

STATE OF NEW YORK

8053--B

2023-2024 Regular Sessions

IN ASSEMBLY

September 27, 2023

Introduced by M. of A. GONZALEZ-ROJAS, PAULIN, HEVESI, LEVENBERG, SIMON, DAVILA, SILLITTI, JENSEN, MAHER, K. BROWN, KIM, GALLAGHER, WEPRIN, BRABENEC, RAGA, EPSTEIN, SHRESTHA, FORREST, SIMONE -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to establishing a COVID-19 pandemic response study commission; and providing for the repeal of such provisions upon expiration thereof

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.

13 (b) The commission shall consist of sixteen voting members as follows,
14 after receiving the recommendations received by the commissioner pursu-
15 ant to paragraph (c) of this subdivision: eight shall be appointed by
16 the governor, one of whom shall be designated by the governor as the
17 chair of the commission; three shall be appointed by the temporary pres-

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

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1 ident of the senate; three shall be appointed by the speaker of the
2 assembly; one shall be appointed by the senate minority leader; and one
3 shall be appointed by the assembly minority leader. At least half of the
4 appointees of each appointing officer, respectively, shall be chosen
5 from the recommendations of the commissioner pursuant to paragraph (c)
6 of this subdivision. The commissioner and the commissioner of the divi-
7 sion of homeland security and emergency services, or their respective
8 designees, shall be ex officio non-voting members of the commission. If
9 a vacancy occurs in the membership of the commission, it shall be filled
10 by appointment by the respective appointing officer.

11 (c) The commissioner shall consult with the commissioner of the divi-
12 sion of homeland security and emergency services, the county health
13 commissioners, the New York city commissioner of health and mental
14 hygiene, the local health officers, and the deans of the schools of
15 public health in the state, to solicit recommendations (which may
16 include themselves) for appointment to the commission. The commissioner
17 shall advise the governor, the temporary president of the senate, the
18 speaker of the assembly, the senate minority leader and the assembly
19 minority leader of the recommendations the commissioner receives pursu-
20 ant to this paragraph.

21 (d) A majority of the members appointed to the commission shall
22 constitute a quorum to hold a meeting and to conduct official business.
23 The commission shall act by the majority vote of the members appointed
24 to the commission.

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

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

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

40 2. (a) The commission shall study the response to the COVID-19 pandem-
41 ic by state and local governments, public entities, health care insti-
42 tutions and providers, educational institutions, other institutions and
43 entities, and the public, including, but not limited to: hospitals,
44 nursing homes, jails, prisons, other secure facilities, and other
45 congregate care settings; the shutdown and re-openings of educational
46 institutions; policies and practices relating to employers, employees
47 and consumers; relationships among state, federal and local government
48 officials and entities; and effective communication and sharing of data
49 with the public.

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

53 (c) The commission shall issue one or more preliminary reports of its
54 findings. The commission shall issue the first preliminary report within
55 one year after its initial meeting. The preliminary report or reports
56 shall be posted on the department's website.

1 (d) The commission shall publish a final report of its findings within
2 eighteen months of its initial meeting, which shall be published on the
3 department's website.

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

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

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

10 (h) For the accomplishment of its purposes, the commission shall have
11 access to state records and documents, including confidential materials,
12 and shall be able to interview witnesses, and issue subpoenas. The
13 commission shall protect the confidentiality of individual patient
14 information.

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

20 § 3. This act shall take effect immediately and shall expire and be
21 deemed repealed upon the issuance of the commission's final report as
22 required pursuant to subdivision 3 of section 2184 of the public health
23 law, as added by section two of this act; provided, however, that the
24 commissioner of health or the commissioner of the division of homeland
25 security and emergency services shall notify the legislative bill draft-
26 ing commission upon the occurrence of the delivery of the report or the
27 continuance of such commission provided for in subdivision 3 of section
28 2184 of the public health law as added by section two of this act in
29 order that the commission may maintain an accurate and timely effective
30 data base of the official text of the laws of the state of New York in
31 furtherance of effectuating the provisions of section 44 of the legisla-
32 tive law and section 70-b of the public officers law.