

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:

1 Section 1. Section 2404-a of the public health law, as amended by
2 chapter 335 of the laws of 2018, is amended to read as follows:
3 § 2404-a. Prostate cancer; duty to inform; educational pamphlet. 1.
4 The commissioner shall develop [~~a standardized written summary~~] an
5 educational pamphlet, in plain non-technical language, which shall
6 explain the following:
7 (a) the symptoms and risk factors for prostate cancer;
8 (b) the available methods for the detection and diagnosis of prostate
9 cancer, including information on the relative accuracy of the available
10 detection and diagnostic techniques, including, but not limited to,
11 prostate-specific antigen testing;
12 (c) the availability of insurance coverage for diagnostic screening
13 for prostate cancer without cost sharing pursuant to subparagraph (B) of
14 paragraph eleven-a of subsection (i) of section three thousand two
15 hundred sixteen, subparagraph (B) of paragraph eleven-a of subsection
16 (1) of section three thousand two hundred twenty-one and paragraph two
17 of subsection (z-1) of section four thousand three hundred three of the
18 insurance law; and
19 (d) the alternative medically viable methods of treating prostate
20 cancer, including but not limited to hormonal, radiological, chemothera-
21 peutic or surgical treatments, or combinations thereof. The [~~summary~~]
22 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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1 ment risks and other pertinent information to aid a person in deciding a
2 course of treatment. The [~~summary~~] educational pamphlet shall be updated
3 as is necessary.

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

8 3. The [~~standardized written summary~~] educational pamphlet provided
9 for by subdivision one of this section may be provided by a health care
10 provider to [~~each person~~] adult men with a prostate under his or her
11 care [~~who~~]. Health care providers may provide to and discuss with each
12 adult man with a prostate under his or her care the educational pamphlet
13 where such adult man with a prostate is or may be at risk for prostate
14 cancer or who has been diagnosed to be afflicted with prostate cancer
15 upon said diagnosis, or as soon thereafter as practicable. The informa-
16 tional pamphlet shall be written in layperson's language and shall be
17 made available in English and the six most common non-English languages
18 spoken by individuals with limited English proficiency in New York state
19 as based on the most recent census.

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

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

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