



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Senator Gallivan's Votes for Week of January 29, 2024

JIM RANNEY January 31, 2024

| ISSUE: **NYS SENATE**



The following bills were approved in the NYS Senate. Senator Gallivan's vote is noted.

S8003 CHAPTER AMENDMENT - Requires reporting on the status of issues at residential health care facilities to the state long-term care ombudsman. This legislation makes technical changes to the underlying chapter, adds certain definitions to the underlying chapter, and requires the Department of Health to give additional status reports every ninety days until the complaint is resolved. AYE

S8013 CHAPTER AMEMDMENT - Requires children's nonregulated camps to register annually with the department of health; imposes civil penalties for violations. The legislation amends the underlying chapter by making clarifying changes to the definition of children's nonregulated camps as well as registration exceptions. The chapter amendment also removes the penalty against nonregulated camps for not registering with the Department of Health. AYE

S8015 CHAPTER AMENDMENT - Relates to establishing an urban deer management pilot program. Amends to require a nuisance wildlife specialist now has to have a copy of a cull permit and a copy of a the log of nuisance wildlife specialists using the permit. AYE

S8024 CHAPTER AMEMDMENT - Relates to physician coursework or training in nutrition; moves such provisions from the public health law to the education law. This legislation amends the underlying chapter by changing the governing law from Public Health Law to Education Law and transfers oversight of the law from the Department of Health to the State Education Department in consultation with the Department of Health. AYE

S8038 CHAPTER AMENDMENT - Requires written notice of an adverse determination made by a utilization review agent in relation to a step therapy protocol override determination. This legislation requires insurers to share additional information with consumers when delivering notices of adverse step therapy determinations and allows electronic delivery of such notices. AYE

S8039 CHAPTER AMENDMENT - Enacts the "freelance isn't free act". This bill (the chapter amendment) transfers the jurisdiction from the Department of Labor to the General Business Law and into the jurisdiction of the New York State Attorney General. NAY

S8040 CHAPTER AMENDMENT - Requires health insurance policies and Medicaid to cover biomarker testing for diagnosis, treatment, appropriate management, or ongoing monitoring of a covered person's disease or condition when the test is supported by medical and scientific evidence. This legislation makes technical changes, allows coverage for biomarker testing if additional conditions are met, and changes the effective date of the underlying chapter. AYE

S8068 CHAPTER AMENDMENT - Permits the sale or promotional gifting of certain complementary products for wine and spirits by certain persons or businesses licensed to sell wine and spirits. The technical changes this bill makes include changing the word "spirits" to "liquor" and changing the location of a definition in law. AYE

S8093 CHAPTER AMENDMENT - Provides certain legal protections for reproductive health service providers who provide legally protected health activities including protection from extradition, arrest and legal proceedings in other states relating to such services; restricts the use of evidence relating to the involvement of a party in providing legally protected health activity to persons located out-of-state. This legislation clarifies how the Department of Health can share de-identified information and creates an exception for the express consent requirement when a legal representative of a patient is bringing an action if a tortious action resulted in a severe injury or death, and consent is unattainable. NAY (Invites out of state residents to access abortion in NYS.)

S7689 Relates to residency requirements for village justice and/or associate justice of Cayuga Heights; allows the village board of trustees of Cayuga Heights to appoint a person who resides in the county of Tompkins. AYE

S8062 CHAPTER AMENDMENT - Provides for the remote witnessing of health care proxies utilizing audio-video technology or telephone. This legislation makes conforming changes to

the State Technology Law. AYE

S604 Establishes a wholesale prescription drug importation program by requiring the department in consultation with interested stakeholders and appropriate federal officials to develop and implement the program. NAY (Could increase risk to consumer health and safety by weakening the closed supply chain and opening New York to increased criminal activity.)

S966 The bill provides that an individual may be enrolled in any public or private drug plan that CMS has determined is as generous as or more generous than the standard coverage under the Medicare Part D drug prescription benefit and qualify for the EPIC Program. AYE

S4786A Establishes the New York Affordable Drug Manufacturing Act that would require NYS DOH to enter into partnerships in consultation with appropriate State agencies and any other State's DOH to increase competition, lower prices and address shortages in the market for generic prescription drugs, to reduce the cost of prescription drugs for public and private purchasers, taxpayers, and consumers and to increase patient access to affordable drugs. NAY (Permitting the State of New York to enter the prescription drug market by establishing such partnerships would create a new bureaucracy with additional yearly costs to taxpayers with no discernible benefit to consumers at this time.)

S504A Prohibits cost sharing for insulin; provides that an insured shall not be subject to a deductible, copayment, coinsurance or any other cost sharing requirement for the purchase of insulin. NAY (Too costly.)

S1267 Requires a utilization review agent to follow certain rules when establishing a step therapy protocol; requires that the protocol accepts any attestation submitted by the insured's health care professional stating that a required drug has failed as prima facie

evidence that the required drug has failed. AYE

S6738A Establishes the prescription drug supply chain transparency act by establishing a new Article 30 in the insurance law. The bill establishes definitions for the following: manufacturer, pharmacy services administrative organization (PSAO), rebate aggregator and switch company. AYE (Shed light on supply chain.)

S3518 Enacts the manufacturer disclosure and transparency act requiring pharmaceutical manufacturers doing business in the state to notify the Attorney General within thirty days of entering into an agreement with another pharmaceutical manufacturer that delays generic substitutions for brand-name drugs. Failure to notify would result in a fine of no less than \$5,000 for a 1st violation and no less than \$10,000 for subsequent violations. NAY (Could raise confidentiality concerns.)

S8020 CHAPTER AMENDMENT - Relates to the renewable energy outreach and community planning program; creates reporting requirements. Amends the underlying chapter by clarifying that websites must comply where there is a change to form or function. The change to form or function is defined as modifications to aspects of the website. The amendment requires all agency websites to be compliant by January 1, 2027. NAY

S8021 CHAPTER AMENDMENT - Relates to state agency websites required to offer a mobile friendly form. Amends the underlying chapter by clarifying that websites must comply where there is a change to form or function. The change to form or function is defined as modifications to aspects of the website. The amendment requires all agency websites to be compliant by January 1, 2027. AYE

S8046 CHAPTER AMENDMENT - Makes clarifying changes to the study by the state office for the aging on the number of older adults residing in naturally occurring retirement

communities or neighborhood naturally occurring retirement communities who are suffering from social isolation and loneliness; changes the effective date to September 1, 2024.

AYE

S8048 CHAPTER AMENDMENT - Relates to the information to be included in vacancy rate studies. Amends the underlying chapter by removing the penalty that would deny rental permit or certificate of occupancy for nonresponse, or knowing and intentional submission of false information, to a vacancy survey, and imposing a fee of up to five hundred dollars.

NAY

S8049 CHAPTER AMENDMENT - Requires statewide training for mandated reporters to include how to identify an abused or maltreated child with an intellectual or developmental disability. Extends time frame to two years to receive updated mandated reporter training to include guidance on identifying an abused or maltreated child when such child is an individual with an intellectual or developmental disability. AYE

S8051 CHAPTER AMENDMENT - Relates to the display of green lights on the vehicles of members of mobile crisis teams. Amends the Vehicle and Traffic Law to make technical changes to the authorization for mobile crisis response staff members to use a green light on their motor vehicle when engaging in an emergency operation to clarify that authorization is provided by the entity which directs the mobile crisis team, and to clarify that the Department of Motor Vehicles would ensure that mobile crisis teams receive training materials on emergency operations while using a green light. AYE

S8072 COSPONSOR OF ENABLING LEGISLATION CHAPTER AMENDMENT - Relates to the scope of the work an athletic trainer is authorized to perform. Amends the underlying chapter by allowing athletic trainers to treat neurological injuries such as concussions on the field consistent with current guidance by the State Education Department. AYE

S8055 CHAPTER AMENDMENT - Enacts the lead pipe right to know act requiring public water systems to take service line inventories and make such information available to the public. This legislation amends the underlying chapter by tying state statutory definitions of "parts" used in service lines which are reported in service line inventories and mapping to match federal regulations, in case the federal EPA changes their regulations, to ensure continued statutory alignment. NAY (Duplication of requirements by EPA addressed partially in chapter amendment).

S8094 CHAPTER AMENDMENT - Relates to the capital access program. This chapter amendment would make changes to the Pursuit lending corporation to add clarifying language and remove provisions requiring the development of a web portal and third-party marketing. AYE

S8017 CHAPTER AMENDMENT - Amends the effectiveness of a chapter of 2023 relating to allowing for non-CPA ownership of firms; provides that such act shall take effect in 6 months. AYE

S8023 CHAPTER AMENDMENT - Repeals previous chapter and replaces with a 13 member New York Asian American and Pacific Islander commission to develop policies to improve the community, economic and social well-being, and the health and educational needs important to Asian American and Pacific Islander communities in the state; provides for the duties of the commission. AYE

S8027 CHAPTER AMENDMENT - Makes technical changes to provisions relating to maximum number of employees that a minority and women-owned business enterprise may have during a declared state disaster emergency. Amends subdivision 20 of section 310 of the Executive Law by removing the provision that allows for the state disaster emergency exception to apply when employees are engaging in work related to any other emergency, or

critical need. AYE

S8031 CHAPTER AMENDMENT - Enacts the birds and bees protection act. Provides for the regulation of certain coated and treated seeds. Amends the underlying chapter to substitute the agencies' ability to suspend the ban on treated seeds with a waiver structure to provide for more individualized and targeted accommodation of farming needs. The bill further provides additional time for farmers and agricultural product markets to prepare for when the law takes effect. NAY

S8032 CHAPTER AMENDMENT - Requires state agencies to conform any of their websites to the most current version of the Web Content Accessibility Guidelines adopted by the World Wide Web Consortium for accessibility. Amends the underlying chapter by clarifying that websites must comply where there is a change to form or function. The change to form or function is defined as modifications to aspects of the website. The amendment requires all agency websites to be compliant by January 1, 2027. AYE

S8041 CHAPTER AMENDMENT - Prohibits littering and dumping on state park lands and provides for penalties for violations. Clarifies what littering on state park lands includes; exempts the use of ash, sand and salt for the purpose of reducing hazards on roads caused by snow and ice. AYE

S8042 CHAPTER AMENDMENT - Prohibits the sale of sodium nitrate and sodium nitrite to any person under the age of twenty-one. Amends the underlying chapter by adding clarifying language that the ban will not apply to foods containing sodium nitrate or nitrite in compliance with the federal laws related to use of food ingredients and sources of radiation as written in 9 CFR Part 424 or 21 CFR Part 172. NAY

S8047 COSPONSOR OF ENABLING LEGISLATION CHAPTER AMENDMENT - Relates to a four-year demonstration project to reduce the use of temporary staffing agencies in



residential healthcare facilities. This legislation moves the demonstration program into unconsolidated law; eliminates the workgroup that would have been tasked with studying, evaluating, and making recommendations on the demonstration program; and requires nursing homes to submit documentation to the Department of Health that they have met the thresholds of the demonstration program. AYE