STATE OF NEW YORK

3410

2023-2024 Regular Sessions

IN ASSEMBLY

February 3, 2023

Introduced by M. of A. SOLAGES -- read once and referred to the Committee on Health

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:

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

2. The program shall include:

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

(b) provision of grants to approved organizations under section twenty-four hundred six of this title;

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

(d) development of professional education programs including the benefits of early detection of cancer and clinical examinations, the recommended frequency of clinical examinations and cancer screening services, and professionally recognized best practices guidelines**;**

(e) a requirement of providing cancer screening and diagnostic 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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cervical cancer, colon cancer, prostate cancer, testicular cancer and ovarian cancer; and

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

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

§ 2408. Annual report. The commissioner shall submit on or before December first, an annual report to the governor and the legislature concerning the operation of the breast [~~and~~], cervical, ovarian, colon, prostate and testicular cancer detection and education program. [~~Commencing in nineteen hundred ninety-five, such~~] Such reports shall include the experience of the program in providing breast, cervical, ovarian, colon, prostate and testicular cancer early detection and diagnostic services. The annual report shall include strategies for implementation of the breast, cervical, ovarian, colon, prostate and testicular cancer prevention plan and for promoting the plan to the general public, state and local elected officials, and various public and private organizations, associations, businesses, industries, and agencies. Approved organizations shall provide such data and assessment as the commissioner may require for such report. Such report shall also include any recommendations for additional action to respond to the high incidence of breast cancer in this state.

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

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

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

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

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

(c) establishment of toll-free telephone hotlines to provide information; and

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

3. The department shall produce, make available to others for reproduction, or contract with others to develop the materials mentioned in this section as the commissioner deems appropriate. These materials shall be made available to the public free of charge as appropriate or for a fee under certain circumstances. The commissioner shall require, where appropriate, health care providers to provide or make these materials available to patients.

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

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

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

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

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

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

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

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

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