether the grant will result in a  
20 reasonable likelihood of success in meeting the purposes for which it  
21 was sought by the applicant.

22 4. The foundation, in consultation with the department of health, may  
23 apply to the national institutes of health, the United States department  
24 of health and human services, and other appropriate federal, public, and  
25 private entities for funding. Such monies shall be deposited into the  
26 lymphedema and lymphatic diseases research and education fund, estab-  
27 lished pursuant to section ninety-nine-qq of the state finance law.

28 5. The foundation shall submit to the governor, the speaker of the  
29 assembly, the temporary president of the senate, and to any other state  
30 legislator at his or her request, a report on the grants program by  
31 September first, two thousand twenty-five and annually thereafter. Such  
32 report shall include, for each grant awarded, the name and location of  
33 the recipient, a description of the product, device, technique, system  
34 or process being researched and developed, the recipient's relationship  
35 to the research institution, the amount and use of the grant, the total  
36 project cost, and such other information as the foundation shall deem  
37 appropriate. Such report shall also include a list of all applicants and  
38 their contact information, regardless of receiving a grant, in order to  
39 help demonstrate the need for future funds.

40 6. Nothing in this section shall require the foundation to disclose  
41 any matters involving confidential intellectual property or work prod-  
42 uct, whether patentable or not, including any formula, plan, pattern,  
43 process, tool, mechanism, compound, procedure, production data or compi-  
44 lation of information, which is not patented, but which is known only to  
45 certain individuals who are using it to fabricate, produce or compound  
46 an article of trade or service having commercial value and which gives  
47 its user an opportunity to obtain a business advantage over competitors  
48 who do not know it or use it.

49 § 2. The state finance law is amended by adding a new section 99-qq to  
50 read as follows:

51 § 99-qq. Lymphedema and lymphatic diseases research and education  
52 fund. 1. There is hereby established in the joint custody of the commis-  
53 sioner of taxation and finance and the comptroller, a special fund to be  
54 known as the lymphedema and lymphatic diseases research and education  
55 fund, hereafter the "fund".

1 2. Such fund shall consist of all monies appropriated, credited, or  
2 transferred thereto from any other fund or source pursuant to law.  
3 Nothing contained in this section shall prevent the state from receiving  
4 grants, gifts or bequests for the purposes of the fund as defined in  
5 this section and depositing them into the fund according to law.

6 3. Monies of the fund shall be expended only for lymphedema and lymph-  
7 atic diseases research and education projects approved by the depart-  
8 ment of health.

9 4. (a) "Lymphedema" shall mean an accumulation of lymphatic fluid in  
10 the interstitial tissue that causes swelling, most often in the arms  
11 and/or legs, and occasionally in other parts of the body, regardless of  
12 cause.

13 (b) "Lymphatic diseases" shall include but not be limited to: insuff-  
14 iciency of lymphatic circulatory function (to include all forms of  
15 lymphedema), lipedema, complex congenital diseases of the lymphatic  
16 vasculature, including lymphangiomas, lymphangiomas, cystic hygromas, Gorham's disease,  
17 lymphangiectasias, lymphangiomas, cystic hygromas, Gorham's disease,  
18 lymphangiosarcoma, and complex vascular/lymphatic malformations.

19 (c) "Lymphedema and lymphatic diseases research and education  
20 projects" shall mean research by qualified researchers, as determined by  
21 the department of health, to stimulate research on the pathogenesis and  
22 new treatments for lymphedema and lymphatic diseases. Education projects  
23 are those projects which promote and provide information on lymphedema  
24 and lymphatic diseases including: prevention, diagnosis, treatment,  
25 long-term chronic care, and/or research by qualified organizations as  
26 determined by the department of health.

27 5. Monies shall be payable from the fund on the audit and warrant of  
28 the comptroller on vouchers approved and certified by the commissioner  
29 of health.

30 6. To the extent practicable, the commissioner of health shall ensure  
31 that all monies received during a fiscal year are expended prior to the  
32 end of that fiscal year.

33 § 3. This act shall take effect immediately.