STATE OF NEW YORK

5135--A

2023-2024 Regular Sessions

IN SENATE

February 23, 2023

Introduced by Sen. PERSAUD -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to creating an educational pamphlet regarding the importance of prostate-specific antigen testing

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

Section 1. Section 2404-a of the public health law, as amended by chapter 335 of the laws of 2018, is amended to read as follows:

§ 2404-a. Prostate cancer; duty to inform**; educational pamphlet**. 1. The commissioner shall develop [~~a standardized written summary~~] **an educational pamphlet**, in plain non-technical language, which shall explain the following:

(a) the symptoms and risk factors for prostate cancer;

(b) the available methods for the detection and diagnosis of prostate cancer, including information on the relative accuracy of the available detection and diagnostic techniques**, including, but not limited to, prostate-specific antigen testing**;

(c) the availability of insurance coverage for diagnostic screening for prostate cancer without cost sharing pursuant to subparagraph (B) of paragraph eleven-a of subsection (i) of section three thousand two hundred sixteen, subparagraph (B) of paragraph eleven-a of subsection (1) of section three thousand two hundred twenty-one and paragraph two of subsection (z-1) of section four thousand three hundred three of the insurance law; and

(d) the alternative medically viable methods of treating prostate cancer, including but not limited to hormonal, radiological, chemotherapeutic or surgical treatments, or combinations thereof. The [~~summary~~] **educational pamphlet** shall contain information on prostate post-treat-

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

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ment risks and other pertinent information to aid a person in deciding a course of treatment. The [~~summary~~] **educational pamphlet** shall be updated as is necessary.

2. The [~~summary~~] **educational pamphlet** shall be provided to any health care provider or practitioner providing medical treatment to adult men **with a prostate** without charge or fee for distribution in accordance with subdivision three of this section.

3. The [~~standardized written summary~~] **educational pamphlet** provided for by subdivision one of this section may be provided by a health care provider to [~~each person~~] **adult men with a prostate** under his or her care [~~who~~]**. Health care providers may provide to and discuss with each adult man with a prostate under his or her care the educational pamphlet where such adult man with a prostate** is or may be at risk for prostate cancer or who has been diagnosed to be afflicted with prostate cancer upon said diagnosis, or as soon thereafter as practicable. **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.**

4. Nothing in this section shall be construed to create a cause of action for lack of informed consent in any instance in which such cause of action would be limited by section twenty-eight hundred five-d of this chapter.

[~~5. The commissioner shall have the written summary, required by this section, completed and prepared for distribution on or before January first, nineteen hundred ninety-eight.~~]

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