



NEW YORK STATE SENATOR

Patrick M. Gallivan

Votes in the NYS Senate for Week of Feb. 3, 2020

JIM RANNEY February 7, 2020

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The bills listed below were voted on in the New York State Senate. The legislation is listed by bill number and includes a short description, followed by Senator Gallivan's vote.

6948 CHAPTER AMENDMENT - Relates to membership of the African-American History Commission, extends the deadline for when the commission should submit reports of its findings, and extends the repeal date. The Executive expressed concerns about the ability of the commission to make grants on its own and how the work of the commission would require them to use a significant amount of existing agency resources, since no money was

appropriated for the workings of the commission, and since they would be responsible for the expenditure of these resources they believe they require overall control of the commission, which is provided by giving the Executive the majority of the appointments. Finally, technical changes were made to accommodate the late timing of the bill signing. NAY (Takes from legislature; gives more power to executive)

6958 CHAPTER AMENDMENT - Makes changes to provisions of L.2019, c.735 which sought to establish a permanent environmental justice advisory group and an environmental justice interagency coordinating council. Pursuant to approval memo 81 of 2019, the Executive expressed concerns over the delegation of authority normally held by an executive agency. This amends the underlying chapter by making technical changes to the advisory group's powers and duties, and changing the appointment language by decreasing the total advisory group membership, with ten members selected by the governor and six selected by the legislature. AYE

6961 CHAPTER AMENDMENT - Relates to directing the MTA and the New York City transit authority to rename certain subway stations and recognizing Medgar Evers College's positive impacts to the community. Clarifies that the Metropolitan Transportation Authority (MTA) or New York City Transit Authority (NYCTA) are authorized to determine sufficient funds are available to implement signage changes and directs completion of the station renaming, including any items necessary to implement such renaming, within 10 months of the original chapter taking effect. AYE

7160 CHAPTER AMENDMENT - The underlying chapter amended tax law in relation to L.2019, c.683, highlighting a television writers' and directors' fees and salaries credit and directing a study to be completed on the underutilization of minority and women screenwriters and directors. This bill cleans up and tightens up some of the language from

the original bill which adds eligibility for the film tax credit to the cost of writers and directors. It also adds a disparity study to see if minority and women writers and directors are underutilized. The changes to the film tax credit will not go into effect unless such study shows underutilization. The chapter amendment also requires that such writers do their work in a "writers room" which is located in New York State. NAY (Takes from existing resources - Less for all others.)

7169 CHAPTER AMENDMENT - The underlying chapter, L.2019, c.715, sought to amend the general business law to mandate domestic violence and sexual assault awareness education for persons engaged in the practice of nail specialty, waxing, natural hair styling, esthetics and cosmetology. This legislation amends the underlying chapter by allowing the Department of State to consult with multiple advocacy groups recognized by the federal Department of Justice or Health to assist with programming in relation to domestic violence and sexual awareness. NAY (Still too much Government intrusion in private business.)

7182 CHAPTER AMENDMENT - This is a chapter amendment that makes changes to provisions of L.2019, c.657. Its underlying chapter pertained to correction law with the goal of requiring a report on the death and circumstances of an inmate to be sent to the governor, the chairman of the assembly committee on correction, and the chairman of the senate committee on crime victims, crime, and correction. This chapter amendment ensures the SCOC receives an unredacted version of the report while the governor and chairmen receive a report where confidential medical records are redacted. The underlying bill had all persons receiving the report. NAY (Different reports to SCOC and legislature)

7189 CHAPTER AMENDMENT - This bill would increase penalties in regards to the selling, offering for sale, or distributing of mercury-added lamps (general purpose and special purpose lamps) that fail to meet mercury content standards required by the Department of Environmental Conservation. AYE

250A Establishes a private student loan refinance task force to study and report on ways lending institutions offering private student loans to graduates of institutions of higher education can be encouraged to establish student loan refinancing programs. A print extends effective date. AYE

3661 Reduces the cost of textbooks and course materials for students of institutions of higher education by requiring every institution of higher education to adopt policies that allow the use of innovative pricing techniques and payment options for textbooks, supplemental materials, and other course materials or textbooks. AYE

4489 Allows retired higher education professionals who elected to become members of the SUNY or CUNY optional retirement plan (ORP) to make voluntary automatic contributions to their employee organizations. AYE

3548-A Amends state finance law to direct the Governor to submit five-year capital plans on SUNY and CUNY institutions starting in 2021 and every fifth fiscal year thereafter that meets 100% of the critical maintenance needs identified by each public university system or annually reduces the facility condition index for each university system. AYE

1063-A Requires counselors and health professionals who are providing alcohol and/or substance abuse and/or compulsive gambling services to have certain courses of study or equivalent on-the-job experience including on providing trauma-informed, patient-centered care, treating co-occurring disorders, and sensitivity training. Such courses shall be updated as needed to reflect evolving best practices in harm reduction, treatment and long-term recovery. Sensitivity training shall mean a form of training with the goal of making people

more aware of their own prejudices and more sensitive to others. AYE

2507 Requires the office of alcoholism and substance abuse services to develop training materials for health care providers and qualified health professionals, recognized by the office to enable the implementation of the screening, brief intervention, and referral to treatment program, regarding screening for alcoholism and chemical dependency. AYE

4496-A Creates a recovery living task force to establish best practice guidelines for recovery living residents that illustrate the most appropriate and effective environment for persons recovering from a chemical dependency. A print further defines the issues to be considered by the taskforce. AYE

4599 Creates the chemical dependence treatment bill of rights to be posted in a conspicuous place in all treatment facilities. AYE

5457 This bill would expand the Good Samaritan law to include the application of opioid antagonists to include "public accommodations" such as; restaurants, bars, and retail establishments to the list of entities protected from legal liability. AYE

6650 Requires the provision of opioid overdose education where a patient is about to be discharged or conditionally released from an correctional, hospital or mental health facility who has been diagnosed with an opioid use disorder; further requires at discharge from the hospital that such individual be provided with two doses of opioid antagonists in a form approved for take home use by the federal food and drug administration. NAY (Education for those to be released from correctional facilities appropriate, sending home with antagonists is not. NYS facilities only.)

3159-A Prohibits insurers from denying life insurance to individuals who have been prescribed medication used to block the effects of opioids. AYE

7132 This bill would require nurses, nurse practitioners, psychologists, licensed masters and licensed clinical social workers, mental health counselors, marriage and family therapists, psychoanalysts, physical therapists, physical therapist assistants, chiropractors and occupational therapists to complete two hours of continuing education in the areas of pain management and substance use disorders as part of their existing continuing education requirements. AYE

5653-A Amends section 3343-a of the public health law to require the department to identify and examine potential inappropriate prescribing of controlled substances. AYE

6397 This bill requires a minimum of one opioid abuse-deterrent opioid analgesic drug per opioid analgesic active ingredient is covered on a health plan and cannot exceed the lowest cost-sharing level and prohibit a health plan from requiring a patient take a non-abuse deterrent drug before an abuse-deterrent opioid version and prior authorization requirements. AYE

7102-A This bill requires the Department of Health, State Education Department and the Office of Addiction Services (OASAS) to update the course work or training in pain management, palliative care and addiction for medical professionals that prescribe controlled substances to include: best practices for providing patient centered care with the consideration of social determinants to health and co-occurring disorders. In 2016, the law was updated to require medical professionals who prescribe controlled substances to take 3 hours of coursework during each registration period (3 years) in pain management, palliative care and addiction. This bill builds on the success of these measures. AYE

7115 This bill provides that at the request of the prescriber or the patient, a prescription for a Schedule II, III, IV or V drug may be partially filled if the partial refill is recorded in the same manner as a refill. The remaining quantity of the prescription may be dispensed separately

only once in conformity with directions for use. AYE

6288-A This bill would require the Office of Addiction Services and Supports to update its guidelines for correctional substance use disorder treatment, in line with best practices, and would require annual reporting of data on the substances that incarcerated individuals are most commonly addicted to and what treatment they receive. AYE

6694 Establishes a workgroup under mental hygiene law to conduct analysis on the ambulatory patient group rates and commercial insurance rates for behavioral health services to ensure that mental health and substance use service providers have fiscally viable programs as well as alternative reimbursement models and any policy or fiscal resources necessary to carry out the recommendations that the workgroup will make. The commissioner of the office of mental health must collaborate with the DOH commissioner and office of alcohol and substance abuse services commissioner towards its establishment. The workgroup will comprise behavioral health providers and other relevant stakeholders. It must submit a report by 2021. AYE

5480 This bill amends title 1 article 25 of the PHL to establish a new section 2509, which would establish an infant recovery centers pilot program to consist of 4 infant recovery centers in areas of need in the state. The centers will provide cost effective, necessary services and enhance the quality of care for targeted populations in order to demonstrate the effectiveness of such program. Eligible infants are under 1 year of age and suffer from withdrawal resulting from in utero exposure to drugs. Conditions can include, but are not limited to, neonatal abstinence syndrome. AYE

4741-B This bill would enact "Stephen's Law" to require every treatment program to notify patients of their right to identify individuals who should be contacted in case of an emergency. The B print dramatically simplifies the language and now simply requires a

treatment program to notify every patient of their right to identify individuals who should be contacted in case of an emergency. AYE

5150-B Provides that with the first opioid prescription of each year for use in a setting other than a general hospital or nursing home under article twenty-eight of this chapter or facility under article thirty-one of the mental hygiene law, or when a practitioner is prescribing a controlled substance to a patient under the care of hospice, the prescriber shall prescribe an opioid antagonist when any of the following risk factors are present: a history of substance abuse disorder; high dose or cumulative prescriptions that result in over 50 morphine milligram equivalents per day; concurrent use of opioids and benzodiazepine or nonbenzodiazepine sedative hypnotics. NAY (Physicians and prescribers are already required to use the CDC Guideline for Prescribing Opioids for Chronic Pain when assessing patients for opioid use which require, in part, that prescribers discuss benefits and risks and the availability of non-opioid therapies with the patient and ensure that patients are started on the lowest dosage possible. Doctors still have ability to prescribe antagonist.)

6931 CHAPTER AMENDMENT - The original bill sought to allow colleges and universities in NYS to purchase policies and make them available to students to address potential gaps in coverage that may not be included in the student's insurance plan through their parent or guardian. These plans typically provide coverage for accident, dental, vision, intercollegiate sports injury coverage or travel insurance. This amendment was proposed by the Governor to limit the scope of coverage permitted by its terms and thereby ensure that such coverage is consistent with federal regulations. AYE

7163 CHAPTER AMENDMENT - Permits the detention of individuals who are eighteen years of age or older in a county jail pending a first court appearance in an off-hours arraignment part. This chapter amendment to an OCA departmental is to ensure the underlying bill complies with raise the age legislation. AYE

7179 CHAPTER AMENDMENT - Directs the study of the future implementation of fifth and future generation wireless network system technology in the state and specifies which agencies shall conduct such study. This bill amends the original chapter by adding the PSC, Urban Development, Homeland Security, the State Police and Military and Naval Affairs to the list of those responsible for input into the production of the report. AYE

7181 CHAPTER AMENDMENT - The original bill grants immunity for reports of suspected fraud made by or to the National Insurance Crime Bureau, a nonprofit dedicated to the investigation and prosecution of insurance fraud. This amendment would limit the immunity granted to only insurance fraud as defined in section 176.05 of the penal law. AYE

7185 CHAPTER AMENDMENT - The original bill required hospitals, as part of discharge planning for a patient who will be discharged with a central venous line (CVL), to ensure that identified caregiver will be able to care for such patient upon discharge. This bill expands on this chapter by requiring discharge planning requirements regarding caregivers to all services (not just for patients with CVL). AYE

7186 CHAPTER AMENDMENT - This legislation amends the underlying chapter by expanding the total amount of barrels that restaurant-brewers could sell to 2000, while maintaining their ability to sell up to 250 of that without the use of a wholesaler. AYE

7188 CHAPTER AMENDMENT - Increases the duties of the women veterans coordinator to include: advocating for all women veterans in the state; and the inclusion of the contributions women veterans have made on behalf of the United States and this state on the division's official website. This Chapter Amendment, which would maintain the expansion of the role of the woman veterans coordinator provided in the original chapter 406, and merely provide a limitation on the preparation of reports "to the extent such information is available". AYE

7190 CHAPTER AMENDMENT - Relates to rights of residents of adult care facilities; provides that residents have a right to be informed about their condition, treatment and medications. This legislation removes language that would have unintentionally limited an adult care facility resident's rights to choose his or her own health care provider thereby ensuring that a resident's choice of health care provider is not limited. AYE

7193 CHAPTER AMENDMENT - Relates to regulatory penalties for small businesses. This legislation amends the underlying chapter requiring the waiver of de minimus violations, granting businesses a minimum of 15 days to cure any violations, excludes the department of financial services and workers' compensation board and will expire after 2 years. AYE

7196 CHAPTER AMENDMENT - The underlying bill requires that every Opportunity to Ballot Petition submitted to the Board of Elections be accompanied by a Certificate of Acceptance completed by those appointed on the petition to the committee to receive notices. This amendment makes the bill more accurately reflect current law. AYE

7309 CHAPTER AMENDMENT - This bill would allow filings with a local campaign finance board to meet state filing requirements and thereby eliminate duplicative filings when the local filing contains all of the information required by state law. This chapter amendment is intended to give clearer guidance to the state board of elections and political committees on compliance.

AYE

7311 CHAPTER AMENDMENT - The underlying chapter enacted the New York call center jobs act by requiring in part the Commissioner of Labor to maintain a list of all relocated call centers. This chapter amendment makes changes that would maintain the broad goals of discouraging the outsourcing of call center jobs from New York to foreign countries and ensuring that state resources spent promoting call centers can be recouped if a company

outsources call center jobs. AYE

6897A This bill relates to providing Census-related translation services for languages that are currently not provided by the Census Bureau. The Department of State would be required to connect state agencies, municipalities and other local institutions to translation services. NAY (Not necessary. Lack of funding.)

6884 This bill would require the State Library, any library of a public college or university, and any public or Indian library be open to the public for providing census-related services including the use of computers, secure internet access, census information services and translation services. NAY (This is an unfunded mandate on local libraries.)

6883 This bill would direct the Commission of the Office of General Services to develop and implement a statewide media campaign, in conjunction with relevant state agencies, to inform the public about the 2020 census services, requirements, procedures and census-related events or activities. NAY (No funding.)