

# STATE OF NEW YORK

2762

2023-2024 Regular Sessions

## IN ASSEMBLY

January 27, 2023

Introduced by M. of A. TAGUE, DeSTEFANO, MILLER, DURSO -- read once and referred to the Committee on Health

AN ACT to authorize and direct the commissioner of health to designate HTLV-1 and HTLV-2 communicable diseases; and to amend the public health law, in relation to the HTLV-1 and HTLV-2 viruses

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

1 Section 1. The commissioner of health is hereby authorized and  
2 directed to include HTLV-1 and HTLV-2 in the list of communicable  
3 diseases in the New York state sanitary code.

4 § 2. Article 21 of the public health law is amended by adding a new  
5 title 9 to read as follows:

### TITLE IX

#### HTLV-1 AND HTLV-2

8 Section 2185. HTLV-1 and HTLV-2; duty to report.

9 2186. HTLV-1 and HTLV-2; educational materials.

10 2187. Rules and regulations.

11 § 2185. HTLV-1 and HTLV-2; duty to report. 1. Every physician or other  
12 person authorized by law to order diagnostic tests or make a medical  
13 diagnosis, or any laboratory performing such tests shall immediately  
14 upon (a) determination that a person is infected with HTLV-1 or HTLV-2,  
15 and (b) periodic monitoring of HTLV-1 and HTLV-2 infections by any labo-  
16 ratory tests report such case or data to the commissioner within twen-  
17 ty-four hours from the time the case is first seen. If a coroner,  
18 pathologist, medical examiner, or other person qualified to conduct an  
19 examination of a deceased person discovers that at the time of death the  
20 individual was afflicted with HTLV-1 or HTLV-2, he or she shall report  
21 the case within twenty-four hours to the commissioner as if the diagno-  
22 sis had been established prior to death.

23 2. Reports required under this section shall contain such information  
24 concerning the case as shall be required by the commissioner. These

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

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1 reports shall contain, but need not be limited to, all medical informa-  
2 tion required to establish accurate numbers for statewide prevalence,  
3 rates of annual incidence, and morbidity and mortality rates.

4 3. All reports or information secured by the department under the  
5 provisions of this title shall be confidential except: (a) in so far as  
6 is necessary to carry out the provisions of this title; (b) when used in  
7 the aggregate, without patient specific identifying information, in  
8 programs approved by the commissioner for the improvement of the quality  
9 of medical care provided to persons with HTLV-1 or HTLV-2; (c) when used  
10 within the state or local health department by public health disease  
11 programs to assess co-morbidity or completeness of reporting and to  
12 direct program needs, in which case patient specific identifying infor-  
13 mation shall not be disclosed outside the state or local health depart-  
14 ment; or (d) when used for purposes of patient linkage and retention in  
15 care, patient specific identified information may be shared between  
16 local and state health departments and health care providers currently  
17 treating the patient as approved by the commissioner.

18 § 2186. HTLV-1 and HTLV-2; educational materials. 1. The commissioner  
19 shall develop, produce and make available to physicians, other health  
20 care providers, and other persons at high risk for HTLV-1 and HTLV-2  
21 educational materials, in written and electronic forms, on the diagno-  
22 sis, treatment and prevention of HTLV-1 and HTLV-2. Such materials  
23 shall be written in terms which are understandable by members of the  
24 general public. Such materials shall include information and assistance  
25 on where to find community support services, support groups, respite,  
26 and care management. In instances in which viral typing is possible,  
27 these materials shall direct to virus specific community support  
28 services, support groups, respite, and care management as HTLV-1 and  
29 HTLV-2 are two different retroviruses with differing epidemiologies and  
30 disease associations requiring specific recommendations for persons  
31 infected with HTLV-1 or HTLV-2.

32 2. These materials shall be made available to the public free of  
33 charge. The commissioner shall make these materials available to clinics  
34 that specialize in sexually transmitted diseases, health care facili-  
35 ties, and department of corrections and community supervision facili-  
36 ties.

37 3. The commissioner shall ensure that all information and materials  
38 produced under this section are maintained and updated to reflect best  
39 practice recommendations and are culturally and linguistically appropri-  
40 ate for the communities the materials are made available to. The depart-  
41 ment shall post the same information on its website.

42 § 2187. Rules and regulations. The commissioner shall promulgate such  
43 rules and regulations as shall be necessary and proper to effectuate the  
44 purposes of this title.

45 § 3. This act shall take effect on the one hundred twentieth day after  
46 it shall have become a law. Effective immediately, the addition, amend-  
47 ment, and/or repeal of any rule or regulation necessary to implement the  
48 provisions of this act on its effective date are authorized to be made  
49 or completed on or before such effective date.