

STATE OF NEW YORK

S. 7506--B

A. 9506--B

SENATE - ASSEMBLY

January 22, 2020

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- 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 education law, in relation to contracts for excellence and the apportionment of public moneys; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; to amend the education law, in relation to conditions under which districts are entitled to apportionment; to amend the education law, in relation to courses of instruction in patriotism and citizenship and in certain historic documents; to amend the education law, in relation to instruction in the Holocaust in certain schools; to amend the education law, in relation to moneys apportioned to school districts for commercial gaming grants; to amend part B of chapter 57 of the laws of 2008 amending the education law relating to the universal pre-kindergarten program, in relation to the effectiveness thereof; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursements for the 2020-2021 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, in relation to the effectiveness thereof; to amend chapter 147 of the laws of 2001, amending the education law relating to condi-

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

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tional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; to amend chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to the effectiveness thereof; to amend part C of chapter 57 of the laws of 2004, relating to the support of education, in relation to the effectiveness thereof; relates to school bus driver training; relates to special apportionment for salary expenses and public pension accruals; relates to authorizing the city school district of the city of Rochester to purchase certain services; relates to suballocations of appropriations; to amend chapter 121 of the laws of 1996, relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds; in relation to certain apportionments; to amend chapter 89 of the laws of 2016 relating to supplementary funding for dedicated programs for public school students in the East Ramapo central school district, in relation to the effectiveness thereof; to amend chapter 18 of the laws of 2020, authorizing deficit financing and an advance of aid payments for the Wyandanch union free school district, in relation to the issuance of serial bonds; and relates to the support of public libraries (Part A); to amend the education law, in relation to establishing the Syracuse Comprehensive Education and Workforce Training Center focusing on Science, Technology, Engineering, Arts, and Math to provide instruction to students in the Onondaga, Cortland and Madison county BOCES and the central New York region in the areas of science, technology, engineering, arts and mathematics (Part B); directing the commissioner of education to appoint a monitor for the Rochester city school district, establishing the powers and duties of such monitor and certain other officers and relating to the apportionment of aid to such school district; and providing for the repeal of certain provisions upon the expiration thereof (Part C); to amend the education law, in relation to predictable tuition allowing annual tuition increase for certain SUNY schools (Part D); intentionally omitted (Part E); intentionally omitted (Part F); intentionally omitted (Part G); to utilize reserves in the mortgage insurance fund for various housing purposes (Part H); to amend the emergency tenant protection act of nineteen seventy-four, in relation to authorizing a payment offset for rent administration costs (Part I); to amend the labor law, in relation to requirements for sick leave (Part J); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part K); to amend the family court act, in relation to judgments of parentage of children conceived through assisted reproduction or pursuant to surrogacy agreements; to amend the domestic relations law, in relation to restricting genetic surrogate parenting contracts; to amend the public health law, in relation to voluntary acknowledgments of parentage, gestational surrogacy and regulations concerning ova donation; to amend the general business law, the estates, powers and trusts law, the social services law and the insurance law, in relation to the regulation of surrogacy programs; to amend the estates powers and trusts law, in relation to inheritance by children after the death of an intended parent; and to repeal section 73 of the domestic



relations law, relating to legitimacy of children born by artificial insemination (Part L); intentionally omitted (Part M); to amend the social services law, in relation to restructuring financing for residential school placements; to repeal certain provisions of the education law relating thereto; and providing for the repeal of such provisions upon expiration thereof (Part N); intentionally omitted (Part O); to amend the education law, in relation to establishing the curing Alzheimer's health consortium (Part P); to amend the education law, in relation to the foster youth college success initiative (Part Q); to amend the social services law, in relation to the standard of proof for unfounded and indicated reports of child abuse and maltreatment; and to amend the family court act, in relation to the admissibility of reports of child abuse and maltreatment (Part R); to amend the private housing finance law, in relation to increasing the annual amount of loans made to an agricultural producer from the housing development fund (Part S); to amend the private housing finance law, in relation to increasing the bonding authority of the New York city housing development corporation (Part T); to amend the local emergency housing rent control act, in relation to the date when the local legislative body of a city having a population of one million or more may determine the continuation of the emergency (Part U); to amend the social services law and the vehicle and traffic law, in relation to photo identification cards (Part V); to amend the tax law, in relation to state support for the local enforcement of past-due property taxes (Part W); and to amend the tax law, in relation to the employer compensation expense tax (Part X); to amend the New York Health Care Reform Act of 1996, in relation to extending certain provisions relating thereto; to amend the public health law, in relation to health care initiative pool distributions; to amend the New York Health Care Reform Act of 2000, in relation to extending the effectiveness of provisions thereof; to amend the public health law and the state financial law in relation to eliminating programs that do not support the department of health's core mission; to amend the public health law, in relation to payments for uncompensated care to certain voluntary non-profit diagnostic and treatment centers; to amend the public health law, in relation to the distribution pool allocations and graduate medical education; to amend the public health law, in relation to the assessments on covered lives; to amend the public health law, in relation to tobacco control and insurance initiatives pool distributions; to amend chapter 266 of the laws of 1986 amending the civil practice law and rules and other laws relating to malpractice and professional medical conduct, in relation to extending the effectiveness of certain provisions thereof; to amend chapter 62 of the laws of 2003 amending the general business law and other laws relating to enacting major components necessary to implement the state fiscal plan for the 2003-04 state fiscal year, in relation to the deposit of certain funds; to amend the social services law, in relation to extending payment provisions for general hospitals; to amend the public health law, in relation to extending payment provisions for certain medical assistance rates for certified home health agencies; to amend the social services law, in relation to extending payment provisions for certain personal care services medical assistance rates; to amend chapter 517 of the laws of 2016 amending the public health law relating to payments from the New York state medical indemnity fund, in relation to the effectiveness thereof; and to repeal certain provisions of the public health law relating to funding for



certain programs (Part Y); to amend the social services law, in relation to limiting the availability of enhanced quality of adult living program ("EQUAL") grants (Part Z); to amend the state finance law, in relation to transferring responsibility for the autism awareness and research fund to the office for people with developmental disabilities; to amend the mental hygiene law, the insurance law and the labor law, in relation to transferring responsibility for the comprehensive care centers for eating disorders to the office of mental health; and to repeal certain provisions of the public health law relating to funding for certain programs (Part AA); to amend chapter 59 of the laws of 2016 amending the public health law and other laws relating to electronic prescriptions, in relation to the effectiveness thereof; to amend chapter 19 of the laws of 1998, amending the social services law relating to limiting the method of payment for prescription drugs under the medical assistance program, in relation to the effectiveness thereof; to amend the public health law, in relation to continuing nursing home upper payment limit payments; to amend chapter 904 of the laws of 1984, amending the public health law and the social services law relating to encouraging comprehensive health services, in relation to the effectiveness thereof; to amend chapter 62 of the laws of 2003, amending the public health law relating to allowing for the use of funds of the office of professional medical conduct for activities of the patient health information and quality improvement act of 2000, in relation to extending the provisions thereof; to amend chapter 59 of the laws of 2011, amending the public health law relating to the statewide health information network of New York and the statewide planning and research cooperative system and general powers and duties, in relation to the effectiveness thereof; to amend chapter 58 of the laws of 2008, amending the elder law and other laws relating to reimbursement to participating provider pharmacies and prescription drug coverage, in relation to extending the expiration of certain provisions thereof; to amend the public health law, in relation to issuance of certificates of authority to accountable care organizations; to amend chapter 59 of the laws of 2016, amending the social services law and other laws relating to authorizing the commissioner of health to apply federally established consumer price index penalties for generic drugs, and authorizing the commissioner of health to impose penalties on managed care plans for reporting late or incorrect encounter data, in relation to the effectiveness of certain provisions of such chapter; to amend part B of chapter 57 of the laws of 2015, amending the social services law and other laws relating to supplemental rebates, in relation to the effectiveness thereof; to amend chapter 57 of the laws of 2019, amending the public health law relating to waiver of certain regulations, in relation to the effectiveness thereof; to amend chapter 474 of the laws of 1996, amending the education law and other laws relating to rates for residential health care facilities, in relation to extending the effectiveness of certain provisions thereof; to amend chapter 81 of the laws of 1995, amending the public health law and other laws relating to medical reimbursement and welfare reform, in relation to extending the effectiveness of certain provisions thereof; to amend chapter 58 of the laws of 2008, amending the social services law and the public health law relating to adjustments of rates, in relation to extending the date of the expiration of certain provisions thereof; to amend chapter 495 of the laws of 2004, amending the insurance law and the public health law relating to the New York state health insurance



continuation assistance demonstration project, in relation to the effectiveness thereof; to amend chapter 563 of the laws of 2008, amending the education law and the public health law relating to immunizing agents to be administered to adults by pharmacists, in relation to the effectiveness thereof; to amend chapter 116 of the laws of 2012, amending the education law relating to authorizing a licensed pharmacist and certified nurse practitioner to administer certain immunizing agents, in relation to the effectiveness thereof; and to amend chapter 21 of the laws of 2011, amending the education law relating to authorizing pharmacists to perform collaborative drug therapy management with physicians in certain settings, in relation to the effectiveness thereof (Part BB); to amend the public health law, in relation to the state's schedules of controlled substances (Part CC); to amend the public health law and the labor law, in relation to the state's modernization of environmental health fee (Part DD); to amend the public health law, the tax law and the general business law, in relation to the sale of tobacco products and vapor products (Part EE); to amend the public health law, in relation to the renaming of the Physically Handicapped Children's Program (Part FF); to amend the social services law and the public health law, in relation to creating a single preferred-drug list for medication assisted treatment; to amend chapter 57 of the laws of 2015, amending the social services law and other laws relating to supplemental rebates, in relation to the effectiveness thereof; to amend chapter 165 of the laws of 1991, amending the public health law and other laws relating to establishing payments for medical assistance, in relation to the effectiveness thereof; to amend chapter 710 of the laws of 1988, amending the social services law and the education law relating to medical assistance eligibility of certain persons and providing for managed medical care demonstration programs, in relation to the effectiveness thereof; and providing for the repeal of certain provisions upon expiration thereof (Part GG); to amend the public health law, in relation to expanding telehealth services (Part HH); to establish a pilot program for the purposes of promoting social determinant of health interventions (Part II); to provide for the administration of certain funds and accounts related to the 2020-2021 budget, authorizing certain payments and transfers; to amend the state finance law, in relation to the administration of certain funds and accounts; to amend part D of chapter 389 of the laws of 1997 relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of certain bonds or notes; to amend part Y of chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to the issuance of certain bonds or notes; to amend the public authorities law, in relation to the issuance of certain bonds or notes; to amend part K of chapter 81 of the laws of 2002, relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to the issuance of certain bonds or notes; to amend the New York state medical care facilities finance agency act, in relation to the issuance of certain bonds or notes; to amend the New York state urban development corporation act, in relation to the issuance of certain bonds or notes; to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the issuance of certain bonds or notes; to amend the public authorities law, in



relation to the issuance of certain bonds or notes; to amend the New York state urban development corporation act, in relation to the issuance of certain bonds or notes; to amend the private housing finance law, in relation to housing program bonds and notes; to amend the New York state urban development corporation act, in relation to authorizing the dormitory authority of the state of New York and the urban development corporation to enter into line of credit facilities, and in relation to state-supported debt issued during the 2021 fiscal year; to amend the state finance law, in relation to payments of bonds; to amend the civil practice law and rules, in relation to an action related to a bond; to amend the state finance law, in relation to establishing the public health emergency charitable gifts trust fund; and providing for the repeal of certain provisions upon expiration thereof (Part JJ); to amend the public health law, in relation to the designation of statewide general hospital quality and sole community pools and the reduction of capital related inpatient expenses; to repeal certain provisions of such law relating thereto; and providing for the repeal of certain provisions upon expiration thereof (Part KK); to amend the social services law, in relation to reimbursement of transportation costs; to supplemental transportation payments; to reimbursement of emergency transportation services; to manage Medicaid transportation services using the contracted transportation managers for transportation provided to enrollees of managed long term care plans; to transition to a Medicaid transportation broker; and to reimbursement of emergency medical transportation (Part LL); to amend the social services law, in relation to changing the authorization requirements for personal care services; to amend the public health law, in relation to integrated medicaid managed care products for dual-eligibles; in relation to licensed home care service agency contracting; to amend chapter 60 of the laws of 2014, amending the social services law relating to fair hearings within the Fully Integrated Duals Advantage program, in relation to the effectiveness thereof; to amend the social services law, in relation to integrated fair hearing and appeals processes; to amend the public health law, in relation to the hospice worker recruitment and retention program; in relation to licensed home care services agencies; to direct the department of health to contract with an independent assessor to conduct community health assessments; to amend part C of chapter 57 of the laws of 2018, amending the social services law and the public health law relating to health homes and penalties for managed care providers, in relation to the effectiveness of certain contracts; to amend the social services law, in relation to the medicaid eligibility look-back period and to the community spouse resource amount; to amend the public health law, in relation to authorizations for personal care services; to direct the department of health to establish or procure the services of an independent panel of clinical professionals and to develop and implement a uniform task-based assessment tool; and in relation to managed long term care plans program oversight and administration (Part MM); to amend the public health law, in relation to discontinuing return of equity payments to for-profit nursing homes (Part NN); to amend the public health law and the labor law, in relation to wage parity enforcement (Part OO); to amend the social services law, in relation to improving access to private duty nursing services for medically fragile children, removing limitations on alternative rehabilitative services and establishing pilot programs promoting the use of alternative treatments for individuals suffering



from chronic lower back pain and diabetes and chronic disease self-management (Part PP); to amend the social services law, the public health law and the insurance law, in relation to managed care encounter data (Part QQ); to amend the general city law and the administrative code of the city of New York, in relation to authorizing providing relocation and employment assistance credits (Part RR); to amend the real property tax law and the administrative code of the city of New York, in relation to abatement of tax payments for certain industrial and commercial properties in a city of one million or more persons (Part SS); to amend the election law, in relation to omitting a candidate for the office of president of the United States from the primary ballot (Part TT); to amend the criminal procedure law, the judiciary law and the executive law, in relation to securing orders and pretrial proceedings (Part UU); to amend the penal law, in relation to transit crimes and prohibition orders relating to such crimes (Part VV); to amend the Hudson river park act, in relation to Pier 76 (Part WW); to amend the insurance law, in relation to prescription drug pricing and creating a drug accountability board (Part XX); to amend the financial services law and the insurance law, in relation to claims payment timeframes and payment of interest, payment and billing for out-of-network hospital emergency services, claims payment performance and creation of a workgroup to study health care administrative simplification; to amend the civil practice law and rules, in relation to claims for medical debt; to amend the public health law, the insurance law and the financial services law, in relation to provisional credentialing of physicians and to amend the insurance law and the public health law, in relation to preventing recoupment of COVID-19 related inpatient and emergency services claims (Part YY); to amend the tax law and the social services law, in relation to certain Medicaid management; and providing for the repeal of such provisions upon expiration thereof (Part ZZ); to amend chapter 266 of the laws of 1986 amending the civil practice law and rules and other laws relating to malpractice and professional medical conduct, in relation to extending the effectiveness of certain provisions thereof; to amend part J of chapter 63 of the laws of 2001 amending chapter 266 of the laws of 1986, amending the civil practice law and rules and other laws relating to malpractice and professional medical conduct, relating to the effectiveness of certain provisions of such chapter, in relation to extending certain provisions concerning the hospital excess liability pool; and to amend part H of chapter 57 of the laws of 2017, amending the New York Health Care Reform Act of 1996 and other laws relating to extending certain provisions relating thereto, in relation to extending provisions relating to excess coverage (Part AAA); intentionally omitted (Part BBB); to amend part H of chapter 59 of the laws of 2011, amending the public health law and other laws relating to known and projected department of health state fund Medicaid expenditures, in relation to extending the Medicaid global cap (Part CCC); to amend the insurance law, in relation to capping cost sharing for insulin (Part DDD); to amend the public authorities law, in relation to the New York State Bridge Authority (Part EEE); to amend the public health law, in relation to extending and enhancing the Medicaid drug cap and to reduce unnecessary pharmacy benefit manager costs to the Medicaid program; to direct the department of health to remove the pharmacy benefit from the managed care benefit package and to provide the pharmacy benefit under the fee for service program; and to amend the public health law, in relation to partic-



ipation and membership in a demonstration period (Part FFF); to amend the public health law, in relation to enacting the emergency or disaster treatment protection act (Part GGG); to amend the criminal procedure law and the judiciary law, in relation to automatic discovery (Part HHH); to amend the local finance law, in relation to establishing a period of probable usefulness for airport construction and improvement of the Ithaca Tompkins International Airport (Part III); to validate certain acts of the Mahopac Central school district with regard to certain capital improvement projects (Part JJJ); to amend the social services law, the public health law and the insurance law, in relation to managed care encounter data, authorizing electronic notifications, and establishing regional demonstration projects (Part KKK); and to amend chapter 141 of the laws of 1994, amending the legislative law and the state finance law relating to the operation and administration of the legislature, in relation to extending such provisions (Part LLL)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2020-2021
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through LLL. The effective date for each partic-
5 ular provision contained within such Part is set forth in the last
6 section of such Part. Any provision in any section contained within a
7 Part, including the effective date of the Part, which makes a reference
8 to a section "of this act", when used in connection with that particular
9 component, shall be deemed to mean and refer to the corresponding
10 section of the Part in which it is found. Section three of this act sets
11 forth the general effective date of this act.

12 PART A

13 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
14 tion law, as amended by section 1 of part YYY of chapter 59 of the laws
15 of 2019, is amended to read as follows:

16 e. Notwithstanding paragraphs a and b of this subdivision, a school
17 district that submitted a contract for excellence for the two thousand
18 eight--two thousand nine school year shall submit a contract for excel-
19 lence for the two thousand nine--two thousand ten school year in
20 conformity with the requirements of subparagraph (vi) of paragraph a of
21 subdivision two of this section unless all schools in the district are
22 identified as in good standing and provided further that, a school
23 district that submitted a contract for excellence for the two thousand
24 nine--two thousand ten school year, unless all schools in the district
25 are identified as in good standing, shall submit a contract for excel-
26 lence for the two thousand eleven--two thousand twelve school year which
27 shall, notwithstanding the requirements of subparagraph (vi) of para-
28 graph a of subdivision two of this section, provide for the expenditure
29 of an amount which shall be not less than the product of the amount
30 approved by the commissioner in the contract for excellence for the two
31 thousand nine--two thousand ten school year, multiplied by the
32 district's gap elimination adjustment percentage and provided further
33 that, a school district that submitted a contract for excellence for the



1 two thousand eleven--two thousand twelve school year, unless all schools
2 in the district are identified as in good standing, shall submit a
3 contract for excellence for the two thousand twelve--two thousand thir-
4 teen school year which shall, notwithstanding the requirements of
5 subparagraph (vi) of paragraph a of subdivision two of this section,
6 provide for the expenditure of an amount which shall be not less than
7 the amount approved by the commissioner in the contract for excellence
8 for the two thousand eleven--two thousand twelve school year and
9 provided further that, a school district that submitted a contract for
10 excellence for the two thousand twelve--two thousand thirteen school
11 year, unless all schools in the district are identified as in good
12 standing, shall submit a contract for excellence for the two thousand
13 thirteen--two thousand fourteen school year which shall, notwithstanding
14 the requirements of subparagraph (vi) of paragraph a of subdivision two
15 of this section, provide for the expenditure of an amount which shall be
16 not less than the amount approved by the commissioner in the contract
17 for excellence for the two thousand twelve--two thousand thirteen school
18 year and provided further that, a school district that submitted a
19 contract for excellence for the two thousand thirteen--two thousand
20 fourteen school year, unless all schools in the district are identified
21 as in good standing, shall submit a contract for excellence for the two
22 thousand fourteen--two thousand fifteen school year which shall,
23 notwithstanding the requirements of subparagraph (vi) of paragraph a of
24 subdivision two of this section, provide for the expenditure of an
25 amount which shall be not less than the amount approved by the commis-
26 sioner in the contract for excellence for the two thousand thirteen--two
27 thousand fourteen school year; and provided further that, a school
28 district that submitted a contract for excellence for the two thousand
29 fourteen--two thousand fifteen school year, unless all schools in the
30 district are identified as in good standing, shall submit a contract for
31 excellence for the two thousand fifteen--two thousand sixteen school
32 year which shall, notwithstanding the requirements of subparagraph (vi)
33 of paragraph a of subdivision two of this section, provide for the
34 expenditure of an amount which shall be not less than the amount
35 approved by the commissioner in the contract for excellence for the two
36 thousand fourteen--two thousand fifteen school year; and provided
37 further that a school district that submitted a contract for excellence
38 for the two thousand fifteen--two thousand sixteen school year, unless
39 all schools in the district are identified as in good standing, shall
40 submit a contract for excellence for the two thousand sixteen--two thou-
41 sand seventeen school year which shall, notwithstanding the requirements
42 of subparagraph (vi) of paragraph a of subdivision two of this section,
43 provide for the expenditure of an amount which shall be not less than
44 the amount approved by the commissioner in the contract for excellence
45 for the two thousand fifteen--two thousand sixteen school year; and
46 provided further that, a school district that submitted a contract for
47 excellence for the two thousand sixteen--two thousand seventeen school
48 year, unless all schools in the district are identified as in good
49 standing, shall submit a contract for excellence for the two thousand
50 seventeen--two thousand eighteen school year which shall, notwithstand-
51 ing the requirements of subparagraph (vi) of paragraph a of subdivision
52 two of this section, provide for the expenditure of an amount which
53 shall be not less than the amount approved by the commissioner in the
54 contract for excellence for the two thousand sixteen--two thousand
55 seventeen school year; and provided further that a school district that
56 submitted a contract for excellence for the two thousand seventeen--two



1 thousand eighteen school year, unless all schools in the district are
2 identified as in good standing, shall submit a contract for excellence
3 for the two thousand eighteen--two thousand nineteen school year which
4 shall, notwithstanding the requirements of subparagraph (vi) of para-
5 graph a of subdivision two of this section, provide for the expenditure
6 of an amount which shall be not less than the amount approved by the
7 commissioner in the contract for excellence for the two thousand seven-
8 teen--two thousand eighteen school year; and provided further that, a
9 school district that submitted a contract for excellence for the two
10 thousand eighteen--two thousand nineteen school year, unless all schools
11 in the district are identified as in good standing, shall submit a
12 contract for excellence for the two thousand nineteen--two thousand
13 twenty school year which shall, notwithstanding the requirements of
14 subparagraph (vi) of paragraph a of subdivision two of this section,
15 provide for the expenditure of an amount which shall be not less than
16 the amount approved by the commissioner in the contract for excellence
17 for the two thousand eighteen--two thousand nineteen school year; and
18 provided further that, a school district that submitted a contract for
19 excellence for the two thousand nineteen--two thousand twenty school
20 year, unless all schools in the district are identified as in good
21 standing, shall submit a contract for excellence for the two thousand
22 twenty--two thousand twenty-one school year which shall, notwithstanding
23 the requirements of subparagraph (vi) of paragraph a of subdivision two
24 of this section, provide for the expenditure of an amount which shall be
25 not less than the amount approved by the commissioner in the contract
26 for excellence for the two thousand nineteen--two thousand twenty school
27 year. For purposes of this paragraph, the "gap elimination adjustment
28 percentage" shall be calculated as the sum of one minus the quotient of
29 the sum of the school district's net gap elimination adjustment for two
30 thousand ten--two thousand eleven computed pursuant to chapter fifty-
31 three of the laws of two thousand ten, making appropriations for the
32 support of government, plus the school district's gap elimination
33 adjustment for two thousand eleven--two thousand twelve as computed
34 pursuant to chapter fifty-three of the laws of two thousand eleven,
35 making appropriations for the support of the local assistance budget,
36 including support for general support for public schools, divided by the
37 total aid for adjustment computed pursuant to chapter fifty-three of the
38 laws of two thousand eleven, making appropriations for the local assist-
39 ance budget, including support for general support for public schools.
40 Provided, further, that such amount shall be expended to support and
41 maintain allowable programs and activities approved in the two thousand
42 nine--two thousand ten school year or to support new or expanded allow-
43 able programs and activities in the current year.

44 § 2. Intentionally omitted.

45 § 3. Intentionally omitted.

46 § 4. Intentionally omitted.

47 § 5. Intentionally omitted.

48 § 6. Intentionally omitted.

49 § 7. Intentionally omitted.

50 § 8. Intentionally omitted.

51 § 9. Intentionally omitted.

52 § 10. Intentionally omitted.

53 § 11. Intentionally omitted.

54 § 12. Intentionally omitted.

55 § 13. Intentionally omitted.

56 § 14. Intentionally omitted.



1 § 14-a. Subdivision 4 of section 3602 of the education law is amended
2 by adding a new paragraph h to read as follows:

3 h. Foundation aid payable in the two thousand twenty--two thousand
4 twenty-one school year. Notwithstanding any provision of law to the
5 contrary, foundation aid payable in the two thousand twenty--two thou-
6 sand twenty-one school year shall equal the apportionment for foundation
7 aid in the base year.

8 § 14-b. Section 3602 of the education law is amended by adding a new
9 subdivision 19 to read as follows:

10 19. Pandemic adjustment. a. Notwithstanding any other provision of law
11 to the contrary, the commissioner shall reduce payments due to each
12 district for the two thousand twenty--two thousand twenty-one school
13 year pursuant to section thirty-six hundred nine-a of this part by an
14 amount equal to the pandemic adjustment computed for such district, and
15 provided further that an amount equal to the amount of such deduction
16 shall be deemed to have been paid to the district pursuant to this
17 section for the school year in which such deduction is made. The commis-
18 sioner shall compute such pandemic adjustment in each electronic data
19 file produced pursuant to subdivision twenty-one of section three
20 hundred five of this chapter, based on the following information: (i)
21 ninety-nine and one-half percent of the funds from the elementary and
22 secondary emergency relief fund that are available for school districts
23 pursuant to the Coronavirus Aid, Relief, and Economic Security Act of
24 2020, and (ii) the governor's emergency relief fund pursuant to such
25 act, provided that a schedule of such amounts shall be approved by the
26 director of the budget, and provided further the commissioner shall
27 provide a schedule of such pandemic adjustment to the state comptroller,
28 the director of the budget, the chair of the senate finance committee,
29 and the chair of the assembly ways and means committee.

30 b. Notwithstanding any inconsistent provision of law to the contrary,
31 where additional federal and state revenues are apportioned to school
32 districts with a pandemic adjustment reduction pursuant to this subdivi-
33 sion, such additional federal and state revenues shall be apportioned to
34 such school district in an amount equal to the pandemic adjustment as
35 computed herein, unless otherwise specified by federal law.

36 § 14-c. The closing paragraph of subdivision 5-a of section 3602 of
37 the education law, as amended by section 16 of part YYY of chapter 59 of
38 the laws of 2019, is amended to read as follows:

39 For the two thousand eight--two thousand nine school year, each school
40 district shall be entitled to an apportionment equal to the product of
41 fifteen percent and the additional apportionment computed pursuant to
42 this subdivision for the two thousand seven--two thousand eight school
43 year. For the two thousand nine--two thousand ten through two thousand
44 [nineteen] twenty--two thousand [twenty] twenty-one school years, each
45 school district shall be entitled to an apportionment equal to the
46 amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS
47 COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid
48 computer listing produced by the commissioner in support of the budget
49 for the two thousand nine--two thousand ten school year and entitled
50 "SA0910".

51 § 14-d. Subdivision 12 of section 3602 of the education law, as
52 amended by section 17 of part YYY of chapter 59 of the laws of 2019, is
53 amended to read as follows:

54 12. Academic enhancement aid. A school district that as of April first
55 of the base year has been continuously identified as a district in need
56 of improvement for at least five years shall, for the two thousand

1 eight--two thousand nine school year, be entitled to an additional
2 apportionment equal to the positive remainder, if any, of (a) the lesser
3 of fifteen million dollars or the product of the total foundation aid
4 base, as defined by paragraph j of subdivision one of this section,
5 multiplied by ten percent (0.10), less (b) the positive remainder of (i)
6 the sum of the total foundation aid apportioned pursuant to subdivision
7 four of this section and the supplemental educational improvement grants
8 apportioned pursuant to subdivision eight of section thirty-six hundred
9 forty-one of this article, less (ii) the total foundation aid base.

10 For the two thousand nine--two thousand ten through two thousand four-
11 teen--two thousand fifteen school years, each school district shall be
12 entitled to an apportionment equal to the amount set forth for such
13 school district as "EDUCATION GRANTS, ACADEMIC EN" under the heading
14 "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by
15 the commissioner in support of the budget for the two thousand nine--two
16 thousand ten school year and entitled "SA0910", and such apportionment
17 shall be deemed to satisfy the state obligation to provide an appor-
18 tionment pursuant to subdivision eight of section thirty-six hundred forty-
19 one of this article.

20 For the two thousand fifteen--two thousand sixteen year, each school
21 district shall be entitled to an apportionment equal to the amount set
22 forth for such school district as "ACADEMIC ENHANCEMENT" under the head-
23 ing "2014-15 ESTIMATED AIDS" in the school aid computer listing produced
24 by the commissioner in support of the budget for the two thousand four-
25 teen--two thousand fifteen school year and entitled "SA141-5", and such
26 apportionment shall be deemed to satisfy the state obligation to provide
27 an apportionment pursuant to subdivision eight of section thirty-six
28 hundred forty-one of this article.

29 For the two thousand sixteen--two thousand seventeen school year, each
30 school district shall be entitled to an apportionment equal to the
31 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
32 under the heading "2015-16 ESTIMATED AIDS" in the school aid computer
33 listing produced by the commissioner in support of the budget for the
34 two thousand fifteen--two thousand sixteen school year and entitled
35 "SA151-6", and such apportionment shall be deemed to satisfy the state
36 obligation to provide an apportionment pursuant to subdivision eight of
37 section thirty-six hundred forty-one of this article.

38 For the two thousand seventeen--two thousand eighteen school year,
39 each school district shall be entitled to an apportionment equal to the
40 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
41 under the heading "2016-17 ESTIMATED AIDS" in the school aid computer
42 listing produced by the commissioner in support of the budget for the
43 two thousand sixteen--two thousand seventeen school year and entitled
44 "SA161-7", and such apportionment shall be deemed to satisfy the state
45 obligation to provide an apportionment pursuant to subdivision eight of
46 section thirty-six hundred forty-one of this article.

47 For the two thousand eighteen--two thousand nineteen school year, each
48 school district shall be entitled to an apportionment equal to the
49 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
50 under the heading "2017-18 ESTIMATED AIDS" in the school aid computer
51 listing produced by the commissioner in support of the budget for the
52 two thousand seventeen--two thousand eighteen school year and entitled
53 "SA171-8", and such apportionment shall be deemed to satisfy the state
54 obligation to provide an apportionment pursuant to subdivision eight of
55 section thirty-six hundred forty-one of this article.



1 For the two thousand nineteen--two thousand twenty school year, each
2 school district shall be entitled to an apportionment equal to the
3 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
4 under the heading "2018-19 ESTIMATED AIDS" in the school aid computer
5 listing produced by the commissioner in support of the budget for the
6 two thousand eighteen--two thousand nineteen school year and entitled
7 "SA181-9", and such apportionment shall be deemed to satisfy the state
8 obligation to provide an apportionment pursuant to subdivision eight of
9 section thirty-six hundred forty-one of this article.

10 For the two thousand twenty--two thousand twenty-one school year, each
11 school district shall be entitled to an apportionment equal to the
12 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
13 under the heading "2019-20 ESTIMATED AIDS" in the school aid computer
14 listing produced by the commissioner in support of the budget for the
15 two thousand nineteen--two thousand twenty school year and entitled
16 "SA192-0", and such apportionment shall be deemed to satisfy the state
17 obligation to provide an apportionment pursuant to subdivision eight of
18 section thirty-six hundred forty-one of this article.

19 § 14-e. The opening paragraph of subdivision 16 of section 3602 of the
20 education law, as amended by section 18 of part YYY of chapter 59 of the
21 laws of 2019, is amended to read as follows:

22 Each school district shall be eligible to receive a high tax aid
23 apportionment in the two thousand eight--two thousand nine school year,
24 which shall equal the greater of (i) the sum of the tier 1 high tax aid
25 apportionment, the tier 2 high tax aid apportionment and the tier 3 high
26 tax aid apportionment or (ii) the product of the apportionment received
27 by the school district pursuant to this subdivision in the two thousand
28 seven--two thousand eight school year, multiplied by the due-minimum
29 factor, which shall equal, for districts with an alternate pupil wealth
30 ratio computed pursuant to paragraph b of subdivision three of this
31 section that is less than two, seventy percent (0.70), and for all other
32 districts, fifty percent (0.50). Each school district shall be eligible
33 to receive a high tax aid apportionment in the two thousand nine--two
34 thousand ten through two thousand twelve--two thousand thirteen school
35 years in the amount set forth for such school district as "HIGH TAX AID"
36 under the heading "2008-09 BASE YEAR AIDS" in the school aid computer
37 listing produced by the commissioner in support of the budget for the
38 two thousand nine--two thousand ten school year and entitled "SA0910".
39 Each school district shall be eligible to receive a high tax aid appor-
40 tionment in the two thousand thirteen--two thousand fourteen through two
41 thousand [nineteen] twenty--two thousand [twenty] twenty-one school
42 years equal to the greater of (1) the amount set forth for such school
43 district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in
44 the school aid computer listing produced by the commissioner in support
45 of the budget for the two thousand nine--two thousand ten school year
46 and entitled "SA0910" or (2) the amount set forth for such school
47 district as "HIGH TAX AID" under the heading "2013-14 ESTIMATED AIDS" in
48 the school aid computer listing produced by the commissioner in support
49 of the executive budget for the 2013-14 fiscal year and entitled
50 "BT131-4".

51 § 14-f. Subdivision 4 of section 3627 of the education law, as amended
52 by section 5-d of part YYY of chapter 59 of the laws of 2019, is amended
53 to read as follows:

54 4. Notwithstanding any other provision of law to the contrary, any
55 expenditures for transportation provided pursuant to this section in the
56 two thousand thirteen--two thousand fourteen school year and thereafter

1 and otherwise eligible for transportation aid pursuant to subdivision
2 seven of section thirty-six hundred two of this article shall be consid-
3 ered approved transportation expenses eligible for transportation aid,
4 provided further that for the two thousand thirteen--two thousand four-
5 teen school year such aid shall be limited to eight million one hundred
6 thousand dollars and for the two thousand fourteen--two thousand fifteen
7 school year such aid shall be limited to the sum of twelve million six
8 hundred thousand dollars plus the base amount and for the two thousand
9 fifteen--two thousand sixteen school year through two thousand eigh-
10 teen--two thousand nineteen school year such aid shall be limited to the
11 sum of eighteen million eight hundred fifty thousand dollars plus the
12 base amount, and for the two thousand nineteen--two thousand twenty
13 school year [and thereafter] such aid shall be limited to the sum of
14 nineteen million three hundred fifty thousand dollars plus the base
15 amount, and for the two thousand twenty--two thousand twenty-one school
16 year and thereafter such aid shall be limited to the sum of nineteen
17 million eight hundred fifty thousand dollars plus the base amount. For
18 purposes of this subdivision, "base amount" means the amount of trans-
19 portation aid paid to the school district for expenditures incurred in
20 the two thousand twelve--two thousand thirteen school year for transpor-
21 tation that would have been eligible for aid pursuant to this section
22 had this section been in effect in such school year, except that subdi-
23 vision six of this section shall be deemed not to have been in effect.
24 And provided further that the school district shall continue to annually
25 expend for the transportation described in subdivision one of this
26 section at least the expenditures used for the base amount.

27 § 15. Intentionally omitted.

28 § 16. Intentionally omitted.

29 § 17. Intentionally omitted.

30 § 18. Intentionally omitted.

31 § 19. Intentionally omitted.

32 § 20. Intentionally omitted.

33 § 21. Intentionally omitted.

34 § 22. Subdivision 16 of section 3602-ee of the education law, as
35 amended by section 19 of part YYY of chapter 59 of the laws of 2019, is
36 amended to read as follows:

37 16. The authority of the department to administer the universal full-
38 day pre-kindergarten program shall expire June thirtieth, two thousand
39 [twenty] twenty-one; provided that the program shall continue and remain
40 in full effect.

41 § 22-a. Subdivision 4 of section 51 of part B of chapter 57 of the
42 laws of 2008 amending the education law relating to the universal pre-
43 kindergarten program, as amended by section 28-b of part YYY of chapter
44 59 of the laws of 2017, is amended to read as follows:

45 4. section twenty-three of this act shall take effect July 1, 2008 and
46 shall expire and be deemed repealed June 30, [2020] 2021;

47 § 22-b. Subparagraph (ii) of paragraph (c) of subdivision 8 of section
48 3602-ee of the education law, as amended by section 24-a of part YYY of
49 chapter 59 of the laws of 2019, is amended to read as follows:

50 (ii) Provided that, notwithstanding any provisions of this paragraph
51 to the contrary, for the two thousand seventeen-two thousand eighteen
52 through the two thousand [nineteen] twenty--two thousand [twenty] twen-
53 ty-one school years an exemption to the certification requirement of
54 subparagraph (i) of this paragraph may be made for a teacher without
55 certification valid for service in the early childhood grades who
56 possesses a written plan to obtain certification and who has registered



1 in the ASPIRE workforce registry as required under regulations of the
2 commissioner of the office of children and family services. Notwith-
3 standing any exemption provided by this subparagraph, certification
4 shall be required for employment no later than June thirtieth, two thou-
5 sand [twenty] twenty-one; provided that for the two thousand [nineteen]
6 twenty-two thousand [twenty] twenty-one school year, school districts
7 with teachers seeking an exemption to the certification requirement of
8 subparagraph (i) of this paragraph shall submit a report to the commis-
9 sioner regarding (A) the barriers to certification, if any, (B) the
10 number of uncertified teachers registered in the ASPIRE workforce regis-
11 try teaching pre-kindergarten in the district, including those employed
12 by a community-based organization, (C) the number of previously uncer-
13 tified teachers who have completed certification as required by this
14 subdivision, and (D) the expected certification completion date of such
15 teachers.

16 § 23. Intentionally omitted.

17 § 24. The opening paragraph of section 3609-a of the education law, as
18 amended by section 21 of part YYY of chapter 59 of the laws of 2019, is
19 amended to read as follows:

20 For aid payable in the two thousand seven--two thousand eight school
21 year through the two thousand [nineteen] twenty--two thousand [twenty]
22 twenty-one school year, "moneys apportioned" shall mean the lesser of
23 (i) the sum of one hundred percent of the respective amount set forth
24 for each school district as payable pursuant to this section in the
25 school aid computer listing for the current year produced by the commis-
26 sioner in support of the budget which includes the appropriation for the
27 general support for public schools for the prescribed payments and indi-
28 vidualized payments due prior to April first for the current year plus
29 the apportionment payable during the current school year pursuant to
30 subdivision six-a and subdivision fifteen of section thirty-six hundred
31 two of this part minus any reductions to current year aids pursuant to
32 subdivision seven of section thirty-six hundred four of this part or any
33 deduction from apportionment payable pursuant to this chapter for
34 collection of a school district basic contribution as defined in subdi-
35 vision eight of section forty-four hundred one of this chapter, less any
36 grants provided pursuant to subparagraph two-a of paragraph b of subdi-
37 vision four of section ninety-two-c of the state finance law, less any
38 grants provided pursuant to subdivision five of section ninety-seven-
39 nnnn of the state finance law, less any grants provided pursuant to
40 subdivision twelve of section thirty-six hundred forty-one of this arti-
41 cle, or (ii) the apportionment calculated by the commissioner based on
42 data on file at the time the payment is processed; provided however,
43 that for the purposes of any payments made pursuant to this section
44 prior to the first business day of June of the current year, moneys
45 apportioned shall not include any aids payable pursuant to subdivisions
46 six and fourteen, if applicable, of section thirty-six hundred two of
47 this part as current year aid for debt service on bond anticipation
48 notes and/or bonds first issued in the current year or any aids payable
49 for full-day kindergarten for the current year pursuant to subdivision
50 nine of section thirty-six hundred two of this part. The definitions of
51 "base year" and "current year" as set forth in subdivision one of
52 section thirty-six hundred two of this part shall apply to this section.
53 For aid payable in the two thousand [nineteen] twenty--two thousand
54 [twenty] twenty-one school year, reference to such "school aid computer
55 listing for the current year" shall mean the printouts entitled
56 ["SA192-0"] "SA202-1".



1 § 25. Intentionally omitted.

2 § 26. Intentionally omitted.

3 § 26-a. Subparagraph (viii) of paragraph (a) of subdivision 1 of
4 section 2856 of the education law, as amended by section 4 of part YYY
5 of chapter 59 of the laws of 2017, is amended and two new subparagraphs
6 (ix) and (x) are added to read as follows:

7 (viii) for the two thousand twenty--two thousand twenty-one [school
8 year and thereafter] and two thousand twenty-one--two thousand twenty-
9 two school years, the charter school basic tuition shall be the lesser
10 of (A) the product of (i) the charter school basic tuition calculated
11 for the base year multiplied by (ii) the average of the quotients for
12 each school year in the period commencing with the year three years
13 prior to the base year and finishing with the year prior to the base
14 year of the total approved operating expense for such school district
15 calculated pursuant to paragraph t of subdivision one of section thirty-
16 six hundred two of this chapter for each such year divided by the
17 total approved operating expense for such district for the immediately
18 preceding year multiplied by, for the two thousand twenty--two thousand
19 twenty-one school year only, (iii) nine hundred forty-five one-thous-
20 andths (0.945) or (B) the quotient of the total general fund expendi-
21 tures for the school district calculated pursuant to an electronic data
22 file created for the purpose of compliance with paragraph b of subdivi-
23 sion twenty-one of section three hundred five of this chapter published
24 annually on May fifteenth for the year prior to the base year divided by
25 the total estimated public enrollment for the school district pursuant
26 to paragraph n of subdivision one of section thirty-six hundred two of
27 this chapter for the year prior to the base year.

28 (ix) for the two thousand twenty-two--two thousand twenty-three
29 through two thousand twenty-four--two thousand twenty-five school years
30 the charter school basic tuition shall be the lesser of (A) the product
31 of (i) the charter school basic tuition calculated for the base year
32 multiplied by (ii) the average of the quotients for each school year in
33 the period commencing with the year four years prior to the base year
34 and finishing with the year prior to the base year, excluding the two
35 thousand twenty--two thousand twenty-one school year, of the total
36 approved operating expense for such school district calculated pursuant
37 to paragraph t of subdivision one of section thirty-six hundred two of
38 this chapter for each such year divided by the total approved operating
39 expense for such district for the immediately preceding year or (B) the
40 quotient of the total general fund expenditures for the school district
41 calculated pursuant to an electronic data file created for the purpose
42 of compliance with paragraph b of subdivision twenty-one of section
43 three hundred five of this chapter published annually on May fifteenth
44 for the year prior to the base year divided by the total estimated
45 public enrollment for the school district pursuant to paragraph n of
46 subdivision one of section thirty-six hundred two of this chapter for
47 the year prior to the base year.

48 (x) for the two thousand twenty-five--two thousand twenty-six school
49 year and thereafter the charter school basic tuition shall be the lesser
50 of (A) the product of (i) the charter school basic tuition calculated
51 for the base year multiplied by (ii) the average of the quotients for
52 each school year in the period commencing with the year three years
53 prior to the base year and finishing with the year prior to the base
54 year of the total approved operating expense for such school district
55 calculated pursuant to paragraph t of subdivision one of section thirty-
56 ty-six hundred two of this chapter for each such year divided by the



1 total approved operating expense for such district for the immediately
2 preceding year or (B) the quotient of the total general fund expendi-
3 tures for the school district calculated pursuant to an electronic data
4 file created for the purpose of compliance with paragraph b of subdivi-
5 sion twenty-one of section three hundred five of this chapter published
6 annually on May fifteenth for the year prior to the base year divided by
7 the total estimated public enrollment for the school district pursuant
8 to paragraph n of subdivision one of section thirty-six hundred two of
9 this chapter for the year prior to the base year.

10 § 26-b. Subparagraph (viii) of paragraph (a) of subdivision 1 of
11 section 2856 of the education law, as amended by section 4-a of part YY
12 of chapter 59 of the laws of 2017, is amended and two new subparagraphs
13 (ix) and (x) are added to read as follows:

14 (viii) for the two thousand twenty-two thousand twenty-one [school
15 year and thereafter] and two thousand twenty-one--two thousand twenty-
16 two school years, the charter school basic tuition shall be the lesser
17 of (A) the product of (i) the charter school basic tuition calculated
18 for the base year multiplied by (ii) the average of the quotients for
19 each school year in the period commencing with the year three years
20 prior to the base year and finishing with the year prior to the base
21 year of the total approved operating expense for such school district
22 calculated pursuant to paragraph t of subdivision one of section thir-
23 ty-six hundred two of this chapter for each such year divided by the
24 total approved operating expense for such district for the immediately
25 preceding year multiplied by, for the two thousand twenty--two thousand
26 twenty-one school year only, (iii) nine hundred forty-five one-thous-
27 andths (0.945) or (B) the quotient of the total general fund expendi-
28 tures for the school district calculated pursuant to an electronic data
29 file created for the purpose of compliance with paragraph b of subdivi-
30 sion twenty-one of section three hundred five of this chapter published
31 annually on May fifteenth for the year prior to the base year divided by
32 the total estimated public enrollment for the school district pursuant
33 to paragraph n of subdivision one of section thirty-six hundred two of
34 this chapter for the year prior to the base year.

35 (ix) for the two thousand twenty-two--two thousand twenty-three
36 through two thousand twenty-four--two thousand twenty-five school years
37 the charter school basic tuition shall be the lesser of (A) the product
38 of (i) the charter school basic tuition calculated for the base year
39 multiplied by (ii) the average of the quotients for each school year in
40 the period commencing with the year four years prior to the base year
41 and finishing with the year prior to the base year, excluding the two
42 thousand twenty--two thousand twenty-one school year, of the total
43 approved operating expense for such school district calculated pursuant
44 to paragraph t of subdivision one of section thirty-six hundred two of
45 this chapter for each such year divided by the total approved operating
46 expense for such district for the immediately preceding year or (B) the
47 quotient of the total general fund expenditures for the school district
48 calculated pursuant to an electronic data file created for the purpose
49 of compliance with paragraph b of subdivision twenty-one of section
50 three hundred five of this chapter published annually on May fifteenth
51 for the year prior to the base year divided by the total estimated
52 public enrollment for the school district pursuant to paragraph n of
53 subdivision one of section thirty-six hundred two of this chapter for
54 the year prior to the base year.

55 (x) for the two thousand twenty-five--two thousand twenty-six school
56 year and thereafter the charter school basic tuition shall be the lesser

1 of (A) the product of (i) the charter school basic tuition calculated
2 for the base year multiplied by (ii) the average of the quotients for
3 each school year in the period commencing with the year three years
4 prior to the base year and finishing with the year prior to the base
5 year of the total approved operating expense for such school district
6 calculated pursuant to paragraph t of subdivision one of section thirty-
7 ty-six hundred two of this chapter for each such year divided by the
8 total approved operating expense for such district for the immediately
9 preceding year or (B) the quotient of the total general fund expendi-
10 tures for the school district calculated pursuant to an electronic data
11 file created for the purpose of compliance with paragraph b of subdivi-
12 sion twenty-one of section three hundred five of this chapter published
13 annually on May fifteenth for the year prior to the base year divided by
14 the total estimated public enrollment for the school district pursuant
15 to paragraph n of subdivision one of section thirty-six hundred two of
16 this chapter for the year prior to the base year.

17 § 27. Subdivisions 1 and 3 of section 801 of the education law, as
18 amended by chapter 574 of the laws of 1997, are amended to read as
19 follows:

20 1. In order to promote a spirit of patriotic and civic service and
21 obligation and to foster in the children of the state moral and intel-
22 lectual qualities which are essential in preparing to meet the obli-
23 gations of citizenship in peace or in war, the regents of The University
24 of the State of New York shall prescribe courses of instruction in
25 patriotism, citizenship, civic education and values, our shared history
26 of diversity, the role of religious tolerance in this country, and human
27 rights issues, with particular attention to the study of the inhumanity
28 of genocide, slavery (including the freedom trail and underground rail-
29 road), the Holocaust, and the mass starvation in Ireland from 1845 to
30 1850, to be maintained and followed in all the schools of the state. The
31 boards of education and trustees of the several cities and school
32 districts of the state shall require instruction to be given in such
33 courses, by the teachers employed in the schools therein. All pupils
34 attending such schools, over the age of eight years, shall attend upon
35 such instruction.

36 Similar courses of instruction shall be prescribed and maintained in
37 private schools in the state, and all pupils in such schools over eight
38 years of age shall attend upon such courses. If such courses are not so
39 established and maintained in a private school, attendance upon instruc-
40 tion in such school shall not be deemed substantially equivalent to
41 instruction given to pupils of like age in the public schools of the
42 city or district in which such pupils reside.

43 3. The regents shall determine the subjects to be included in such
44 courses of instruction in patriotism, citizenship, civic education and
45 values, our shared history of diversity, the role of history of diversi-
46 ty, the role of religious tolerance in this country, and human rights
47 issues, with particular attention to the study of the inhumanity of
48 genocide, slavery (including the freedom trail and underground rail-
49 road), the Holocaust, and the mass starvation in Ireland from 1845 to
50 1850, and in the history, meaning, significance and effect of the
51 provisions of the constitution of the United States, the amendments
52 thereto, the declaration of independence, the constitution of the state
53 of New York and the amendments thereto, and the period of instruction in
54 each of the grades in such subjects. They shall adopt rules providing
55 for attendance upon such instruction and for such other matters as are
56 required for carrying into effect the objects and purposes of this

1 section. The commissioner shall be responsible for the enforcement of
2 such section and shall cause to be inspected and supervise the instruc-
3 tion to be given in such subjects. The commissioner may, in his
4 discretion, cause all or a portion of the public school money to be
5 apportioned to a district or city to be withheld for failure of the
6 school authorities of such district or city to provide instruction in
7 such courses and to compel attendance upon such instruction, as herein
8 prescribed, and for a non-compliance with the rules of the regents
9 adopted as herein provided.

10 § 28. Section 2590-h of the education law is amended by adding a new
11 subdivision 55 to read as follows:

12 55. Ensure that all public, nonpublic, and charter school students
13 enrolled in elementary and secondary schools located in the city of New
14 York be provided with additional opportunities to supplement classroom
15 instruction including, but not limited to, visiting educational and
16 cultural sites and institutions such as a Holocaust museum, African
17 American cultural centers and historical landmarks, a Native American
18 museum, Asian American museums and cultural centers, a LatinX American
19 museum, center for women, LGBTQ historical landmarks, and American
20 historical landmarks and monuments.

21 § 29. Section 3609-h of the education law, as added by section 7 of
22 part A of chapter 56 of the laws of 2015, is amended to read as follows:

23 § 3609-h. Moneys apportioned to school districts for commercial gaming
24 grants pursuant to subdivision six of section ninety-seven-nnnn of the
25 state finance law, when and how payable commencing July first, two thou-
26 sand fourteen. Notwithstanding the provisions of section thirty-six
27 hundred nine-a of this part, apportionments payable pursuant to subdivi-
28 sion six of section ninety-seven-nnnn of the state finance law shall be
29 paid pursuant to this section. The definitions of "base year" and
30 "current year" as set forth in subdivision one of section thirty-six
31 hundred two of this part shall apply to this section.

32 1. The moneys apportioned by the commissioner to school districts
33 pursuant to subdivision six of section ninety-seven-nnnn of the state
34 finance law for the two thousand fourteen-two thousand fifteen school
35 year and thereafter shall be paid as a commercial gaming grant, as
36 computed pursuant to such subdivision, as follows:

37 a. For the two thousand fourteen--two thousand fifteen school year,
38 one hundred percent of such grant shall be paid on the same date as the
39 payment computed pursuant to clause (v) of subparagraph three of para-
40 graph b of subdivision one of section thirty-six hundred nine-a of this
41 article.

42 b. For the two thousand fifteen--two thousand sixteen school year [and
43 thereafter] through the two thousand eighteen--two thousand nineteen
44 school year, seventy percent of such grant shall be paid on the same
45 date as the payment computed pursuant to clause (ii) of subparagraph
46 three of paragraph b of subdivision one of section thirty-six hundred
47 nine-a of this article, and thirty percent of such grant shall be paid
48 on the same date as the payment computed pursuant to clause (v) of
49 subparagraph three of paragraph b of subdivision one of section thirty-
50 six hundred nine-a of this article.

51 c. For the two thousand nineteen--two thousand twenty school year and
52 thereafter, one hundred percent of such grant shall be paid on the same
53 date as the payment computed pursuant to clause (ii) of subparagraph
54 three of paragraph b of subdivision one of section thirty-six hundred
55 nine-a of this article.

1 2. Any payment to a school district pursuant to this section shall be
2 general receipts of the district and may be used for any lawful purpose
3 of the district.

4 § 30. Subdivision b of section 2 of chapter 756 of the laws of 1992,
5 relating to funding a program for work force education conducted by the
6 consortium for worker education in New York city, as amended by section
7 35 of part YYY of chapter 59 of the laws of 2019, is amended to read as
8 follows:

9 b. Reimbursement for programs approved in accordance with subdivision
10 a of this section for the reimbursement for the [2017--2018 school year
11 shall not exceed 60.4 percent of the lesser of such approvable costs per
12 contact hour or thirteen dollars and ninety cents per contact hour,
13 reimbursement for the] 2018--2019 school year shall not exceed 59.4
14 percent of the lesser of such approvable costs per contact hour or four-
15 teen dollars and ninety-five cents per contact hour, [and] reimbursement
16 for the 2019--2020 school year shall not exceed 57.7 percent of the
17 lesser of such approvable costs per contact hour or fifteen dollars
18 sixty cents per contact hour, and reimbursement for the 2020--2021
19 school year shall not exceed 56.9 percent of the lesser of such approva-
20 ble costs per contact hour or sixteen dollars and twenty-five cents per
21 contact hour, and where a contact hour represents sixty minutes of
22 instruction services provided to an eligible adult. Notwithstanding any
23 other provision of law to the contrary, [for the 2017--2018 school year
24 such contact hours shall not exceed one million five hundred forty-nine
25 thousand four hundred sixty-three (1,549,463); and] for the 2018--2019
26 school year such contact hours shall not exceed one million four hundred
27 sixty-three thousand nine hundred sixty-three (1,463,963); [and] for the
28 2019--2020 school year such contact hours shall not exceed one million
29 four hundred forty-four thousand four hundred forty-four (1,444,444);
30 and for the 2020--2021 school year such contact hours shall not exceed
31 one million four hundred six thousand nine hundred twenty-six
32 (1,406,926). Notwithstanding any other provision of law to the contra-
33 ry, the apportionment calculated for the city school district of the
34 city of New York pursuant to subdivision 11 of section 3602 of the
35 education law shall be computed as if such contact hours provided by the
36 consortium for worker education, not to exceed the contact hours set
37 forth herein, were eligible for aid in accordance with the provisions of
38 such subdivision 11 of section 3602 of the education law.

39 § 31. Section 4 of chapter 756 of the laws of 1992, relating to fund-
40 ing a program for work force education conducted by the consortium for
41 worker education in New York city, is amended by adding a new subdivi-
42 sion y to read as follows:

43 y. The provisions of this subdivision shall not apply after the
44 completion of payments for the 2020-21 school year. Notwithstanding any
45 inconsistent provisions of law, the commissioner of education shall
46 withhold a portion of employment preparation education aid due to the
47 city school district of the city of New York to support a portion of the
48 costs of the work force education program. Such moneys shall be credited
49 to the elementary and secondary education fund-local assistance account
50 and shall not exceed thirteen million dollars (\$13,000,000).

51 § 32. Section 6 of chapter 756 of the laws of 1992, relating to fund-
52 ing a program for work force education conducted by the consortium for
53 worker education in New York city, as amended by section 37 of part YYY
54 of chapter 59 of the laws of 2019, is amended to read as follows:

55 § 6. This act shall take effect July 1, 1992, and shall be deemed
56 repealed on June 30, [2020] 2021.



1 § 32-a. Paragraph a-1 of subdivision 11 of section 3602 of the educa-
2 tion law, as amended by section 37-a of part YYY of chapter 59 of the
3 laws of 2019, is amended to read as follows:

4 a-1. Notwithstanding the provisions of paragraph a of this subdivi-
5 sion, for aid payable in the school years two thousand--two thousand one
6 through two thousand nine--two thousand ten, and two thousand eleven--
7 two thousand twelve through two thousand [nineteen] ~~twenty~~--two thousand
8 [~~twenty~~] twenty-one, the commissioner may set aside an amount not to
9 exceed two million five hundred thousand dollars from the funds appro-
10 priated for purposes of this subdivision for the purpose of serving
11 persons twenty-one years of age or older who have not been enrolled in
12 any school for the preceding school year, including persons who have
13 received a high school diploma or high school equivalency diploma but
14 fail to demonstrate basic educational competencies as defined in regu-
15 lation by the commissioner, when measured by accepted standardized
16 tests, and who shall be eligible to attend employment preparation educa-
17 tion programs operated pursuant to this subdivision.

18 § 33. Subdivision 1 of section 167 of chapter 169 of the laws of 1994,
19 relating to certain provisions related to the 1994-95 state operations,
20 aid to localities, capital projects and debt service budgets, as amended
21 by section 32 of part CCC of chapter 59 of the laws of 2018, is amended
22 to read as follows:

23 1. Sections one through seventy of this act shall be deemed to have
24 been in full force and effect as of April 1, 1994 provided, however,
25 that sections one, two, twenty-four, twenty-five and twenty-seven
26 through seventy of this act shall expire and be deemed repealed on March
27 31, 2000; provided, however, that section twenty of this act shall apply
28 only to hearings commenced prior to September 1, 1994, and provided
29 further that section twenty-six of this act shall expire and be deemed
30 repealed on March 31, 1997; and provided further that sections four
31 through fourteen, sixteen, and eighteen, nineteen and twenty-one through
32 twenty-one-a of this act shall expire and be deemed repealed on March
33 31, 1997; and provided further that sections three, fifteen, seventeen,
34 twenty, twenty-two and twenty-three of this act shall expire and be
35 deemed repealed on March 31, [2020] 2022.

36 § 34. Section 12 of chapter 147 of the laws of 2001, amending the
37 education law relating to conditional appointment of school district,
38 charter school or BOCES employees, as amended by section 39 of part YYY
39 of chapter 59 of the laws of 2019, is amended to read as follows:

40 § 12. This act shall take effect on the same date as chapter 180 of
41 the laws of 2000 takes effect, and shall expire July 1, [2020] 2021 when
42 upon such date the provisions of this act shall be deemed repealed.

43 § 35. Section 4 of chapter 425 of the laws of 2002, amending the
44 education law relating to the provision of supplemental educational
45 services, attendance at a safe public school and the suspension of
46 pupils who bring a firearm to or possess a firearm at a school, as
47 amended by section 40 of part YYY of chapter 59 of the laws of 2019, is
48 amended to read as follows:

49 § 4. This act shall take effect July 1, 2002 and section one of this
50 act shall expire and be deemed repealed June 30, 2019, and sections two
51 and three of this act shall expire and be deemed repealed on June 30,
52 [2020] 2021.

53 § 36. Section 5 of chapter 101 of the laws of 2003, amending the
54 education law relating to implementation of the No Child Left Behind Act
55 of 2001, as amended by section 41 of part YYY of chapter 59 of the laws
56 of 2019, is amended to read as follows:

1 § 5. This act shall take effect immediately; provided that sections
2 one, two and three of this act shall expire and be deemed repealed on
3 June 30, [2020] 2021.

4 § 37. Subdivision 11 of section 94 of part C of chapter 57 of the laws
5 of 2004, relating to the support of education, as amended by section 58
6 of part YYY of chapter 59 of the laws of 2017, is amended to read as
7 follows:

8 11. section seventy-one of this act shall expire and be deemed
9 repealed June 30, [2020] 2023;

10 § 38. School bus driver training. In addition to apportionments other-
11 wise provided by section 3602 of the education law, for aid payable in
12 the 2020-2021 school year, the commissioner of education shall allocate
13 school bus driver training grants to school districts and boards of
14 cooperative educational services pursuant to sections 3650-a, 3650-b and
15 3650-c of the education law, or for contracts directly with not-for-pro-
16 fit educational organizations for the purposes of this section. Such
17 payments shall not exceed four hundred thousand dollars (\$400,000) per
18 school year.

19 § 39. Special apportionment for salary expenses. a. Notwithstanding
20 any other provision of law, upon application to the commissioner of
21 education, not sooner than the first day of the second full business
22 week of June 2021 and not later than the last day of the third full
23 business week of June 2021, a school district eligible for an apportion-
24 ment pursuant to section 3602 of the education law shall be eligible to
25 receive an apportionment pursuant to this section, for the school year
26 ending June 30, 2021, for salary expenses incurred between April 1 and
27 June 30, 2020 and such apportionment shall not exceed the sum of (i) the
28 deficit reduction assessment of 1990--1991 as determined by the commis-
29 sioner of education, pursuant to paragraph f of subdivision 1 of section
30 3602 of the education law, as in effect through June 30, 1993, plus (ii)
31 186 percent of such amount for a city school district in a city with a
32 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of
33 such amount for a city school district in a city with a population of
34 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
35 ing to the latest federal census, plus (iv) the net gap elimination
36 adjustment for 2010--2011, as determined by the commissioner of educa-
37 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-
38 nation adjustment for 2011--2012 as determined by the commissioner of
39 education pursuant to subdivision 17 of section 3602 of the education
40 law, and provided further that such apportionment shall not exceed such
41 salary expenses. Such application shall be made by a school district,
42 after the board of education or trustees have adopted a resolution to do
43 so and in the case of a city school district in a city with a population
44 in excess of 125,000 inhabitants, with the approval of the mayor of such
45 city.

46 b. The claim for an apportionment to be paid to a school district
47 pursuant to subdivision a of this section shall be submitted to the
48 commissioner of education on a form prescribed for such purpose, and
49 shall be payable upon determination by such commissioner that the form
50 has been submitted as prescribed. Such approved amounts shall be payable
51 on the same day in September of the school year following the year in
52 which application was made as funds provided pursuant to subparagraph
53 (4) of paragraph b of subdivision 4 of section 92-c of the state finance
54 law, on the audit and warrant of the state comptroller on vouchers
55 certified or approved by the commissioner of education in the manner
56 prescribed by law from moneys in the state lottery fund and from the



1 general fund to the extent that the amount paid to a school district
2 pursuant to this section exceeds the amount, if any, due such school
3 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
4 section 3609-a of the education law in the school year following the
5 year in which application was made.

6 c. Notwithstanding the provisions of section 3609-a of the education
7 law, an amount equal to the amount paid to a school district pursuant to
8 subdivisions a and b of this section shall first be deducted from the
9 following payments due the school district during the school year
10 following the year in which application was made pursuant to subpara-
11 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
12 section 3609-a of the education law in the following order: the lottery
13 apportionment payable pursuant to subparagraph (2) of such paragraph
14 followed by the fixed fall payments payable pursuant to subparagraph (4)
15 of such paragraph and then followed by the district's payments to the
16 teachers' retirement system pursuant to subparagraph (1) of such para-
17 graph, and any remainder to be deducted from the individualized payments
18 due the district pursuant to paragraph b of such subdivision shall be
19 deducted on a chronological basis starting with the earliest payment due
20 the district.

21 § 40. Special apportionment for public pension accruals. a. Notwith-
22 standing any other provision of law, upon application to the commission-
23 er of education, not later than June 30, 2021, a school district eligi-
24 ble for an apportionment pursuant to section 3602 of the education law
25 shall be eligible to receive an apportionment pursuant to this section,
26 for the school year ending June 30, 2021 and such apportionment shall
27 not exceed the additional accruals required to be made by school
28 districts in the 2004--2005 and 2005--2006 school years associated with
29 changes for such public pension liabilities. The amount of such addi-
30 tional accrual shall be certified to the commissioner of education by
31 the president of the board of education or the trustees or, in the case
32 of a city school district in a city with a population in excess of
33 125,000 inhabitants, the mayor of such city. Such application shall be
34 made by a school district, after the board of education or trustees have
35 adopted a resolution to do so and in the case of a city school district
36 in a city with a population in excess of 125,000 inhabitants, with the
37 approval of the mayor of such city.

38 b. The claim for an apportionment to be paid to a school district
39 pursuant to subdivision a of this section shall be submitted to the
40 commissioner of education on a form prescribed for such purpose, and
41 shall be payable upon determination by such commissioner that the form
42 has been submitted as prescribed. Such approved amounts shall be payable
43 on the same day in September of the school year following the year in
44 which application was made as funds provided pursuant to subparagraph
45 (4) of paragraph b of subdivision 4 of section 92-c of the state finance
46 law, on the audit and warrant of the state comptroller on vouchers
47 certified or approved by the commissioner of education in the manner
48 prescribed by law from moneys in the state lottery fund and from the
49 general fund to the extent that the amount paid to a school district
50 pursuant to this section exceeds the amount, if any, due such school
51 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
52 section 3609-a of the education law in the school year following the
53 year in which application was made.

54 c. Notwithstanding the provisions of section 3609-a of the education
55 law, an amount equal to the amount paid to a school district pursuant to
56 subdivisions a and b of this section shall first be deducted from the



1 following payments due the school district during the school year
2 following the year in which application was made pursuant to subpara-
3 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
4 section 3609-a of the education law in the following order: the lottery
5 apportionment payable pursuant to subparagraph (2) of such paragraph
6 followed by the fixed fall payments payable pursuant to subparagraph (4)
7 of such paragraph and then followed by the district's payments to the
8 teachers' retirement system pursuant to subparagraph (1) of such para-
9 graph, and any remainder to be deducted from the individualized payments
10 due the district pursuant to paragraph b of such subdivision shall be
11 deducted on a chronological basis starting with the earliest payment due
12 the district.

13 § 41. Notwithstanding the provision of any law, rule, or regulation to
14 the contrary, the city school district of the city of Rochester, upon
15 the consent of the board of cooperative educational services of the
16 supervisory district serving its geographic region may purchase from
17 such board for the 2020--2021 school year, as a non-component school
18 district, services required by article 19 of the education law.

19 § 42. The amounts specified in this section shall be a set-aside from
20 the state funds which each such district is receiving from the total
21 foundation aid:

22 a. for the development, maintenance or expansion of magnet schools or
23 magnet school programs for the 2020--2021 school year. For the city
24 school district of the city of New York there shall be a setaside of
25 foundation aid equal to forty-eight million one hundred seventy-five
26 thousand dollars (\$48,175,000) including five hundred thousand dollars
27 (\$500,000) for the Andrew Jackson High School; for the Buffalo city
28 school district, twenty-one million twenty-five thousand dollars
29 (\$21,025,000); for the Rochester city school district, fifteen million
30 dollars (\$15,000,000); for the Syracuse city school district, thirteen
31 million dollars (\$13,000,000); for the Yonkers city school district,
32 forty-nine million five hundred thousand dollars (\$49,500,000); for the
33 Newburgh city school district, four million six hundred forty-five thou-
34 sand dollars (\$4,645,000); for the Poughkeepsie city school district,
35 two million four hundred seventy-five thousand dollars (\$2,475,000); for
36 the Mount Vernon city school district, two million dollars (\$2,000,000);
37 for the New Rochelle city school district, one million four hundred ten
38 thousand dollars (\$1,410,000); for the Schenectady city school district,
39 one million eight hundred thousand dollars (\$1,800,000); for the Port
40 Chester city school district, one million one hundred fifty thousand
41 dollars (\$1,150,000); for the White Plains city school district, nine
42 hundred thousand dollars (\$900,000); for the Niagara Falls city school
43 district, six hundred thousand dollars (\$600,000); for the Albany city
44 school district, three million five hundred fifty thousand dollars
45 (\$3,550,000); for the Utica city school district, two million dollars
46 (\$2,000,000); for the Beacon city school district, five hundred sixty-
47 six thousand dollars (\$566,000); for the Middletown city school
48 district, four hundred thousand dollars (\$400,000); for the Freeport
49 union free school district, four hundred thousand dollars (\$400,000);
50 for the Greenburgh central school district, three hundred thousand
51 dollars (\$300,000); for the Amsterdam city school district, eight
52 hundred thousand dollars (\$800,000); for the Peekskill city school
53 district, two hundred thousand dollars (\$200,000); and for the Hudson
54 city school district, four hundred thousand dollars (\$400,000).

55 b. Notwithstanding any inconsistent provision of law to the contrary,
56 a school district setting aside such foundation aid pursuant to this



1 section may use such setaside funds for: (i) any instructional or
2 instructional support costs associated with the operation of a magnet
3 school; or (ii) any instructional or instructional support costs associ-
4 ated with implementation of an alternative approach to promote diversity
5 and/or enhancement of the instructional program and raising of standards
6 in elementary and secondary schools of school districts having substan-
7 tial concentrations of minority students.

8 c. The commissioner of education shall not be authorized to withhold
9 foundation aid from a school district that used such funds in accordance
10 with this paragraph, notwithstanding any inconsistency with a request
11 for proposals issued by such commissioner for the purpose of attendance
12 improvement and dropout prevention for the 2020--2021 school year, and
13 for any city school district in a city having a population of more than
14 one million, the setaside for attendance improvement and dropout
15 prevention shall equal the amount set aside in the base year. For the
16 2020--2021 school year, it is further provided that any city school
17 district in a city having a population of more than one million shall
18 allocate at least one-third of any increase from base year levels in
19 funds set aside pursuant to the requirements of this section to communi-
20 ty-based organizations. Any increase required pursuant to this section
21 to community-based organizations must be in addition to allocations
22 provided to community-based organizations in the base year.

23 d. For the purpose of teacher support for the 2020--2021 school year:
24 for the city school district of the city of New York, sixty-two million
25 seven hundred seven thousand dollars (\$62,707,000); for the Buffalo city
26 school district, one million seven hundred forty-one thousand dollars
27 (\$1,741,000); for the Rochester city school district, one million seven-
28 ty-six thousand dollars (\$1,076,000); for the Yonkers city school
29 district, one million one hundred forty-seven thousand dollars
30 (\$1,147,000); and for the Syracuse city school district, eight hundred
31 nine thousand dollars (\$809,000). All funds made available to a school
32 district pursuant to this section shall be distributed among teachers
33 including prekindergarten teachers and teachers of adult vocational and
34 academic subjects in accordance with this section and shall be in addi-
35 tion to salaries heretofore or hereafter negotiated or made available;
36 provided, however, that all funds distributed pursuant to this section
37 for the current year shall be deemed to incorporate all funds distrib-
38 uted pursuant to former subdivision 27 of section 3602 of the education
39 law for prior years. In school districts where the teachers are repres-
40 ented by certified or recognized employee organizations, all salary
41 increases funded pursuant to this section shall be determined by sepa-
42 rate collective negotiations conducted pursuant to the provisions and
43 procedures of article 14 of the civil service law, notwithstanding the
44 existence of a negotiated agreement between a school district and a
45 certified or recognized employee organization.

46 § 42-a. Subdivision a of section 5 of chapter 121 of the laws of 1996,
47 relating to authorizing the Roosevelt union free school district to
48 finance deficits by the issuance of serial bonds, as amended by section
49 52-a of part YYY of chapter 59 of the laws of 2019, is amended to read
50 as follows:

51 a. Notwithstanding any other provisions of law, upon application to
52 the commissioner of education submitted not sooner than April first and
53 not later than June thirtieth of the applicable school year, the Roose-
54 velt union free school district shall be eligible to receive an appor-
55 tionment pursuant to this chapter for salary expenses, including related
56 benefits, incurred between April first and June thirtieth of such school

1 year. Such apportionment shall not exceed: for the 1996-97 school year through the [2019-20] 2020-21 school year, four million dollars (\$4,000,000); for the [2020-21] 2021-22 school year, three million dollars (\$3,000,000); for the [2021-22] 2022-23 school year, two million dollars (\$2,000,000); for the [2022-23] 2023-24 school year, one million dollars (\$1,000,000); and for the [2023-24] 2024-25 school year, zero dollars. Such annual application shall be made after the board of education has adopted a resolution to do so with the approval of the commissioner of education.

§ 42-b. Section 8 of chapter 89 of the laws of 2016 relating to supplementary funding for dedicated programs for public school students in the East Ramapo central school district, as amended by section 46-a of part YYY of chapter 59 of the laws of 2019, is amended to read as follows:

§ 8. This act shall take effect July 1, 2016 and shall expire and be deemed repealed June 30, [2020] 2021, except that paragraph (b) of section five of this act and section seven of this act shall expire and be deemed repealed June 30, 2021.

§ 42-c. Subdivision (a) of section 11 of chapter 18 of the laws of 2020, authorizing deficit financing and an advance of aid payments for the Wyandanch union free school district, is amended to read as follows:

(a) The school district is hereby authorized to issue serial bonds, subject to the provisions of section 10.10 of the local finance law, on or before [June thirtieth] October thirty-first, two thousand twenty, in an aggregate principal amount not to exceed [three] four million [one] five hundred thousand dollars [(\$3,100,000)] (\$4,500,000), for the specific object or purpose of liquidating actual deficits in its general fund at the close of the fiscal year ending June thirtieth, two thousand nineteen as certified by the state comptroller. In anticipation of the issuance and sale of such serial bonds, bond anticipation notes are hereby authorized to be issued.

§ 43. Support of public libraries. The moneys appropriated for the support of public libraries by a chapter of the laws of 2020 enacting the aid to localities budget shall be apportioned for the 2020-2021 state fiscal year in accordance with the provisions of sections 271, 272, 273, 282, 284, and 285 of the education law as amended by the provisions of this chapter and the provisions of this section, provided that library construction aid pursuant to section 273-a of the education law shall not be payable from the appropriations for the support of public libraries and provided further that no library, library system or program, as defined by the commissioner of education, shall receive less total system or program aid than it received for the year 2001-2002 except as a result of a reduction adjustment necessary to conform to the appropriations for support of public libraries.

Notwithstanding any other provision of law to the contrary the moneys appropriated for the support of public libraries for the year 2020-2021 by a chapter of the laws of 2020 enacting the education, labor and family assistance budget shall fulfill the state's obligation to provide such aid and, pursuant to a plan developed by the commissioner of education and approved by the director of the budget, the aid payable to libraries and library systems pursuant to such appropriations shall be reduced proportionately to assure that the total amount of aid payable does not exceed the total appropriations for such purpose.

§ 44. Severability. The provisions of this act shall be severable, and if the application of any clause, sentence, paragraph, subdivision, section or part of this act to any person or circumstance shall be



1 adjudged by any court of competent jurisdiction to be invalid, such
2 judgment shall not necessarily affect, impair or invalidate the applica-
3 tion of any such clause, sentence, paragraph, subdivision, section, part
4 of this act or remainder thereof, as the case may be, to any other
5 person or circumstance, but shall be confined in its operation to the
6 clause, sentence, paragraph, subdivision, section or part thereof
7 directly involved in the controversy in which such judgment shall have
8 been rendered.

9 § 45. This act shall take effect immediately, and shall be deemed to
10 have been in full force and effect on and after April 1, 2020, provided,
11 however, that:

12 1. sections one, fourteen-a, fourteen-b, fourteen-c, fourteen-d, four-
13 teen-e, twenty-two, twenty-four, twenty-seven, thirty-eight, forty-one,
14 forty-two and forty-two-a of this act shall take effect July 1, 2020;

15 2. the amendments to section 2590-h of the education law made by
16 section twenty-eight of this act shall not affect the expiration and
17 reversion of such section and shall expire and be deemed repealed there-
18 with;

19 3. section twenty-nine of this act shall be deemed to have been in
20 full force and effect on and after April 1, 2019;

21 4. the amendments to chapter 756 of the laws of 1992, relating to
22 funding a program for work force education conducted by a consortium for
23 worker education in New York city made by sections thirty and thirty-one
24 of this act shall not affect the repeal of such chapter and shall be
25 deemed repealed therewith;

26 5. the amendments to paragraph (a) of section 11 of chapter 18 of the
27 laws of 2020 made by section forty-two-c of this act shall not affect
28 the repeal of such section and shall be deemed repealed therewith; and

29 6. the amendments to paragraph (a) of subdivision 1 of section 2856 of
30 the education law made by section twenty-six-a of this act shall be
31 subject to the expiration and reversion of such subdivision pursuant to
32 subdivision d of section 27 of chapter 378 of the laws of 2007, as
33 amended, when upon such date the provisions of section twenty-six-b of
34 this act shall take effect.

35 PART B

36 Section 1. Legislative intent. The purpose of this act is to establish
37 the Syracuse Comprehensive Education and Workforce Training Center
38 focusing on Science, Technology, Engineering, Arts, and Math. The high
39 school within the Syracuse Comprehensive Education and Workforce Train-
40 ing Center shall provide a high school course of instruction for grades
41 nine through twelve, dedicated to providing expanded learning access and
42 career opportunities to students residing in the Onondaga, Cortland and
43 Madison county board of cooperative educational services region and
44 central New York, in the areas of science, technology, engineering, arts
45 and mathematics as well as the core academic areas required for the
46 issuance of high school diplomas in accordance with the rules and regu-
47 lations promulgated by the board of regents. The legislature hereby
48 finds and declares that the establishment of the Syracuse Comprehensive
49 Education and Workforce Training Center is a necessary component to the
50 development of the greater central New York region of New York state and
51 a necessary link to fostering the development and advancement of the
52 arts and emerging technologies. This high school and workforce training
53 center will advance the interests of the central New York region and New
54 York state by engaging students in rigorous and enriching educational



1 experiences focused on the arts and emerging technologies, project-based
2 learning and collaboration and by providing that experience within the
3 context of a business and learning community for the purpose of directly
4 connecting student learning with real world experience in the arts and
5 advanced technical facilities. It is expressly found that the establish-
6 ment and operation of the Syracuse Comprehensive Education and Workforce
7 Training Center pursuant to this act is a public purpose.

8 § 2. Establishment of the Syracuse Comprehensive Education and Work-
9 force Training Center high school. 1. The Syracuse Comprehensive Educa-
10 tion and Workforce Training Center high school may be established by the
11 board of education of the Syracuse city school district pursuant to this
12 section for students in grades nine through twelve.

13 2. Such high school shall be governed by the board of education of the
14 Syracuse city school district. The high school shall be subject to all
15 laws, rules and regulations which are applicable to a public high school
16 unless otherwise provided for in this act. The high school shall be
17 subject to the oversight of the board of regents and the program shall
18 be audited in a manner consistent with provisions of law and regulations
19 that are applicable to other public schools.

20 3. The board of education of the Syracuse city school district shall
21 have the responsibility for the operation, supervision and maintenance
22 of the high school and shall be responsible for the administration of
23 the high school, including curriculum, grading, discipline and staffing.
24 The high school may partner with a certified institution of higher
25 education to offer an early college high school program. The high school
26 and workforce training center may also partner with a certified institu-
27 tion of higher education to offer apprenticeship training and programs.
28 The workforce training center, in collaboration with educational oppor-
29 tunity centers, shall provide career connection programs and opportu-
30 nities including, but not limited to, workforce preparation and train-
31 ing, industry certifications and credentials including advanced
32 technical certifications and high school equivalency programs, and
33 educational opportunity center programs at the Syracuse Comprehensive
34 Education and Workforce Training Center at night. The State University
35 of New York Empire State College may also partner with the New York
36 State Department of Labor. The workforce training center is also
37 authorized to partner with other local entities including, but not
38 limited to, businesses, non-profit organizations, educational opportu-
39 nity centers, state and local governments, and other organizations
40 focused on closing the skills gap and increasing employment opportu-
41 nities through training. The workforce training center programs shall be
42 available to students as well as members of the community.

43 4. Such workforce training center shall be governed by the State
44 University of New York Empire State College in consultation with the
45 board of education of the Syracuse city school district.

46 5. The Syracuse City School District shall develop a comprehensive
47 safety policy that includes a requirement that workforce training center
48 programs offered at the Syracuse Comprehensive Education and Workforce
49 Training Center shall be offered at night.

50 6. The board of education of the Syracuse city school district shall
51 be authorized to enter into contracts as necessary or convenient to
52 operate such high school.

53 7. Students attending such high school shall continue to be enrolled
54 in their school district of residence. The Syracuse city school district
55 shall be responsible for the issuance of a high school diploma to

1 students who attended the high school based on such students' successful
2 completion of the high school's educational program.

3 8. For purposes of all state aid calculations made pursuant to the
4 education law, students attending such high school shall continue to be
5 treated and counted as students of their school district of residence.

6 9. The public school district of residence shall be obligated to
7 provide transportation, without regard to any mileage limitations,
8 provided however, for aid reimbursements pursuant to subdivision 7 of
9 section 3602 of the education law, expenses associated with the trans-
10 portation of students to and from the high school up to a distance of
11 thirty miles shall be included.

12 10. It shall be the duty of the student's district of residence to
13 make payments as calculated in this act directly to the school district
14 for each student enrolled in the high school. No costs shall be appor-
15 tioned to school districts that elect not to participate in such high
16 school.

17 11. The trustees or the board of education of a school district may
18 enter into a memorandum of understanding with the board of education of
19 the Syracuse city school district to participate in such high school
20 program for a period not to exceed five years upon such terms as such
21 trustees or board of education and the board of education of the Syra-
22 cuse city school district may mutually agree. Such memorandum of under-
23 standing shall set forth a methodology for the calculation of per pupil
24 tuition costs that shall be subject to review and approval by the
25 commissioner of education.

26 12. Any student eligible for enrollment in grades nine through twelve
27 of a public school entering into a memorandum of understanding with the
28 board of education of the Syracuse city school district to enroll
29 students in the high school shall be eligible for admission to the high
30 school. To the extent that the number of qualified applicants may exceed
31 the number of available spaces, the high school shall grant admission on
32 a random selection basis, provided that an enrollment preference shall
33 be provided to pupils returning to the high school in the second or any
34 subsequent year. The criteria for admission shall not be limited based
35 on intellectual ability, measures of academic achievement or aptitude,
36 athletic aptitude, disability, race, creed, gender, national origin,
37 religion, ancestry, or location of residence. The high school shall
38 determine the tentative enrollment roster, notify the parents, or those
39 in parental relations to those students, and the resident school
40 district by April first of the school year preceding the school year for
41 which the admission is granted.

42 13. Notwithstanding any other provision of law to the contrary, the
43 Syracuse city school district is authorized to transfer ownership of the
44 Syracuse Comprehensive Education and Workforce Training Center facility
45 to the county of Onondaga and the county of Onondaga is authorized to
46 assume such ownership and to enter into a lease for such facility with
47 the Syracuse city school district. The county of Onondaga may contract
48 for indebtedness to renovate such facility and any related financing
49 shall be deemed a county purpose. The county of Onondaga shall transfer
50 ownership of the Syracuse Comprehensive Education and Workforce Training
51 Center facility to the city of Syracuse upon the expiration of the
52 lease.

53 14. Notwithstanding any other provision of law to the contrary, the
54 county of Onondaga shall submit estimated project costs for the reno-
55 vation and equipping of the Syracuse Comprehensive Education and Work-
56 force Training Center after the completion of schematic plans and spec-

ifications for review by the commissioner of education. If the total project costs associated with such project exceed the approved cost allowance of such building project pursuant to section three of this act, and the county has not otherwise demonstrated to the satisfaction of the New York state education department the availability of additional local shares for such excess costs from the city of Syracuse and/or the Syracuse city school district, then the county shall not proceed with the preparation of final plans and specifications for such project until the project has been redesigned or value-engineered to reduce estimated project costs so as not to exceed the above cost limits.

15. Notwithstanding any other provision of law to the contrary, the county of Onondaga shall submit estimated project costs for the renovation and equipping of the Syracuse Comprehensive Education Workforce and Training Center after the completion of fifty percent of the final plans and specifications for review by the commissioner of education. If the total project costs associated with such project exceed the approved cost allowance of such building project pursuant to subparagraph (8) of paragraph a of subdivision 6 of section 3602 of the education law, and the county has not otherwise demonstrated to the satisfaction of the New York state education department the availability of additional local share for such excess costs from the city of Syracuse and/or the Syracuse city school district, then the county shall not proceed with the completion of the remaining fifty percent of the plans and specifications for such project until the project has been redesigned or value-engineered to reduce estimated project costs so as to not exceed the above cost limits.

§ 3. Paragraph a of subdivision 6 of section 3602 of the education law is amended by adding a new subparagraph 8 to read as follows:

(8) Notwithstanding any other provision of law to the contrary, for the purpose of computation of building aid for the renovation and equipping of the Syracuse Comprehensive Education and Workforce Training Center high school authorized for operation by the Syracuse city school district the building aid units assigned to this project shall reflect a building aid enrollment of one thousand students and multi-year cost allowances for the project shall be established and utilized two times in the first five-year period. Subsequent multi-year cost allowances shall be established no sooner than ten years after establishment of the first maximum cost allowance authorized pursuant to this subparagraph.

§ 4. This act shall take effect immediately.

PART C

Section 1. Definitions. As used in this act:

(a) "Commissioner" shall mean the commissioner of education;

(b) "Department" shall mean the state education department;

(c) "Board of education" or "board" shall mean the board of education of the Rochester city school district;

(d) "School district" or "district" shall mean the Rochester city school district;

(e) "Superintendent" shall mean the superintendent of the Rochester city school district;

(f) "Relatives" shall mean a Rochester city school district board member's spouse, domestic partner, child, stepchild, stepparent, or any person who is a direct descendant of the grandparents of a current board member or a board member's spouse or domestic partner; and



1 (g) "City" shall mean the city of Rochester.

2 § 2. Appointment of a monitor. The commissioner shall appoint one
3 monitor to provide oversight, guidance and technical assistance related
4 to the educational and fiscal policies, practices, programs and deci-
5 sions of the school district, the board of education and the superinten-
6 dent.

7 1. The monitor, to the extent practicable, shall have experience in
8 school district finances and one or more of the following areas:

- 9 (a) elementary and secondary education;
10 (b) the operation of school districts in New York;
11 (c) educating students with disabilities; and
12 (d) educating English language learners.

13 2. The monitor shall be a non-voting ex-officio member of the board of
14 education. The monitor shall be an individual who is not a resident,
15 employee of the school district or relative of a board member of the
16 school district at the time of his or her appointment.

17 3. The reasonable and necessary expenses incurred by the monitor while
18 performing his or her official duties shall be paid by the school
19 district. Notwithstanding any other provision of law, the monitor shall
20 be entitled to defense and indemnification by the school district to the
21 same extent as a school district employee.

22 § 3. Meetings. 1. The monitor shall be entitled to attend all meetings
23 of the board, including executive sessions; provided however, such moni-
24 tor shall not be considered for purposes of establishing a quorum of the
25 board. The school district shall fully cooperate with the monitor
26 including, but not limited to, providing such monitor with access to any
27 necessary documents and records of the district including access to
28 electronic information systems, databases and planning documents,
29 consistent with all applicable state and federal statutes including, but
30 not limited to, Family Education Rights and Privacy Act (FERPA) (20
31 U.S.C. § 1232g) and section 2-d of the education law.

32 2. The board, in consultation with the monitor, shall adopt a conflict
33 of interest policy that complies with all existing applicable laws,
34 rules and regulations that ensures its board members and administration
35 act in the school district's best interest and comply with applicable
36 legal requirements. The conflict of interest policy shall include, but
37 not be limited to:

38 (a) a definition of the circumstances that constitute a conflict of
39 interest;

40 (b) procedures for disclosing a conflict of interest to the board;

41 (c) a requirement that the person with the conflict of interest not be
42 present at or participate in board deliberations or votes on the matter
43 giving rise to such conflict, provided that nothing in this subdivision
44 shall prohibit the board from requesting that the person with the
45 conflict of interest present information as background or answer ques-
46 tions at a board meeting prior to the commencement of deliberations or
47 voting relating thereto;

48 (d) a prohibition against any attempt by the person with the conflict
49 to influence improperly the deliberation or voting on the matter giving
50 rise to such conflict; and

51 (e) a requirement that the existence and resolution of the conflict be
52 documented in the board's records, including in the minutes of any meet-
53 ing at which the conflict was discussed or voted upon.

54 § 4. Public hearings. 1. The monitor shall schedule three public hear-
55 ings to be held within sixty days of his or her appointment, which shall

1 allow public comment from the district's residents, students, parents,
2 employees, board members and administration.

3 (a) The first hearing shall take public comment on existing statutory
4 and regulatory authority of the commissioner, the department and the
5 board of regents regarding school district governance and intervention
6 under applicable state law and regulations, including but not limited
7 to, sections 306, 211-c, and 211-f of the education law.

8 (b) The second hearing shall take public comment on the academic
9 performance of the district.

10 (c) The third hearing shall take public comment on the fiscal perform-
11 ance of the district.

12 2. The board of education, the superintendent and the monitor shall
13 consider these public comments when developing the financial plan and
14 academic improvement plan under this act.

15 § 5. Financial plan. 1. No later than November first, two thousand
16 twenty, the board of education, the superintendent and the monitor shall
17 develop a proposed financial plan for the two thousand twenty-two thou-
18 sand twenty-one school year and the four subsequent school years. The
19 financial plan shall ensure that annual aggregate operating expenses
20 shall not exceed annual aggregate operating revenues for such school
21 year and that the major operating funds of the district be balanced in
22 accordance with generally accepted accounting principles, and shall
23 consider whether financial and budgetary functions of the district shall
24 be subject to a shared services agreement with the city. The financial
25 plan shall include statements of all estimated revenues, expenditures,
26 and cash flow projections of the district.

27 2. If the board of education and the monitor agree on all the elements
28 of the proposed financial plan, the board of education shall conduct a
29 public hearing on the plan and consider the input of the community. The
30 proposed financial plan shall be made public on the district's website
31 at least three business days before such public hearing. Once the
32 proposed financial plan has been approved by the board of education,
33 such plan shall be submitted by the monitor to the commissioner for
34 approval and shall be deemed approved for the purposes of this act.

35 3. If the board of education and the monitor do not agree on all the
36 elements of the proposed financial plan, the board of education shall
37 conduct a public hearing on the proposed plan that details the elements
38 of disagreement between the monitor and the board, including documented
39 justification for such disagreements and any requested amendments from
40 the monitor. The proposed financial plan, elements of disagreement, and
41 requested amendments shall be made public on the district's website at
42 least three business days before such public hearing. After considering
43 the input of the community, the board may alter the proposed financial
44 plan and the monitor may alter his or her requested amendments, and the
45 monitor shall submit the proposed financial plan, his or her amendments
46 to the plan, and documentation providing justification for such disa-
47 greements and amendments to the commissioner no later than December
48 first, two thousand twenty. By January fifteenth, two thousand twenty-
49 one, the commissioner shall approve the proposed plan with any of the
50 monitor's proposed amendments, or make other modifications, he or she
51 deems appropriate. The board of education shall provide the commission-
52 er with any information he or she requests to approve such plan within
53 three business days of such request. Upon the approval of the commis-
54 sioner, the financial plan shall be deemed approved for purposes of this
55 act.

1 § 6. Academic improvement plan. 1. No later than November first, two
2 thousand twenty, the board of education, the superintendent and the
3 monitor shall develop an academic improvement plan for the district's
4 two thousand twenty-two thousand twenty-one school year and the four
5 subsequent school years. The academic improvement plan shall contain a
6 series of programmatic recommendations designed to improve academic
7 performance over the period of the plan in those academic areas that the
8 commissioner deems to be in need of improvement which shall include
9 addressing the provisions contained in any action plan set forth by the
10 department.

11 2. If the board of education and the monitor agree on all the elements
12 of the proposed academic improvement plan, the board of education shall
13 conduct a public hearing on the plan and consider the input of the
14 community. The proposed academic improvement plan shall be made public
15 on the district's website at least three business days before such
16 public hearing. Once the proposed academic improvement plan has been
17 approved by the board of education, such plan shall be submitted by the
18 monitor to the commissioner for approval and shall be deemed approved
19 for the purposes of this act.

20 3. If the board of education and the monitor do not agree on all the
21 elements of the proposed academic improvement plan, the board of educa-
22 tion shall conduct a public hearing on the proposed plan that details
23 the elements of disagreement between the monitor and the board, includ-
24 ing documented justification for such disagreements and any requested
25 amendments from the monitor. The proposed academic improvement plan,
26 elements of disagreement, and requested amendments shall be made public
27 on the district's website at least three business days before such
28 public hearing. After considering the input of the community, the board
29 may alter the proposed academic improvement plan and the monitor may
30 alter his or her requested amendments, and the monitor shall submit the
31 proposed academic improvement plan, his or her amendments to the plan,
32 and documentation providing justification for such disagreements and
33 amendments to the commissioner no later than December first, two thou-
34 sand twenty. By January fifteenth, two thousand twenty-one, the commis-
35 sioner shall approve the proposed plan with any of the monitor's
36 proposed amendments, or make other modifications, he or she deems appro-
37 priate. The board of education shall provide the commissioner with any
38 information he or she requests to approve such plan within three busi-
39 ness days of such request. Upon the approval of the commissioner, the
40 academic improvement plan shall be deemed approved for purposes of this
41 act.

42 § 7. Fiscal and operational oversight. 1. Starting with the proposed
43 budget for the two thousand twenty-one-two thousand twenty-two school
44 year, the board of education shall annually submit the school district's
45 proposed budget for the next succeeding school year to the monitor no
46 later than March first prior to the start of such next succeeding school
47 year. The monitor shall review the proposed budget to ensure that it is
48 balanced within the context of revenue and expenditure estimates and
49 mandated programs. The monitor shall also review the proposed budget to
50 ensure that it, to the greatest extent possible, is consistent with the
51 district academic improvement plan and financial plan developed and
52 approved pursuant to this act. The monitor shall present his or her
53 findings to the board of education and the commissioner no later than
54 forty-five days prior to the date scheduled for the board of education's
55 vote on the adoption of the final budget or the last date on which the
56 budget may be finally adopted, whichever is sooner. The commissioner



1 shall require the board of education to make amendments to the proposed
2 budget consistent with any recommendations made by the monitor if the
3 commissioner determines such amendments are necessary to comply with the
4 financial plan and academic improvement plan under this act. The school
5 district shall make available on the district's website: the initial
6 proposed budget, the monitor's findings, and the final proposed budget
7 at least seven days prior to the date of the school district's budget
8 hearing. The board of education shall provide the commissioner with any
9 information he or she requests in order to make a determination pursuant
10 to this subdivision within three business days of such request.

11 2. The district shall provide quarterly reports to the monitor and
12 annual reports to the commissioner and the board of regents on the
13 academic, fiscal, and operational status of the school district. In
14 addition, the monitor shall provide semi-annual reports to the commis-
15 sioner, board of regents, the governor, the temporary president of the
16 senate, and the speaker of the assembly on the academic, fiscal, and
17 operational status of the school district. Such semi-annual report
18 shall include all the contracts that the district entered into through-
19 out the year.

20 3. The monitor shall have the authority to disapprove travel outside
21 the state paid for by the district.

22 4. The monitor shall work with the district's shared decision-making
23 committee as defined in 8 NYCRR 100.11 in developing the academic
24 improvement plan, financial plan, district goals, implementation of
25 district priorities, and budgetary recommendations.

26 5. The monitor shall assist in resolving any disputes and conflicts,
27 including but not limited to, those between the superintendent and the
28 board of education and among the members of the board of education.

29 6. The monitor may recommend, and the board shall consider by vote of
30 a resolution at the next scheduled meeting of the board, cost saving
31 measures including, but not limited to, shared service agreements.

32 § 8. The commissioner may overrule any decision of the monitor, except
33 for collective bargaining agreements negotiated in accordance with arti-
34 cle 14 of the civil service law, if he or she deems that such decision
35 is not aligned with the financial plan, academic improvement plan or
36 school district's budget.

37 § 9. The monitor may notify the commissioner and the board in writing
38 when he or she deems the district is violating an element of the finan-
39 cial plan or academic improvement plan in this act. Within twenty days,
40 the commissioner shall determine whether the district is in violation of
41 any of the elements of the financial plan or academic improvement plan
42 highlighted by the monitor and shall order the district to comply imme-
43 diately with the plan and remedy any such violation. The school district
44 shall suspend all actions related to the potential violation of the
45 financial plan or academic improvement plan until the commissioner
46 issues a determination.

47 § 10. Nothing in this act shall be construed to abrogate the duties
48 and responsibilities of the school district consistent with applicable
49 state law and regulations.

50 § 11. The Rochester city school district shall be paid on an acceler-
51 ated schedule as follows:

52 a. (1) Notwithstanding any other provisions of law, for aid payable in
53 the school years 2019-2020 through 2048-2049 upon application to the
54 commissioner of education submitted not sooner than the second Monday in
55 June of the school year in which such aid is payable and not later than
56 the Friday following the third Monday in June of the school year in



1 which such aid is payable, or ten days after the effective date of this
2 act, whichever shall be later, provided, however, that for the 2019-20
3 school year such application shall be no later than May 11, 2020, the
4 Rochester city school district shall be eligible to receive an appor-
5 tionment pursuant to this act in an amount equal to the product of thir-
6 ty-five million dollars (\$35,000,000) and the quotient of the positive
7 difference of thirty minus the number of school years elapsed since the
8 2019-2020 school year divided by thirty, provided, however, that for the
9 2019-20 school year such apportionment shall be paid to the Rochester
10 city school district no later than May 20, 2020.

11 (2) Funds apportioned pursuant to this subdivision shall be used for
12 services and expenses of the Rochester city school district and shall be
13 applied to support of its educational programs and any liability
14 incurred by such city school district in carrying out its functions and
15 responsibilities under the education law.

16 b. The claim for an apportionment to be paid to the Rochester city
17 school district pursuant to subdivision a of this section shall be
18 submitted to the commissioner of education on a form prescribed for such
19 purpose, and shall be payable upon determination by such commissioner
20 that the form has been submitted as prescribed and that the school
21 district has complied with the reporting requirements of this act. For
22 each school year in which application is made pursuant to subdivision a
23 of this section, such approved amount shall be payable on or before June
24 thirtieth of such school year upon the audit and warrant of the state
25 comptroller on vouchers certified or approved by the commissioner of
26 education in the manner prescribed by law from moneys in the state
27 lottery fund appropriated for general support of public schools and from
28 the general fund to the extent that the amount paid to the Rochester
29 city school district pursuant to this subdivision and subdivision a of
30 this section exceeds the amount of the moneys apportioned, if any, for
31 general support for public schools due such school district pursuant to
32 section 3609-a of the education law on or before September first of such
33 school year.

34 c. Notwithstanding the provisions of section 3609-a of the education
35 law, an amount equal to the amount paid to the Rochester city school
36 district during the base year pursuant to subdivisions a and b of this
37 section shall first be deducted from payments due during the current
38 school year pursuant to subparagraphs (1), (2), (3), (4) and (5) of
39 paragraph a of subdivision 1 of section 3609-a of the education law in
40 the following order: the lottery apportionment payable pursuant to
41 subparagraph (2) of such paragraph followed by the fixed fall payments
42 payable pursuant to subparagraph (4) of such paragraph, and any remain-
43 der to be deducted from the individualized payments due to the district
44 pursuant to paragraph b of such subdivision shall be deducted on a chro-
45 nological basis starting with the earliest payment due the district.

46 d. Notwithstanding any other provisions of law, the sum of payments
47 made to the Rochester city school district during the base year pursuant
48 to subdivisions a and b of this section plus payments made to such
49 school district during the current year pursuant to section 3609-a of
50 the education law shall be deemed to truly represent all aids paid to
51 such school district during the current school year pursuant to such
52 section 3609-a for the purposes of computing any adjustments to such
53 aids that may occur in a subsequent school year.

54 e. (1) On or before the first day of each month beginning in July 2020
55 and ending in June 2050, the chief fiscal officer and the superintendent
56 of schools of the Rochester city school district shall prepare and



1 submit to the board of education a report of the fiscal condition of the
2 school district, including but not limited to the most current available
3 data on fund balances on funds maintained by the school district and the
4 district's use of the apportionments provided pursuant to subdivisions a
5 and b of this section.

6 (2) Such monthly report shall be in a format prescribed by the commis-
7 sioner of education. The board of education shall either reject and
8 return the report to the chief fiscal officer and the superintendent of
9 schools for appropriate revisions and resubmittal or shall approve the
10 report and submit copies to the commissioner of education and the state
11 comptroller of such approved report as submitted or resubmitted.

12 (3) In the 2019-2020 through 2048-2049 school years, the chief fiscal
13 officer of the Rochester city school district shall monitor all budgets
14 and for each budget, shall prepare a quarterly report of summarized
15 budget data depicting overall trends of actual revenues and budget
16 expenditures for the entire budget as well as individual line items.
17 Such report shall compare revenue estimates and appropriations as set
18 forth in such budget with the actual revenues and expenditures made to
19 date. All quarterly reports shall be accompanied by a recommendation
20 from the superintendent of schools or chief fiscal officer to the board
21 of education setting forth any remedial actions necessary to resolve any
22 unfavorable budget variance including the overestimation of revenue and
23 underestimation of appropriations. The chief fiscal officer shall also
24 prepare, as part of such report, a quarterly trial balance of general
25 ledger accounts in accordance with generally accepted accounting princi-
26 ples as prescribed by the state comptroller. All reports shall be
27 completed within sixty days after the end of each quarter and shall be
28 submitted to the chief fiscal officer and the board of education of the
29 Rochester city school district, the state division of budget, the office
30 of the state comptroller, the commissioner of education, the chair of
31 the assembly ways and means committee and the chair of the senate
32 finance committee.

33 § 12. This act shall take effect immediately, provided, however, that
34 sections two, three, four, five, six, seven, eight, nine and ten of this
35 act shall expire and be deemed repealed June 30, 2023; and provided
36 further, however that sections one and eleven of this act shall expire
37 and be deemed repealed June 30, 2049.

38 PART D

39 Section 1. Paragraph h of subdivision 2 of section 355 of the educa-
40 tion law is amended by adding a new paragraph 4-a to read as follows:

41 (4-a) Notwithstanding any law, rule, regulation, or practice to the
42 contrary and following the review and approval of the chancellor of the
43 state university or his or her designee, the board of trustees may raise
44 non-resident undergraduate rates of tuition by not more than ten percent
45 over the tuition rates of the prior academic year for the following
46 doctoral degree granting institutions of the state university of New
47 York: the state university of New York college of environmental science
48 and forestry as defined in article one hundred twenty-one of this chap-
49 ter, downstate medical center, upstate medical center, and the college
50 of technology at Utica-Rome/state university polytechnic institute for a
51 four year period commencing with the two thousand twenty-two thousand
52 twenty-one academic year and ending in the two thousand twenty-three--
53 two thousand twenty-four academic year provided that such rate change is



1 approved annually prior to board of trustees action by the chancellor of
2 the state university or his or her designee.

3 § 2. This act shall take effect immediately.

4 PART E

5 Intentionally Omitted

6 PART F

7 Intentionally Omitted

8 PART G

9 Intentionally Omitted

10 PART H

11 Section 1. Notwithstanding any other provision of law, the housing
12 trust fund corporation may provide, for purposes of the neighborhood
13 preservation program, a sum not to exceed \$12,830,000 for the fiscal
14 year ending March 31, 2021. Within this total amount, \$150,000 shall be
15 used for the purpose of entering into a contract with the neighborhood
16 preservation coalition to provide technical assistance and services to
17 companies funded pursuant to article 16 of the private housing finance
18 law. Notwithstanding any other provision of law, and subject to the
19 approval of the New York state director of the budget, the board of
20 directors of the state of New York mortgage agency shall authorize the
21 transfer to the housing trust fund corporation, for the purposes of
22 reimbursing any costs associated with neighborhood preservation program
23 contracts authorized by this section, a total sum not to exceed
24 \$12,830,000, such transfer to be made from (i) the special account of
25 the mortgage insurance fund created pursuant to section 2429-b of the
26 public authorities law, in an amount not to exceed the actual excess
27 balance in the special account of the mortgage insurance fund, as deter-
28 mined and certified by the state of New York mortgage agency for the
29 fiscal year 2019-2020 in accordance with section 2429-b of the public
30 authorities law, if any, and/or (ii) provided that the reserves in the
31 project pool insurance account of the mortgage insurance fund created
32 pursuant to section 2429-b of the public authorities law are sufficient
33 to attain and maintain the credit rating (as determined by the state of
34 New York mortgage agency) required to accomplish the purposes of such
35 account, the project pool insurance account of the mortgage insurance
36 fund, such transfer to be made as soon as practicable but no later than
37 June 30, 2020.

38 § 2. Notwithstanding any other provision of law, the housing trust
39 fund corporation may provide, for purposes of the rural preservation
40 program, a sum not to exceed \$5,360,000 for the fiscal year ending March
41 31, 2021. Within this total amount, \$150,000 shall be used for the
42 purpose of entering into a contract with the rural housing coalition to
43 provide technical assistance and services to companies funded pursuant
44 to article 16 of the private housing finance law. Notwithstanding any
45 other provision of law, and subject to the approval of the New York
46 state director of the budget, the board of directors of the state of New
47 York mortgage agency shall authorize the transfer to the housing trust
48 fund corporation, for the purposes of reimbursing any costs associated



1 with rural preservation program contracts authorized by this section, a
2 total sum not to exceed \$5,360,000, such transfer to be made from (i)
3 the special account of the mortgage insurance fund created pursuant to
4 section 2429-b of the public authorities law, in an amount not to exceed
5 the actual excess balance in the special account of the mortgage insur-
6 ance fund, as determined and certified by the state of New York mortgage
7 agency for the fiscal year 2019-2020 in accordance with section 2429-b
8 of the public authorities law, if any, and/or (ii) provided that the
9 reserves in the project pool insurance account of the mortgage insurance
10 fund created pursuant to section 2429-b of the public authorities law
11 are sufficient to attain and maintain the credit rating (as determined
12 by the state of New York mortgage agency) required to accomplish the
13 purposes of such account, the project pool insurance account of the
14 mortgage insurance fund, such transfer to be made as soon as practicable
15 but no later than June 30, 2020.

16 § 3. Notwithstanding any other provision of law, the housing trust
17 fund corporation may provide, for purposes of the rural rental assist-
18 ance program pursuant to article 17-A of the private housing finance
19 law, a sum not to exceed \$21,000,000 for the fiscal year ending March
20 31, 2021. Notwithstanding any other provision of law, and subject to
21 the approval of the New York state director of the budget, the board of
22 directors of the state of New York mortgage agency shall authorize the
23 transfer to the housing trust fund corporation, for the purposes of
24 reimbursing any costs associated with rural rental assistance program
25 contracts authorized by this section, a total sum not to exceed
26 \$21,000,000, such transfer to be made from (i) the special account of
27 the mortgage insurance fund created pursuant to section 2429-b of the
28 public authorities law, in an amount not to exceed the actual excess
29 balance in the special account of the mortgage insurance fund, as deter-
30 mined and certified by the state of New York mortgage agency for the
31 fiscal year 2019-2020 in accordance with section 2429-b of the public
32 authorities law, if any, and/or (ii) provided that the reserves in the
33 project pool insurance account of the mortgage insurance fund created
34 pursuant to section 2429-b of the public authorities law are sufficient
35 to attain and maintain the credit rating, as determined by the state of
36 New York mortgage agency, required to accomplish the purposes of such
37 account, the project pool insurance account of the mortgage insurance
38 fund, such transfer shall be made as soon as practicable but no later
39 than June 30, 2020.

40 § 4. Notwithstanding any other provision of law, the homeless housing
41 and assistance corporation may provide, for purposes of the New York
42 state supportive housing program, the solutions to end homelessness
43 program or the operational support for AIDS housing program, or to qual-
44 ified grantees under such programs, in accordance with the requirements
45 of such programs, a sum not to exceed \$42,641,000 for the fiscal year
46 ending March 31, 2021. The homeless housing and assistance corporation
47 may enter into an agreement with the office of temporary and disability
48 assistance to administer such sum in accordance with the requirements of
49 such programs. Notwithstanding any other provision of law, and subject
50 to the approval of the New York state director of the budget, the board
51 of directors of the state of New York mortgage agency shall authorize
52 the transfer to the homeless housing and assistance corporation, a total
53 sum not to exceed \$42,641,000, such transfer to be made from (i) the
54 special account of the mortgage insurance fund created pursuant to
55 section 2429-b of the public authorities law, in an amount not to exceed
56 the actual excess balance in the special account of the mortgage insur-

1 ance fund, as determined and certified by the state of New York mortgage
2 agency for the fiscal year 2019-2020 in accordance with section 2429-b
3 of the public authorities law, if any, and/or (ii) provided that the
4 reserves in the project pool insurance account of the mortgage insurance
5 fund created pursuant to section 2429-b of the public authorities law
6 are sufficient to attain and maintain the credit rating as determined by
7 the state of New York mortgage agency, required to accomplish the
8 purposes of such account, the project pool insurance account of the
9 mortgage insurance fund, such transfer shall be made as soon as practi-
10 cable but no later than March 31, 2021.

11 § 5. Notwithstanding any other provision of law, and in addition to
12 the powers currently authorized to be exercised by the state of New York
13 municipal bond bank agency, the state of New York municipal bond bank
14 agency may provide, for purposes of municipal relief to the city of
15 Albany, a sum not to exceed twelve million dollars for the city fiscal
16 year ending December 31, 2020, to the city of Albany. Notwithstanding
17 any other provision of law, and subject to the approval of the New York
18 state director of the budget, the state of New York mortgage agency
19 shall transfer to the state of New York municipal bond bank agency for
20 distribution as municipal relief to the city of Albany, a total sum not
21 to exceed twelve million dollars, such transfer to be made from (i) the
22 special account of the mortgage insurance fund created pursuant to
23 section 2429-b of the public authorities law, in an amount not to exceed
24 the actual excess balance in the special account of the mortgage insur-
25 ance fund, as determined and certified by the state of New York mortgage
26 agency for the fiscal year 2019-2020 in accordance with section 2429-b
27 of the public authorities law, if any, and/or (ii) provided that the
28 reserves in the project pool insurance account of the mortgage insurance
29 fund created pursuant to section 2429-b of the public authorities law
30 are sufficient to attain and maintain the credit rating (as determined
31 by the agency) required to accomplish the purposes of such account, the
32 project pool insurance account of the mortgage insurance fund created
33 pursuant to section 2429-b of the public authorities law, such transfer
34 to be made as soon as practicable no later than December 31, 2020, and
35 provided further that the New York state director of the budget may
36 request additional information from the city of Albany regarding the
37 utilization of these funds and the finances and operations of the city,
38 as appropriate.

39 § 6. Notwithstanding any other provision of law, the department of law
40 may provide, for purposes of a homeowner protection program, or to qual-
41 ified grantees under such program, in accordance with the requirements
42 of such program, a sum not to exceed \$10,000,000 for the fiscal year
43 ending March 31, 2021. Notwithstanding any other provision of law, and
44 subject to the approval of the New York state director of the budget,
45 the board of directors of the state of New York mortgage agency shall
46 authorize the transfer to the department of law, a total sum not to
47 exceed \$10,000,000, such transfer to be made from (i) the special
48 account of the mortgage insurance fund created pursuant to section
49 2429-b of the public authorities law, in an amount not to exceed the
50 actual excess balance in the special account of the mortgage insurance
51 fund, as determined and certified by the state of New York mortgage
52 agency for the fiscal year 2019-2020 in accordance with section 2429-b
53 of the public authorities law, if any, and/or (ii) provided that the
54 reserves in the project pool insurance account of the mortgage insurance
55 fund created pursuant to section 2429-b of the public authorities law
56 are sufficient to attain and maintain the credit rating as determined by

1 the state of New York mortgage agency, required to accomplish the
2 purposes of such account, the project pool insurance account of the
3 mortgage insurance fund, such transfer shall be made as soon as practi-
4 cable but no later than March 31, 2021.

5 § 7. This act shall take effect immediately.

6 PART I

7 Section 1. Subdivision c of section 8 of section 4 of chapter 576 of
8 the laws of 1974, constituting the emergency tenant protection act of
9 nineteen seventy-four, as amended by section 16 of part K of chapter 36
10 of the laws of 2019, is amended to read as follows:

11 c. Whenever a city having a population of one million or more has
12 determined the existence of an emergency pursuant to section three of
13 this act, the provisions of this act and the New York city rent stabili-
14 zation law of nineteen hundred sixty-nine shall be administered by the
15 state division of housing and community renewal as provided in the New
16 York city rent stabilization law of nineteen hundred sixty-nine, as
17 amended, or as otherwise provided by law. The costs incurred by the
18 state division of housing and community renewal in administering such
19 regulation shall be paid by such city. All payments for such adminis-
20 tration shall be transmitted to the state division of housing and commu-
21 nity renewal as follows: on or after April first of each year commencing
22 with April, nineteen hundred eighty-four, the commissioner of housing
23 and community renewal, in consultation with the director of the budget,
24 shall determine an amount necessary to defray the division's anticipated
25 annual cost, and one-quarter of such amount shall be paid by such city
26 on or before July first of such year, one-quarter of such amount on or
27 before October first of such year, one-quarter of such amount on or
28 before January first of the following year and one-quarter of such
29 amount on or before March thirty-first of the following year. After the
30 close of the fiscal year of the state, the commissioner, in consultation
31 with the director of the budget, shall determine the amount of all actu-
32 al costs incurred in such fiscal year and shall certify such amount to
33 such city. If such certified amount shall differ from the amount paid by
34 the city for such fiscal year, appropriate adjustments shall be made in
35 the next quarterly payment to be made by such city. In the event that
36 the amount thereof is not paid to the commissioner, in consultation with
37 the director of the budget, as herein prescribed, the commissioner, in
38 consultation with the director of the budget, shall certify the unpaid
39 amount to the comptroller, and the comptroller shall, to the extent not
40 otherwise prohibited by law, withhold such amount from any state aid
41 payable to such city. In no event shall the amount imposed on the owners
42 exceed twenty dollars per unit per year.

43 § 2. Subdivisions d and e of section 8 of section 4 of chapter 576 of
44 the laws of 1974, constituting the emergency tenant protection act of
45 nineteen seventy-four, subdivision d as amended by section 16 of part K
46 of chapter 36 of the laws of 2019 and subdivision e as amended by
47 section 1 of part O of chapter 57 of the laws of 2009, are amended to
48 read as follows:

49 d. Notwithstanding subdivision c of this section or any other
50 provision of law to the contrary, whenever the state has incurred any
51 costs as a result of administering the rent regulation program for a
52 city having a population of one million or more in accordance with
53 subdivision c of this section, on or after April first of each year, the
54 commissioner of housing and community renewal, in consultation with the



1 director of the budget, shall determine an amount necessary to defray
2 the state's anticipated annual cost. In the event that the division does
3 not send a bill to the city to defray such costs in accordance with
4 subdivision c of this section, it shall submit to the city an invoice
5 showing all such costs as soon as practicable after the start of the
6 state fiscal year in which the costs are to be incurred. The director of
7 the budget may direct any other state agency to reduce the amount of any
8 other payment or payments owed to such city or any department, agency,
9 or instrumentality thereof; provided however, that such reduction shall
10 be made no sooner than thirty days after the transmittal of the invoice
11 of costs, and shall be in an amount equal to the costs incurred by the
12 state in administering the rent regulation program for such city in
13 accordance with subdivision c of this section. Within thirty days of
14 the receipt of the invoice of costs, the city may send to the division,
15 in written form, requests for additional information relating to such
16 costs, including any recommendations on which local assistance payment
17 would be reduced. If the director of the budget makes such direction in
18 accordance with this subdivision, the impacted city shall not make the
19 payments required by subdivision c of this section, and the division of
20 housing and community renewal shall notify such city in writing of what
21 payment or payments will be reduced and the amount of the reduction and
22 shall suballocate, as necessary, the value of the costs it incurred to
23 the agency or agencies which reduces the payments to such city or any
24 department, agency or authority thereof in accordance with this subdivi-
25 sion.

26 e. The failure to pay the prescribed assessment not to exceed twenty
27 dollars per unit for any housing accommodation subject to this act or
28 the New York city rent stabilization law of nineteen hundred sixty-nine
29 shall constitute a charge due and owing such city, town or village which
30 has imposed an annual charge for each such housing accommodation pursu-
31 ant to subdivision b of this section. Any such city, town or village
32 shall be authorized to provide for the enforcement of the collection of
33 such charges by commencing an action or proceeding for the recovery of
34 such fees or by the filing of a lien upon the building and lot. Such
35 methods for the enforcement of the collection of such charges shall be
36 the sole remedy for the enforcement of this section.

37 [e.] f. The division shall maintain at least one office in each county
38 which is governed by the rent stabilization law of nineteen hundred
39 sixty-nine or this act; provided, however, that the division shall not
40 be required to maintain an office in the counties of Nassau, Rockland,
41 or Richmond.

42 § 3. This act shall take effect immediately.

43 PART J

44 Section 1. The labor law is amended by adding a new section 196-b to
45 read as follows:

46 § 196-b. Sick leave requirements. 1. Every employer shall be required
47 to provide its employees with sick leave as follows:

48 a. For employers with four or fewer employees in any calendar year,
49 each employee shall be provided with up to forty hours of unpaid sick
50 leave in each calendar year; provided, however, an employer that employs
51 four or fewer employees in any calendar year and that has a net income
52 of greater than one million dollars in the previous tax year shall
53 provide each employee with up to forty hours of paid sick leave pursuant
54 to this section;



1 b. For employers with between five and ninety-nine employees in any
2 calendar year, each employee shall be provided with up to forty hours of
3 paid sick leave in each calendar year; and

4 c. For employers with one hundred or more employees in any calendar
5 year, each employee shall be provided with up to fifty-six hours of paid
6 sick leave each calendar year.

7 For purposes of determining the number of employees pursuant to this
8 subdivision, a calendar year shall mean the twelve-month period from
9 January first through December thirty-first. For all other purposes, a
10 calendar year shall either mean the twelve-month period from January
11 first through December thirty-first, or a regular and consecutive
12 twelve-month period, as determined by an employer.

13 2. Nothing in this section shall be construed to prohibit or prevent
14 an employer from providing an amount of sick leave, paid or unpaid,
15 which is in excess of the requirements set forth in subdivision one of
16 this section, or from adopting a paid leave policy that provides addi-
17 tional benefits to employees. An employer may elect to provide its
18 employees with the total amount of sick leave required to fulfill its
19 obligations pursuant to subdivision one of this section at the beginning
20 of the calendar year, provided, however that no employer shall be
21 permitted to reduce or revoke any such sick leave based on the number of
22 hours actually worked by an employee during the calendar year if such
23 employer elects pursuant to this subdivision.

24 3. Employees shall accrue sick leave at a rate of not less than one
25 hour per every thirty hours worked, beginning at the commencement of
26 employment or the effective date of this section, whichever is later,
27 subject to the use and accrual limitations set forth in this section.

28 4. a. On and after January first, two thousand twenty-one and upon the
29 oral or written request of an employee, an employer shall provide
30 accrued sick leave for the following purposes:

31 (i) for a mental or physical illness, injury, or health condition of
32 such employee or such employee's family member, regardless of whether
33 such illness, injury, or health condition has been diagnosed or requires
34 medical care at the time that such employee requests such leave;

35 (ii) for the diagnosis, care, or treatment of a mental or physical
36 illness, injury or health condition of, or need for medical diagnosis
37 of, or preventive care for, such employee or such employee's family
38 member; or

39 (iii) for an absence from work due to any of the following reasons
40 when the employee or employee's family member has been the victim of
41 domestic violence pursuant to subdivision thirty-four of section two
42 hundred ninety-two of the executive law, a family offense, sexual
43 offense, stalking, or human trafficking:

44 (a) to obtain services from a domestic violence shelter, rape crisis
45 center, or other services program;

46 (b) to participate in safety planning, temporarily or permanently
47 relocate, or take other actions to increase the safety of the employee
48 or employee's family members;

49 (c) to meet with an attorney or other social services provider to
50 obtain information and advice on, and prepare for or participate in any
51 criminal or civil proceeding;

52 (d) to file a complaint or domestic incident report with law enforce-
53 ment;

54 (e) to meet with a district attorney's office;

55 (f) to enroll children in a new school; or



1 (g) to take any other actions necessary to ensure the health or safety
2 of the employee or the employee's family member or to protect those who
3 associate or work with the employee.

4 For purposes of this subdivision, the reasons outlined above in
5 subparagraph (a) through (g) must be related to the domestic violence,
6 family offense, sexual offense, stalking, or human trafficking. Provided
7 further that a person who has committed such domestic violence, family
8 offense, sexual offense, stalking, or human trafficking shall not be
9 eligible for leave under this subdivision for situations in which the
10 person committed such offense and was not a victim, notwithstanding any
11 family relationship.

12 b. For purposes of this section, "family member" shall mean an employ-
13 ee's child, spouse, domestic partner, parent, sibling, grandchild or
14 grandparent; and the child or parent of an employee's spouse or domestic
15 partner. "Parent" shall mean a biological, foster, step- or adoptive
16 parent, or a legal guardian of an employee, or a person who stood in
17 loco parentis when the employee was a minor child. "Child" shall mean a
18 biological, adopted or foster child, a legal ward, or a child of an
19 employee standing in loco parentis.

20 5. a. An employer may not require the disclosure of confidential
21 information relating to a mental or physical illness, injury, or health
22 condition of such employee or such employee's family member, or informa-
23 tion relating to absence from work due to domestic violence, a sexual
24 offense, stalking, or human trafficking, as a condition of providing
25 sick leave pursuant to this section.

26 b. An employer may set a reasonable minimum increment for the use of
27 sick leave which shall not exceed four hours. Employees shall receive
28 compensation at his or her regular rate of pay, or the applicable mini-
29 imum wage established pursuant to section six hundred fifty-two of this
30 chapter, whichever is greater, for the use of paid sick leave.

31 6. An employee's unused sick leave shall be carried over to the
32 following calendar year, provided, however, that: (i) an employer with
33 fewer than one hundred employees may limit the use of sick leave to
34 forty hours per calendar year; and (ii) an employer with one hundred or
35 more employees may limit the use of sick leave to fifty-six hours per
36 calendar year. Nothing in this section shall be construed to require an
37 employer to pay an employee for unused sick leave upon such employee's
38 termination, resignation, retirement, or other separation from employ-
39 ment.

40 7. No employer or his or her agent, or the officer or agent of any
41 corporation, partnership, or limited liability company, or any other
42 person, shall discharge, threaten, penalize, or in any other manner
43 discriminate or retaliate against any employee because such employee has
44 exercised his or her rights afforded under this section, including, but
45 not limited to, requesting sick leave and using sick leave, consistent
46 with the provisions of section two hundred fifteen of this chapter.

47 8. An employer shall not be required to provide any additional sick
48 leave pursuant to this section if the employer has adopted a sick leave
49 policy or time off policy that provides employees with an amount of
50 leave which meets or exceeds the requirements set forth in subdivision
51 one of this section and satisfies the accrual, carryover, and use
52 requirements of this section.

53 9. Nothing in this section shall be construed to: a. prohibit a
54 collective bargaining agreement entered into, on or after the effective
55 date of this section from, in lieu of the leave provided for in this
56 section, providing a comparable benefit for the employees covered by



1 such agreement in the form of paid days off; such paid days off shall be
2 in the form of leave, compensation, other employee benefits, or some
3 combination thereof; or

4 b. impede, infringe, or diminish the ability of a certified collective
5 bargaining agent to negotiate the terms and conditions of sick leave
6 different from the provisions of this section.

7 Provided, however, that in the case of either paragraph a or b of this
8 subdivision, the agreement must specifically acknowledge the provisions
9 of this section.

10 10. Upon return to work following any sick leave taken pursuant to
11 this section, an employee shall be restored by his or her employer to
12 the position of employment held by such employee prior to any sick leave
13 taken pursuant to this section with the same pay and other terms and
14 conditions of employment.

15 11. Upon the oral or written request of an employee, an employer shall
16 provide a summary of the amounts of sick leave accrued and used by such
17 employee in the current calendar year and/or any previous calendar year.
18 The employer shall provide such information to the employee within three
19 business days of such request.

20 12. Nothing in this section shall be construed to prevent a city with
21 a population of one million or more from enacting and enforcing local
22 laws or ordinances which meet or exceed the standard or requirements for
23 minimum hour and use set forth in this section, as determined by the
24 commissioner. Any paid sick leave benefits provided by a sick leave
25 program enforced by a municipal corporation in effect as of the effec-
26 tive date of this section shall not be diminished or limited as a result
27 of the enactment of this section.

28 13. The commissioner shall have authority to adopt regulations and
29 issue guidance to effectuate any of the provisions of this section.
30 Employers shall comply with regulations and guidance promulgated by the
31 commissioner for this purpose which may include but are not limited to
32 standards for the accrual, use, payment, and employee eligibility of
33 sick leave.

34 14. The department shall conduct a public awareness outreach campaign
35 which shall include making information available on its website and
36 otherwise informing employers and employees of the provisions of this
37 section.

38 § 2. Subdivision 4 of section 195 of the labor law, as amended by
39 chapter 564 of the laws of 2010, is amended to read as follows:

40 4. establish, maintain and preserve for not less than six years
41 contemporaneous, true, and accurate payroll records showing for each
42 week worked the hours worked; the rate or rates of pay and basis there-
43 of, whether paid by the hour, shift, day, week, salary, piece, commis-
44 sion, or other; gross wages; deductions; allowances, if any, claimed as
45 part of the minimum wage; amount of sick leave provided to each employ-
46 ee; and net wages for each employee. For all employees who are not
47 exempt from overtime compensation as established in the commissioner's
48 minimum wage orders or otherwise provided by New York state law or regu-
49 lation, the payroll records shall include the regular hourly rate or
50 rates of pay, the overtime rate or rates of pay, the number of regular
51 hours worked, and the number of overtime hours worked. For all employees
52 paid a piece rate, the payroll records shall include the applicable
53 piece rate or rates of pay and number of pieces completed at each piece
54 rate;

55 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-
56 sion, section or part of this act shall be adjudged by any court of

1 competent jurisdiction to be invalid, such judgment shall not affect,
2 impair, or invalidate the remainder thereof, but shall be confined in
3 its operation to the clause, sentence, paragraph, subdivision, section
4 or part thereof directly involved in the controversy in which such judg-
5 ment shall have been rendered. It is hereby declared to be the intent of
6 the legislature that this act would have been enacted even if such
7 invalid provisions had not been included herein.

8 § 4. This act shall take effect on the one hundred eightieth day after
9 it shall have become a law; provided that the department of labor may
10 promulgate rules and regulations to effectuate the purposes of this act,
11 on or before such effective date.

12 PART K

13 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of
14 section 131-o of the social services law, as amended by section 1 of
15 part L of chapter 56 of the laws of 2019, are amended to read as
16 follows:

17 (a) in the case of each individual receiving family care, an amount
18 equal to at least [\$148.00] \$150.00 for each month beginning on or after
19 January first, two thousand [nineteen] twenty.

20 (b) in the case of each individual receiving residential care, an
21 amount equal to at least [\$171.00] \$174.00 for each month beginning on
22 or after January first, two thousand [nineteen] twenty.

23 (c) in the case of each individual receiving enhanced residential
24 care, an amount equal to at least [\$204.00] \$207.00 for each month
25 beginning on or after January first, two thousand [nineteen] twenty.

26 (d) for the period commencing January first, two thousand [twenty]
27 twenty-one, the monthly personal needs allowance shall be an amount
28 equal to the sum of the amounts set forth in subparagraphs one and two
29 of this paragraph:

30 (1) the amounts specified in paragraphs (a), (b) and (c) of this
31 subdivision; and

32 (2) the amount in subparagraph one of this paragraph, multiplied by
33 the percentage of any federal supplemental security income cost of
34 living adjustment which becomes effective on or after January first, two
35 thousand [twenty] twenty-one, but prior to June thirtieth, two thousand
36 [twenty] twenty-one, rounded to the nearest whole dollar.

37 § 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of
38 section 209 of the social services law, as amended by section 2 of part
39 L of chapter 56 of the laws of 2019, are amended to read as follows:

40 (a) On and after January first, two thousand [nineteen] twenty, for an
41 eligible individual living alone, [\$858.00] \$870.00; and for an eligible
42 couple living alone, [\$1,261.00] \$1,279.00.

43 (b) On and after January first, two thousand [nineteen] twenty, for an
44 eligible individual living with others with or without in-kind income,
45 [\$794.00] \$806.00; and for an eligible couple living with others with or
46 without in-kind income, [\$1,203.00] \$1,221.00.

47 (c) On and after January first, two thousand [nineteen] twenty, (i)
48 for an eligible individual receiving family care, [\$1,037.48] \$1,049.48
49 if he or she is receiving such care in the city of New York or the coun-
50 ty of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible
51 couple receiving family care in the city of New York or the county of
52 Nassau, Suffolk, Westchester or Rockland, two times the amount set forth
53 in subparagraph (i) of this paragraph; or (iii) for an eligible individ-
54 ual receiving such care in any other county in the state, [\$999.48]



1 \$1,011.48; and (iv) for an eligible couple receiving such care in any
2 other county in the state, two times the amount set forth in subpara-
3 graph (iii) of this paragraph.

4 (d) On and after January first, two thousand [nineteen] twenty, (i)
5 for an eligible individual receiving residential care, [\$1,206.00]
6 \$1,218.00 if he or she is receiving such care in the city of New York or
7 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
8 eligible couple receiving residential care in the city of New York or
9 the county of Nassau, Suffolk, Westchester or Rockland, two times the
10 amount set forth in subparagraph (i) of this paragraph; or (iii) for an
11 eligible individual receiving such care in any other county in the
12 state, [\$1,176.00] \$1,188.00; and (iv) for an eligible couple receiving
13 such care in any other county in the state, two times the amount set
14 forth in subparagraph (iii) of this paragraph.

15 (e) On and after January first, two thousand [nineteen] twenty, (i)
16 for an eligible individual receiving enhanced residential care,
17 [\$1,465.00] \$1,477.00; and (ii) for an eligible couple receiving
18 enhanced residential care, two times the amount set forth in subpara-
19 graph (i) of this paragraph.

20 (f) The amounts set forth in paragraphs (a) through (e) of this subdi-
21 vision shall be increased to reflect any increases in federal supple-
22 mental security income benefits for individuals or couples which become
23 effective on or after January first, two thousand [twenty] twenty-one
24 but prior to June thirtieth, two thousand [twenty] twenty-one.

25 § 3. This act shall take effect December 31, 2020.

26 PART L

27 Section 1. The family court act is amended by adding a new article 5-C
28 to read as follows:

29 ARTICLE 5-C

30 JUDGMENTS OF PARENTAGE OF CHILDREN CONCEIVED THROUGH ASSISTED
31 REPRODUCTION OR PURSUANT TO SURROGACY AGREEMENTS

32 PART 1. General provisions (581-101 - 581-102)

33 2. Judgment of parentage (581-201 - 581-206)

34 3. Child of assisted reproduction (581-301 - 581-307)

35 4. Surrogacy agreement (581-401 - 581-409)

36 5. Payment to donors and persons acting as surrogates (581-501 -
37 581-502)

38 6. Surrogates' bill of rights (581-601 - 581-607)

39 7. Miscellaneous provisions (581-701 - 581-704)

40 PART 1

41 GENERAL PROVISIONS

42 Section 581-101. Purpose.

43 581-102. Definitions.

44 § 581-101. Purpose. The purpose of this article is to legally estab-
45 lish a child's relationship to his or her parents where the child is
46 conceived through assisted reproduction except for children born to a
47 person acting as surrogate who contributed the egg used in conception.
48 This article and all governmental measures adopted pursuant thereto
49 should comply with existing laws on reproductive health and bodily
50 integrity.

51 § 581-102. Definitions. (a) "Assisted reproduction" means a method of
52 causing pregnancy other than sexual intercourse and includes but is not
53 limited to:



- 1 1. intrauterine or vaginal insemination;
- 2 2. donation of gametes;
- 3 3. donation of embryos;
- 4 4. in vitro fertilization and transfer of embryos; and
- 5 5. intracytoplasmic sperm injection.

6 (b) "Child" means a born individual of any age whose parentage may be
7 determined under this act or other law.

8 (c) "Compensation" means payment of any valuable consideration in
9 excess of reasonable medical and ancillary costs.

10 (d) "Donor" means an individual who does not intend to be a parent who
11 produces gametes and provides them to another person, other than the
12 individual's spouse, for use in assisted reproduction. The term does
13 not include a person who is a parent under part three of this article.
14 Donor also includes an individual who had dispositional control of an
15 embryo or gametes who then transfers dispositional control and releases
16 all present and future parental and inheritance rights and obligations
17 to a resulting child.

18 (e) "Embryo" means a cell or group of cells containing a diploid
19 complement of chromosomes or group of such cells, not a gamete or
20 gametes, that has the potential to develop into a live born human being
21 if transferred into the body of a person under conditions in which
22 gestation may be reasonably expected to occur.

23 (f) "Embryo transfer" means all medical and laboratory procedures that
24 are necessary to effectuate the transfer of an embryo into the uterine
25 cavity.

26 (g) "Gamete" means a cell containing a haploid complement of DNA that
27 has the potential to form an embryo when combined with another gamete.
28 Sperm and eggs shall be considered gametes. A human gamete used or
29 intended for reproduction may not contain nuclear DNA that has been
30 deliberately altered, or nuclear DNA from one human combined with the
31 cytoplasm or cytoplasmic DNA of another human being.

32 (h) "Independent escrow agent" means someone other than the parties to
33 a surrogacy agreement and their attorneys. An independent escrow agent
34 can, but need not, be a surrogacy program, provided such surrogacy
35 program is owned or managed by an attorney licensed to practice law in
36 the state of New York. If such independent escrow agent is not attorney
37 owned, it shall be licensed, bonded and insured.

38 (i) "Surrogacy agreement" is an agreement between at least one
39 intended parent and a person acting as surrogate intended to result in a
40 live birth where the child will be the legal child of the intended
41 parents.

42 (j) "Person acting as surrogate" means an adult person, not an
43 intended parent, who enters into a surrogacy agreement to bear a child
44 who will be the legal child of the intended parent or parents so long as
45 the person acting as surrogate has not provided the egg used to conceive
46 the resulting child.

47 (k) "Health care practitioner" means an individual licensed or certi-
48 fied under title eight of the education law, or a similar law of another
49 state or country, acting within his or her scope of practice.

50 (l) "Intended parent" is an individual who manifests the intent to be
51 legally bound as the parent of a child resulting from assisted reprod-
52 uction or a surrogacy agreement provided he or she meets the require-
53 ments of this article.

54 (m) "In vitro fertilization" means the formation of a human embryo
55 outside the human body.

1 (n) "Parent" as used in this article means an individual with a
2 parent-child relationship created or recognized under this act or other
3 law.

4 (o) "Participant" is an individual who either: provides a gamete that
5 is used in assisted reproduction, is an intended parent, is a person
6 acting as surrogate, or is the spouse of an intended parent or person
7 acting as surrogate.

8 (p) "Record" means information inscribed in a tangible medium or
9 stored in an electronic or other medium that is retrievable in perceiva-
10 ble form.

11 (q) "Retrieval" means the procurement of eggs or sperm from a gamete
12 provider.

13 (r) "Spouse" means an individual married to another, or who has a
14 legal relationship entered into under the laws of the United States or
15 of any state, local or foreign jurisdiction, which is substantially
16 equivalent to a marriage, including a civil union or domestic partner-
17 ship.

18 (s) "State" means a state of the United States, the District of Colum-
19 bia, Puerto Rico, the United States Virgin Islands, or any territory or
20 insular possession subject to the jurisdiction of the United States.

21 (t) "Transfer" means the placement of an embryo or gametes into the
22 body of a person with the intent to achieve pregnancy and live birth.

23 PART 2

24 JUDGMENT OF PARENTAGE

25 Section 581-201. Judgment of parentage.

26 581-202. Proceeding for judgment of parentage of a child
27 conceived through assisted reproduction.

28 581-203. Proceeding for judgment of parentage of a child
29 conceived pursuant to a surrogacy agreement.

30 581-204. Judgment of parentage for intended parents who are
31 spouses.

32 581-205. Inspection of records.

33 581-206. Jurisdiction, and exclusive continuing jurisdiction.

34 § 581-201. Judgment of parentage. (a) A civil proceeding may be main-
35 tained to adjudicate the parentage of a child under the circumstances
36 set forth in this article. This proceeding is governed by the civil
37 practice law and rules.

38 (b) A judgment of parentage may be issued prior to birth but shall not
39 become effective until the birth of the child.

40 (c) A petition for a judgment of parentage or nonparentage of a child
41 conceived through assisted reproduction may be initiated by (1) a child,
42 or (2) a parent, or (3) a participant, or (4) a person with a claim to
43 parentage, or (5) social services official or other governmental agency
44 authorized by other law, or (6) a representative authorized by law to
45 act for an individual who would otherwise be entitled to maintain a
46 proceeding but who is deceased, incapacitated, or a minor, in order to
47 legally establish the child-parent relationship of either a child born
48 through assisted reproduction under part three of this article or a
49 child born pursuant to a surrogacy agreement under part four of this
50 article.

51 § 581-202. Proceeding for judgment of parentage of a child conceived
52 through assisted reproduction. (a) A proceeding for a judgment of
53 parentage with respect to a child conceived through assisted reprod-
54 uction may be commenced:



1 (1) if the intended parent or child resides in New York state, in the
2 county where the intended parent resides any time after pregnancy is
3 achieved or in the county where the child was born or resides; or

4 (2) if the intended parent and child do not reside in New York state,
5 up to ninety days after the birth of the child in the county where the
6 child was born.

7 (b) The petition for a judgment of parentage must be verified.

8 (c) Where a petition includes the following truthful statements, the
9 court shall adjudicate the intended parent to be the parent of the
10 child:

11 (1) a statement that an intended parent has been a resident of the
12 state for at least six months or if an intended parent is not a New York
13 state resident, that the child will be or was born in the state within
14 ninety days of filing; and

15 (2) a statement from the gestating intended parent that the gestating
16 intended parent became pregnant as a result of assisted reproduction;
17 and

18 (3) in cases where there is a non-gestating intended parent, a state-
19 ment from the gestating intended parent and non-gestating intended
20 parent that the non-gestating intended parent consented to assisted
21 reproduction pursuant to section 581-304 of this article; and

22 (4) proof of any donor's donative intent.

23 (d) The following shall be deemed sufficient proof of a donor's dona-
24 tive intent for purposes of this section:

25 (1) in the case of an anonymous donor or where gametes or embryos have
26 previously been released to a gamete or embryo storage facility or in
27 the presence of a health care practitioner, either:

28 (i) a statement or documentation from the gamete or embryo storage
29 facility or health care practitioner stating or demonstrating that such
30 gametes or embryos were anonymously donated or had previously been
31 released; or

32 (ii) clear and convincing evidence that the gamete or embryo donor
33 intended to donate gametes or embryos anonymously or intended to release
34 such gametes or embryos to a gamete or embryo storage facility or health
35 care practitioner; or

36 (2) in the case of a donation from a known donor, either: a. a record
37 from the gamete or embryo donor acknowledging the donation and confirm-
38 ing that the donor has no parental or proprietary interest in the
39 gametes or embryos. The record shall be signed by the gestating
40 intended parent and the gamete or embryo donor. The record may be, but
41 is not required to be, signed:

42 (i) before a notary public, or

43 (ii) before two witnesses who are not the intended parents, or

44 (iii) before a health care practitioner; or

45 b. clear and convincing evidence that the gamete or embryo donor
46 agreed, prior to conception, with the gestating parent that the donor
47 has no parental or proprietary interest in the gametes or embryos.

48 (e) (1) In the absence of evidence pursuant to paragraph two of this
49 subdivision, notice shall be given to the donor at least twenty days
50 prior to the date set for the proceeding to determine the existence of
51 donative intent by delivery of a copy of the petition and notice pursu-
52 ant to section three hundred eight of the civil practice law and rules.
53 Upon a showing to the court, by affidavit or otherwise, on or before the
54 date of the proceeding or within such further time as the court may
55 allow, that personal service cannot be effected at the donor's last
56 known address with reasonable effort, notice may be given, without prior



1 court order therefore, at least twenty days prior to the proceeding by
2 registered or certified mail directed to the donor's last known address.
3 Notice by publication shall not be required to be given to a donor enti-
4 tled to notice pursuant to the provisions of this section.

5 (2) Notwithstanding the above, where sperm is provided under the
6 supervision of a health care practitioner to someone other than the
7 sperm provider's intimate partner or spouse without a record of the
8 sperm provider's intent to parent notice is not required.

9 (f) In cases not covered by subdivision (c) of this section, the court
10 shall adjudicate the parentage of the child consistent with part three
11 of this article.

12 (g) Where the requirements of subdivision (c) of this section are met
13 or where the court finds the intended parent to be a parent under subdi-
14 vision (e) of this section, the court shall issue a judgment of parent-
15 age:

16 (1) declaring, that upon the birth of the child, the intended parent
17 or parents is or are the legal parent or parents of the child; and

18 (2) ordering the intended parent or parents to assume responsibility
19 for the maintenance and support of the child immediately upon the birth
20 of the child; and

21 (3) if there is a donor, ordering that the donor is not a parent of
22 the child; and

23 (4) ordering that:

24 (i) Pursuant to section two hundred fifty-four of the judiciary law,
25 the clerk of the court shall transmit to the state commissioner of
26 health, or for a person born in New York city, to the commissioner of
27 health of the city of New York, on a form prescribed by the commission-
28 er, a written notification of such entry together with such other facts
29 as may assist in identifying the birth record of the person whose
30 parentage was in issue and, if such person whose parentage has been
31 determined is under eighteen years of age, the clerk shall also transmit
32 forthwith to the registry operated by the department of social services
33 pursuant to section three hundred seventy-two-c of the social services
34 law a notification of such determination; and

35 (ii) Pursuant to section forty-one hundred thirty-eight of the public
36 health law and NYC Public Health Code section 207.05 that upon receipt
37 of a judgment of parentage the local registrar where a child is born
38 will report the parentage of the child to the appropriate department of
39 health in conformity with the court order. If an original birth certif-
40 icate has already been issued, the appropriate department of health will
41 amend the birth certificate in an expedited manner and seal the previ-
42 ously issued birth certificate except that it may be rendered accessible
43 to the child at eighteen years of age or the legal parent or parents.

44 § 581-203. Proceeding for judgment of parentage of a child conceived
45 pursuant to a surrogacy agreement. (a) The proceeding may be commenced
46 (1) in any county where an intended parent resided any time after the
47 surrogacy agreement was executed; (2) in the county where the child was
48 born or resides; or (3) in the county where the surrogate resided any
49 time after the surrogacy agreement was executed.

50 (b) The proceeding may be commenced at any time after the surrogacy
51 agreement has been executed and the person acting as surrogate and all
52 intended parents are necessary parties.

53 (c) The petition for a judgment of parentage must be verified and
54 include the following:



1 (1) a statement that the person acting as surrogate or at least one of
2 the intended parents has been a resident of the state for at least six
3 months at the time the surrogacy agreement was executed; and

4 (2) a certification from the attorney representing the intended parent
5 or parents and the attorney representing the person acting as surrogate
6 that the requirements of part four of this article have been met; and

7 (3) a statement from all parties to the surrogacy agreement that they
8 knowingly and voluntarily entered into the surrogacy agreement and that
9 the parties are jointly requesting the judgment of parentage.

10 (d) Where the court finds the statements required by subdivision (c)
11 of this section to be true, the court shall issue a judgment of parent-
12 age, without additional proceedings or documentation:

13 (1) declaring, that upon the birth of the child born during the term
14 of the surrogacy agreement, the intended parent or parents are the only
15 legal parent or parents of the child;

16 (2) declaring, that upon the birth of the child born during the term
17 of the surrogacy agreement, the person acting as surrogate, and the
18 spouse of the person acting as surrogate, if any, is not the legal
19 parent of the child;

20 (3) declaring that upon the birth of the child born during the term of
21 the surrogacy agreement, the donors, if any, are not the parents of the
22 child;

23 (4) ordering the person acting as surrogate and the spouse of the
24 person acting as surrogate, if any, to transfer the child to the
25 intended parent or parents if this has not already occurred;

26 (5) ordering the intended parent or parents to assume responsibility
27 for the maintenance and support of the child immediately upon the birth
28 of the child; and

29 (6) ordering that:

30 (i) Pursuant to section two hundred fifty-four of the judiciary law,
31 the clerk of the court shall transmit to the state commissioner of
32 health, or for a person born in New York city, to the commissioner of
33 health of the city of New York, on a form prescribed by the commission-
34 er, a written notification of such entry together with such other facts
35 as may assist in identifying the birth record of the person whose
36 parentage was in issue and, if the person whose parentage has been
37 determined is under eighteen years of age, the clerk shall also transmit
38 to the registry operated by the department of social services pursuant
39 to section three hundred seventy-two-c of the social services law a
40 notification of the determination; and

41 (ii) Pursuant to section forty-one hundred thirty-eight of the public
42 health law and NYC Public Health Code section 207.05 that upon receipt
43 of a judgement of parentage the local registrar where a child is born
44 will report the parentage of the child to the appropriate department of
45 health in conformity with the court order. If an original birth certif-
46 icate has already been issued, the appropriate department of health will
47 amend the birth certificate in an expedited manner and seal the previ-
48 ously issued birth certificate except that it may be rendered accessible
49 to the child at eighteen years of age or the legal parent or parents.

50 (e) In the event the certification required by paragraph two of subdi-
51 vision (c) of this section cannot be made because of a technical or
52 non-material deviation from the requirements of this article; the court
53 may nevertheless enforce the agreement and issue a judgment of parentage
54 if the court determines the agreement is in substantial compliance with
55 the requirements of this article. In the event that any other require-



1 ments of subdivision (c) of this section are not met, the court shall
2 determine parentage according to part four of this article.

3 § 581-204. Judgment of parentage for intended parents who are spouses.
4 Notwithstanding or without limitation on presumptions of parentage that
5 apply, a judgment of parentage may be obtained under this part by
6 intended parents who are each other's spouse. Nothing in this section
7 requires intended parents to be married to each other in order to be
8 jointly declared the parents of the child.

9 § 581-205. Inspection of records. Court records relating to
10 proceedings under this article shall be sealed, provided, however, that
11 the office of temporary and disability assistance, a child support unit
12 of a social services district or a child support agency of another state
13 providing child support services pursuant to title IV-d of the federal
14 social security act, when a party to a related support proceeding and to
15 the extent necessary to provide child support services or for the admin-
16 istration of the program pursuant to title IV-d of the federal social
17 security act, may obtain a copy of a judgment of parentage. The parties
18 to the proceeding and the child shall have the right to inspect and
19 make copies of the entire court record, including, but not limited
20 to, the name of the person acting as surrogate and any known donors.

21 § 581-206. Jurisdiction, and exclusive continuing jurisdiction. (a)
22 Proceedings pursuant to this article may be instituted in the supreme or
23 family court or surrogates court.

24 (b) Subject to the jurisdictional standards of section seventy-six of
25 the domestic relations law, the court conducting a proceeding under this
26 article has exclusive, continuing jurisdiction of all matters relating
27 to the determination of parentage until the child attains the age of one
28 hundred eighty days.

29 PART 3

30 CHILD OF ASSISTED REPRODUCTION

31 Section 581-301. Scope of article.

32 581-302. Status of donor.

33 581-303. Parentage of child of assisted reproduction.

34 581-304. Consent to assisted reproduction.

35 581-305. Limitation on spouses' dispute of parentage of child of
36 assisted reproduction.

37 581-306. Effect of embryo disposition agreement between intended
38 parents which transfers legal rights and disposi-
39 tional control to one intended parent.

40 581-307. Effect of death of intended parent.

41 § 581-301. Scope of article. This article does not apply to the birth
42 of a child conceived by means of sexual intercourse.

43 § 581-302. Status of donor. A donor is not a parent of a child
44 conceived by means of assisted reproduction where there is proof of
45 donative intent under subdivision (d) of section 581-202 of this arti-
46 cle.

47 § 581-303. Parentage of child of assisted reproduction. (a) An indi-
48 vidual who provides gametes for, or who consents to, assisted reprod-
49 uction with the intent to be a parent of the child with the consent of
50 the gestating parent as provided in section 581-304 of this part, is a
51 parent of the resulting child for all legal purposes.

52 (b) The court shall issue a judgment of parentage pursuant to this
53 article upon application by any participant.

54 § 581-304. Consent to assisted reproduction. (a) Where the intended
55 parent who gives birth to a child by means of assisted reproduction is a



1 spouse, the consent of both spouses to the assisted reproduction is
2 presumed and neither spouse may challenge the parentage of the child,
3 except as provided in section 581-305 of this part.

4 (b) Where the intended parent who gives birth to a child by means of
5 assisted reproduction is not a spouse, the consent to the assisted
6 reproduction must be in a record in such a manner as to indicate the
7 mutual agreement of the intended parents to conceive and parent a child
8 together.

9 (c) The absence of a record described in subdivision (b) of this
10 section shall not preclude a finding that such consent existed if the
11 court finds by clear and convincing evidence that at the time of the
12 assisted reproduction the intended parents agreed to conceive and parent
13 the child together.

14 § 581-305. Limitation on spouses' dispute of parentage of child of
15 assisted reproduction. (a) Neither spouse may challenge the marital
16 presumption of parentage of a child created by assisted reproduction
17 during the marriage unless the court finds by clear and convincing
18 evidence that one spouse used assisted reproduction without the know-
19 ledge and consent of the other spouse.

20 (b) Notwithstanding the foregoing, a married individual may use
21 assisted reproduction and the marital presumption shall not apply if the
22 spouses:

23 (1) are living separate and apart pursuant to a decree or judgment of
24 separation or pursuant to a written agreement of separation subscribed
25 by the parties thereto and acknowledged or proved in the form required
26 to entitle a deed to be recorded; or

27 (2) have been living separate and apart for at least three years prior
28 to the use of assisted reproduction.

29 (c) The limitation provided in this section applies to a spousal
30 relationship that has been declared invalid after assisted reproduction
31 or artificial insemination.

32 § 581-306. Effect of embryo disposition agreement between intended
33 parents which transfers legal rights and dispositional control to one
34 intended parent. (a) An embryo disposition agreement between intended
35 parents with joint dispositional control of an embryo shall be binding
36 under the following circumstances:

37 (1) it is in writing;

38 (2) each intended parent had the advice of independent legal counsel
39 prior to its execution, which may be paid for by either intended parent;
40 and

41 (3) where the intended parents are married, transfer of legal rights
42 and dispositional control occurs only upon divorce.

43 (b) The intended parent who transfers legal rights and dispositional
44 control of the embryo is not a parent of any child conceived from the
45 embryo unless the agreement states that he or she consents to be a
46 parent and that consent is not withdrawn consistent with subdivision (c)
47 of this section.

48 (c) If the intended parent transferring legal rights and dispositional
49 control consents to be a parent, he or she may withdraw his or her
50 consent to be a parent upon written notice to the embryo storage facili-
51 ty and to the other intended parent prior to transfer of the embryo. If
52 he or she timely withdraws consent to be a parent he or she is not a
53 parent for any purpose including support obligations but the embryo
54 transfer may still proceed.

55 (d) An embryo disposition agreement or advance directive that is not
56 in compliance with subdivision (a) of this section may still be found to



1 be enforceable by the court after balancing the respective interests of
2 the parties except that the intended parent who divested him or herself
3 of legal rights and dispositional control may not be declared to be a
4 parent for any purpose without his or her consent. The parent awarded
5 legal rights and dispositional control of the embryos shall, in this
6 instance, be declared to be the only parent of the child.

7 § 581-307. Effect of death of intended parent. If an individual who
8 consented in a record to be a parent by assisted reproduction dies
9 before the transfer of eggs, sperm, or embryos, the deceased individual
10 is not a parent of the resulting child unless the deceased individual
11 consented in a signed record that if assisted reproduction were to occur
12 after death, the deceased individual would be a parent of the child,
13 provided that the record complies with the estates, powers and trusts
14 law. Any rights of the child born after the death of an intended parent
15 may be enforced by a government agency authorized by law, including but
16 not limited to a department of social services.

17 PART 4

18 SURROGACY AGREEMENT

19 Section 581-401. Surrogacy agreement authorized.

20 581-402. Eligibility to enter surrogacy agreement.

21 581-403. Requirements of surrogacy agreement.

22 581-404. Surrogacy agreement: effect of subsequent spousal
23 relationship.

24 581-405. Termination of surrogacy agreement.

25 581-406. Parentage under compliant surrogacy agreement.

26 581-407. Insufficient surrogacy agreement.

27 581-408. Absence of surrogacy agreement.

28 581-409. Dispute as to surrogacy agreement.

29 § 581-401. Surrogacy agreement authorized. (a) If eligible under this
30 article to enter into a surrogacy agreement, a person acting as surro-
31 gate, the spouse of the person acting as surrogate, if applicable, and
32 the intended parent or parents may enter into a surrogacy agreement
33 which will be enforceable provided the surrogacy agreement meets the
34 requirements of this article.

35 (b) A surrogacy agreement shall not apply to the birth of a child
36 conceived by means of sexual intercourse, or where the person acting as
37 surrogate contributed the egg used in conception.

38 (c) A surrogacy agreement may provide for payment of compensation
39 under part five of this article.

40 § 581-402. Eligibility to enter surrogacy agreement. (a) A person
41 acting as surrogate shall be eligible to enter into an enforceable
42 surrogacy agreement under this article if the person acting as surrogate
43 has met the following requirements at the time the surrogacy agreement
44 is executed:

45 (1) the person acting as surrogate is at least twenty-one years of
46 age;

47 (2) the person acting as surrogate is a United States citizen or a
48 lawful permanent resident and, where at least one intended parent is not
49 a resident of New York state for six months, was a resident of New York
50 state for at least six months;

51 (3) the person acting as surrogate has not provided the egg used to
52 conceive the resulting child;

53 (4) the person acting as surrogate has completed a medical evaluation
54 with a health care practitioner relating to the anticipated pregnancy.
55 Such medical evaluation shall include a screening of the medical history



1 of the potential surrogate including known health conditions that may
2 pose risks to the potential surrogate or embryo during pregnancy;

3 (5) the person acting as surrogate has given informed consent for the
4 surrogacy after the licensed health care practitioner inform them of the
5 medical risks of surrogacy including the possibility of multiple births,
6 risk of medications taken for the surrogacy, risk of pregnancy compli-
7 cations, psychological and psychosocial risks, and impacts on their
8 personal lives;

9 (6) the person acting as surrogate, and the spouse of the person
10 acting as surrogate, if applicable, have been represented throughout the
11 contractual process and the duration of the contract and its execution
12 by independent legal counsel of their own choosing who is licensed to
13 practice law in the state of New York which shall be paid for by the
14 intended parent or parents except that a person acting as surrogate who
15 is receiving no compensation may waive the right to have the intended
16 parent or parents pay the fee for such legal counsel. Where the intended
17 parent or parents are paying for the independent legal counsel of the
18 person acting as surrogate, and the spouse of the person acting as
19 surrogate, if applicable, a separate retainer agreement shall be
20 prepared clearly stating that such legal counsel will only represent the
21 person acting as surrogate and the spouse of the person acting as surro-
22 gate, if applicable, in all matters pertaining to the surrogacy agree-
23 ment, that such legal counsel will not offer legal advice to any other
24 parties to the surrogacy agreement, and that the attorney-client
25 relationship lies with the person acting as surrogate and the spouse of
26 the person acting as surrogate, if applicable;

27 (7) the person acting as surrogate has or the surrogacy agreement
28 stipulates that the person acting as surrogate will obtain a comprehen-
29 sive health insurance policy that takes effect prior to taking any medi-
30 cation or commencing treatment to further embryo transfer that covers
31 preconception care, prenatal care, major medical treatments, hospitali-
32 zation, and behavioral health care, and the comprehensive policy has a
33 term that extends throughout the duration of the expected pregnancy and
34 for twelve months after the birth of the child, a stillbirth, a miscar-
35 riage resulting in termination of pregnancy, or termination of the preg-
36 nancy; the policy shall be paid for, whether directly or through
37 reimbursement or other means, by the intended parent or parents on
38 behalf of the person acting as surrogate pursuant to the surrogacy
39 agreement, except that a person acting as surrogate who is receiving no
40 compensation may waive the right to have the intended parent or parents
41 pay for the health insurance policy. The intended parent or parents
42 shall also pay for or reimburse the person acting as surrogate for all
43 co-payments, deductibles and any other out-of-pocket medical costs asso-
44 ciated with preconception, pregnancy, childbirth, or postnatal care,
45 that accrue through twelve months after the birth of the child, a still-
46 birth, a miscarriage, or termination of the pregnancy. A person acting
47 as surrogate who is receiving no compensation may waive the right to
48 have the intended parent or parents make such payments or reimburse-
49 ments;

50 (8) the surrogacy agreement must provide that the intended parent or
51 parents shall procure and pay for a life insurance policy for the person
52 acting as surrogate that takes effect prior to taking any medication or
53 the commencement of medical procedures to further embryo transfer,
54 provides a minimum benefit of seven hundred fifty thousand dollars or
55 the maximum amount the person acting as surrogate qualifies for if less
56 than seven hundred fifty thousand dollars, and has a term that extends



1 throughout the duration of the expected pregnancy and for twelve months
2 after the birth of the child, a stillbirth, a miscarriage resulting in
3 termination of pregnancy, or termination of the pregnancy, with a bene-
4 ficiary or beneficiaries of their choosing. The policy shall be paid
5 for, whether directly or through reimbursement or other means, by the
6 intended parent or parents on behalf of the person acting as surrogate
7 pursuant to the surrogacy agreement, except that a person acting as
8 surrogate who is receiving no compensation may waive the right to have
9 the intended parent or parents pay for the life insurance policy; and

10 (9) the person acting as surrogate meets all other requirements deemed
11 appropriate by the commissioner of health regarding the health of the
12 prospective surrogate.

13 (b) The intended parent or parents shall be eligible to enter into an
14 enforceable surrogacy agreement under this article if he, she or they
15 have met the following requirements at the time the surrogacy agreement
16 was executed:

17 (1) at least one intended parent is a United States citizen or a
18 lawful permanent resident and was a resident of New York state for at
19 least six months;

20 (2) the intended parent or parents has been represented throughout the
21 contractual process and the duration of the contract and its execution
22 by independent legal counsel of his, her or their own choosing who is
23 licensed to practice law in the state of New York; and

24 (3) he or she is an adult person who is not in a spousal relationship,
25 or adult spouses together, or any two adults who are intimate partners
26 together, except an adult in a spousal relationship is eligible to enter
27 into an enforceable surrogacy agreement without his or her spouse if:

28 (i) they are living separate and apart pursuant to a decree or judg-
29 ment of separation or pursuant to a written agreement of separation
30 subscribed by the parties thereto and acknowledged or proved in the form
31 required to entitle a deed to be recorded; or

32 (ii) they have been living separate and apart for at least three years
33 prior to execution of the surrogacy agreement.

34 (c) where the spouse of an intended parent is not a required party to
35 the agreement, the spouse is not an intended parent and shall not have
36 rights or obligations to the child.

37 § 581-403. Requirements of surrogacy agreement. A surrogacy agreement
38 shall be deemed to have satisfied the requirements of this article and
39 be enforceable if it meets the following requirements:

40 (a) it shall be in a signed record verified or executed before two
41 non-party witnesses by:

42 (1) each intended parent, and

43 (2) the person acting as surrogate, and the spouse of the person
44 acting as surrogate, if any, unless:

45 (i) the person acting as surrogate and the spouse of the person acting
46 as surrogate are living separate and apart pursuant to a decree or judg-
47 ment of separation or pursuant to a written agreement of separation
48 subscribed by the parties thereto and acknowledged or proved in the form
49 required to entitle a deed to be recorded; or

50 (ii) have been living separate and apart for at least three years
51 prior to execution of the surrogacy agreement;

52 (b) it shall be executed prior to the person acting as surrogate
53 taking any medication or the commencement of medical procedures in the
54 furtherance of embryo transfer, provided the person acting as surrogate
55 shall have provided informed consent to undergo such medical treatment
56 or medical procedures prior to executing the agreement;



1 (c) it shall be executed by a person acting as surrogate meeting the
2 eligibility requirements of subdivision (a) of section 581-402 of this
3 part and by the spouse of the person acting as surrogate, unless the
4 signature of the spouse of the person acting as surrogate is not
5 required as set forth in this section;

6 (d) it shall be executed by intended parent or parents who met the
7 eligibility requirements of subdivision (b) of section 581-402 of this
8 part;

9 (e) the person acting as surrogate and the spouse of the person acting
10 as surrogate, if applicable, and the intended parent or parents shall
11 have been represented throughout the contractual process and the dura-
12 tion of the contract and its execution by separate, independent legal
13 counsel of their own choosing;

14 (f) if the surrogacy agreement provides for the payment of compen-
15 sation to the person acting as surrogate, the funds for base compen-
16 sation and reasonable anticipated additional expenses shall have been
17 placed in escrow with an independent escrow agent, who consents to the
18 jurisdiction of New York courts for all proceedings related to the
19 enforcement of the escrow agreement, prior to the person acting as
20 surrogate commencing with any medical procedure other than medical eval-
21 uations necessary to determine the person acting as surrogate's eligi-
22 bility;

23 (g) the surrogacy agreement must include information disclosing how
24 the intended parent or parents will cover the medical expenses of the
25 person acting as surrogate and the child. If comprehensive health care
26 coverage is used to cover the medical expenses, the disclosure shall
27 include a review and summary of the health care policy provisions
28 related to coverage and exclusions for the person acting as surrogate's
29 pregnancy; and

30 (h) it shall include the following information:

31 (1) the date, city and state where the surrogacy agreement was
32 executed;

33 (2) the first and last names of and contact information for the
34 intended parent or parents and of the person acting as surrogate;

35 (3) the first and last names of and contact information for the
36 persons from which the gametes originated, if known. The agreement shall
37 specify whether the gametes provided were eggs, sperm, or embryos;

38 (4) the name of and contact information for the licensed and regis-
39 tered surrogacy program handling the surrogacy agreement; and

40 (5) the name of and contact information for the attorney representing
41 the person acting as surrogate, and the spouse of the person acting as
42 surrogate, if applicable, and the attorney representing the intended
43 parent or parents; and

44 (i) the surrogacy agreement must comply with all of the following
45 terms:

46 (1) As to the person acting as surrogate and the spouse of the person
47 acting as surrogate, if applicable:

48 (i) the person acting as surrogate agrees to undergo embryo transfer
49 and attempt to carry and give birth to the child;

50 (ii) the person acting as surrogate and the spouse of the person
51 acting as surrogate, if applicable, agree to surrender custody of all
52 resulting children to the intended parent or parents immediately upon
53 birth;

54 (iii) the surrogacy agreement shall include the name of the attorney
55 representing the person acting as surrogate and, if applicable, the
56 spouse of the person acting as surrogate;



1 (iv) the surrogacy agreement must include an acknowledgement by the
2 person acting as surrogate and the spouse of the person acting as surro-
3 gate, if applicable, that they have received a copy of the Surrogate's
4 Bill of Rights from their legal counsel;

5 (v) the surrogacy agreement must permit the person acting as surrogate
6 to make all health and welfare decisions regarding themselves and their
7 pregnancy including but not limited to, whether to consent to a cesarean
8 section or multiple embryo transfer, and notwithstanding any other
9 provisions in this chapter, provisions in the agreement to the contrary
10 are void and unenforceable. This article does not diminish the right of
11 the person acting as surrogate to terminate or continue a pregnancy;

12 (vi) the surrogacy agreement shall permit the person acting as a
13 surrogate to utilize the services of a health care practitioner of the
14 person's choosing;

15 (vii) the surrogacy agreement shall not limit the right of the person
16 acting as surrogate to terminate or continue the pregnancy or reduce or
17 retain the number of fetuses or embryos the person is carrying;

18 (viii) the surrogacy agreement shall provide for the right of the
19 person acting as surrogate, upon request, to obtain counseling to
20 address issues resulting from the person's participation in the surroga-
21 cy agreement, including, but not limited to, counseling following deliv-
22 ery. The cost of that counseling shall be paid by the intended parent or
23 parents;

24 (ix) the surrogacy agreement must include a notice that any compen-
25 sation received pursuant to the agreement may affect the person acting
26 as surrogate's ability for public benefits or the amount of such bene-
27 fits; and

28 (x) the surrogacy agreement shall provide that, upon the person acting
29 as surrogate's request, the intended parent or parents have or will
30 procure and pay for a disability insurance policy for the person acting
31 as surrogate; the person acting as surrogate may designate the benefici-
32 ary of the person's choosing.

33 (2) As to the intended parent or parents:

34 (i) the intended parent or parents agree to accept custody of all
35 resulting children immediately upon birth regardless of number, gender,
36 or mental or physical condition and regardless of whether the intended
37 embryos were transferred due to a laboratory error without diminishing
38 the rights, if any, of anyone claiming to have a superior parental
39 interest in the child; and

40 (ii) the intended parent or parents agree to assume responsibility for
41 the support of all resulting children immediately upon birth; and

42 (iii) the surrogacy agreement shall include the name of the attorney
43 representing the intended parent or parents; and

44 (iv) the surrogacy agreement shall provide that the rights and obli-
45 gations of the intended parent or parents under the surrogacy agreement
46 are not assignable; and

47 (v) the intended parent or parents agree to execute a will, prior to
48 the embryo transfer, designating a guardian for all resulting children
49 and authorizing their executor to perform the intended parent's or
50 parents' obligations pursuant to the surrogacy agreement.

51 § 581-404. Surrogacy agreement: effect of subsequent spousal relation-
52 ship. (a) After the execution of a surrogacy agreement under this arti-
53 cle, the subsequent spousal relationship of the person acting as surro-
54 gate does not affect the validity of a surrogacy agreement, the consent
55 of the spouse of the person acting as surrogate to the agreement shall

1 not be required, and the spouse of the person acting as surrogate shall
2 not be the presumed parent of any resulting children.

3 (b) The subsequent separation or divorce of the intended parents does
4 not affect the rights, duties and responsibilities of the intended
5 parents as outlined in the surrogacy agreement. After the execution of
6 a surrogacy agreement under this article, the subsequent spousal
7 relationship of the intended parent does not affect the validity of a
8 surrogacy agreement, and the consent of the spouse of the intended
9 parent to the agreement shall not be required.

10 § 581-405. Termination of surrogacy agreement. After the execution of
11 a surrogacy agreement but before the person acting as surrogate becomes
12 pregnant by means of assisted reproduction, the person acting as surro-
13 gate, the spouse of the person acting as surrogate, if applicable, or
14 any intended parent may terminate the surrogacy agreement by giving
15 notice of termination in a record to all other parties. Upon proper
16 termination of the surrogacy agreement the parties are released from all
17 obligations recited in the surrogacy agreement except that the intended
18 parent or parents remains responsible for all expenses that are reim-
19 bursable under the agreement which have been incurred by the person
20 acting as surrogate through the date of termination. If the intended
21 parent or parents terminate the surrogacy agreement pursuant to this
22 section after the person acting as surrogate has taken any medication or
23 commenced treatment to further embryo transfer, such intended parent or
24 parents shall be responsible for paying for or reimbursing the person
25 acting as surrogate for all co-payments, deductibles, any other out-of-
26 pocket medical costs, and any other economic losses incurred within
27 twelve months of the termination of the agreement and associated with
28 taking such medication or undertaking such treatment. Unless the agree-
29 ment provides otherwise, the person acting as surrogate is entitled to
30 keep all payments received and obtain all payments to which the person
31 is entitled up until the date of termination of the agreement. Neither
32 a person acting as surrogate nor the spouse of the person acting as
33 surrogate, if any, is liable to the intended parent or parents for
34 terminating a surrogacy agreement as provided in this section.

35 § 581-406. Parentage under compliant surrogacy agreement. Upon the
36 birth of a child conceived by assisted reproduction under a surrogacy
37 agreement that complies with this part, each intended parent is, by
38 operation of law, a parent of the child and neither the person acting as
39 a surrogate nor the person's spouse, if any, is a parent of the child.

40 § 581-407. Insufficient surrogacy agreement. If a surrogacy agreement
41 does not meet the material requirements of this article, the agreement
42 is not enforceable and the court shall determine parentage based on the
43 intent of the parties, taking into account the best interests of the
44 child. An intended parent's absence of genetic connection to the child
45 is not a sufficient basis to deny that individual a judgment of legal
46 parentage.

47 § 581-408. Absence of surrogacy agreement. Where there is no surrogacy
48 agreement, the parentage of the child will be determined based on other
49 laws of this state.

50 § 581-409. Dispute as to surrogacy agreement. (a) Any dispute which
51 is related to a surrogacy agreement other than disputes as to parentage
52 shall be resolved by the supreme court, which shall determine the
53 respective rights and obligations of the parties, in any proceeding
54 initiated pursuant to this section, the court may, at its discretion,
55 authorize the use of conferencing or mediation at any point in the
56 proceedings.



1 (b) Except as expressly provided in the surrogacy agreement, the
2 intended parent or parents and the person acting as surrogate shall be
3 entitled to all remedies available at law or equity in any dispute
4 related to the surrogacy agreement.

5 (c) There shall be no specific performance remedy available for a
6 breach.

7 PART 5

8 PAYMENT TO DONORS AND PERSONS ACTING AS SURROGATES

9 Section 581-501. Reimbursement.

10 581-502. Compensation.

11 § 581-501. Reimbursement. A donor who has entered into a valid agree-
12 ment to be a donor may receive reimbursement from an intended parent or
13 parents for economic losses incurred in connection with the donation
14 which result from the retrieval or storage of gametes or embryos.

15 § 581-502. Compensation. (a) Compensation may be paid to a donor or
16 person acting as surrogate based on medical risks, physical discomfort,
17 inconvenience and the responsibilities they are undertaking in
18 connection with their participation in the assisted reproduction. Under
19 no circumstances may compensation be paid to purchase gametes or embryos
20 or for the release of a parental interest in a child.

21 (b) The compensation, if any, paid to a donor or person acting as
22 surrogate must be reasonable and negotiated in good faith between the
23 parties, and said payments to a person acting as surrogate shall not
24 exceed the duration of the pregnancy and recuperative period of up to
25 eight weeks after the birth of any resulting children.

26 (c) Compensation may not be conditioned upon the purported quality or
27 genome-related traits of the gametes or embryos.

28 (d) Compensation may not be conditioned on actual genotypic or pheno-
29 typic characteristics of the donor or of any resulting children.

30 (e) Compensation to an embryo donor shall be limited to storage fees,
31 transportation costs and attorneys' fees.

32 PART 6

33 SURROGATES' BILL OF RIGHTS

34 Section 581-601. Applicability.

35 581-602. Health and welfare decisions.

36 581-603. Independent legal counsel.

37 581-604. Health insurance and medical costs.

38 581-605. Counseling.

39 581-606. Life insurance.

40 581-607. Termination of surrogacy agreement.

41 § 581-601. Applicability. The rights enumerated in this part shall
42 apply to any person acting as surrogate in this state, notwithstanding
43 any surrogacy agreement, judgment of parentage, memorandum of under-
44 standing, verbal agreement or contract to the contrary. Except as
45 otherwise provided by law, any written or verbal agreement purporting to
46 waive or limit any of the rights in this part is void as against public
47 policy. The rights enumerated in this part are not exclusive, and are
48 in addition to any other rights provided by law, regulation, or a surro-
49 gacy agreement that meets the requirements of this article.

50 § 581-602. Health and welfare decisions. A person acting as surrogate
51 has the right to make all health and welfare decisions regarding them-
52 self and their pregnancy, including but not limited to whether to
53 consent to a cesarean section or multiple embryo transfer, to utilize
54 the services of a health care practitioner of their choosing, whether to



1 terminate or continue the pregnancy, and whether to reduce or retain the
2 number of fetuses or embryos they are carrying.

3 § 581-603. Independent legal counsel. A person acting as surrogate has
4 the right to be represented throughout the contractual process and the
5 duration of the surrogacy agreement and its execution by independent
6 legal counsel of their own choosing who is licensed to practice law in
7 the state of New York, to be paid for by the intended parent or parents.

8 § 581-604. Health insurance and medical costs. A person acting as
9 surrogate has the right to have a comprehensive health insurance policy
10 that covers preconception care, prenatal care, major medical treatments,
11 hospitalization and behavioral health care for a term that extends
12 throughout the duration of the expected pregnancy and for twelve months
13 after the birth of the child, a stillbirth, a miscarriage resulting in
14 termination of pregnancy, or termination of the pregnancy, to be paid
15 for by the intended parent or parents. The intended parent or parents
16 shall also pay for or reimburse the person acting as surrogate for all
17 co-payments, deductibles and any other out-of-pocket medical costs asso-
18 ciated with pregnancy, childbirth, or postnatal care that accrue through
19 twelve months after the birth of the child, a stillbirth, a miscarriage,
20 or the termination of the pregnancy. A person acting as a surrogate who
21 is receiving no compensation may waive the right to have the intended
22 parent or parents make such payments or reimbursements.

23 § 581-605. Counseling. A person acting as surrogate has the right to
24 obtain a comprehensive health insurance policy that covers behavioral
25 health care and will cover the cost of psychological counseling to
26 address issues resulting from their participation in a surrogacy and
27 such policy shall be paid for by the intended parent or parents.

28 § 581-606. Life insurance. A person acting as surrogate has the right
29 to be provided a life insurance policy that takes effect prior to taking
30 any medication or commencement of treatment to further embryo transfer,
31 provides a minimum benefit of seven hundred fifty thousand dollars, or
32 the maximum amount the person acting as surrogate qualifying for it less
33 than seven hundred fifty thousand dollars, and has a term that extends
34 throughout the duration of the expected pregnancy and for twelve months
35 after the birth of the child, a stillbirth, a miscarriage resulting in
36 termination of pregnancy, or termination of the pregnancy, with a bene-
37 ficiary or beneficiaries of their choosing, to be paid for by the
38 intended parent or parents.

39 § 581-607. Termination of surrogacy agreement. A person acting as
40 surrogate has the right to terminate a surrogacy agreement prior to
41 becoming pregnant by means of assisted reproduction pursuant to section
42 581-405 of this article.

43 PART 7

44 MISCELLANEOUS PROVISIONS

45 Section 581-701. Remedial.

46 581-702. Severability.

47 581-703. Parent under section seventy of the domestic relations
48 law.

49 581-704. Interpretation.

50 § 581-701. Remedial. This legislation is hereby declared to be a
51 remedial statute and is to be construed liberally to secure the benefi-
52 cial interests and purposes thereof for the best interests of the child.

53 § 581-702. Severability. The invalidation of any part of this legis-
54 lation by a court of competent jurisdiction shall not result in the
55 invalidation of any other part.



1 § 581-703. Parent under section seventy of the domestic relations law.
2 The term "parent" in section seventy of the domestic relations law shall
3 include a person established to be a parent under this article or any
4 other relevant law.

5 § 581-704. Interpretation. Unless the context indicates otherwise,
6 words importing the singular include and apply to several persons,
7 parties, or things; words importing the plural include the singular.

8 § 2. Section 73 of the domestic relations law is REPEALED.

9 § 3. Section 121 of the domestic relations law, as added by chapter
10 308 of the laws of 1992, is amended to read as follows:

11 § 121. Definitions. When used in this article, unless the context or
12 subject matter manifestly requires a different interpretation:

13 1. ["Birth mother"] "Genetic surrogate" shall mean a [woman] person
14 who gives birth to a child who is the person's genetic child pursuant to
15 a genetic surrogate parenting [contract] agreement.

16 2. ["Genetic father"] shall mean a man who provides sperm for the birth
17 of a child born pursuant to a surrogate parenting contract.

18 3. "Genetic mother" shall mean a woman who provides an ovum for the
19 birth of a child born pursuant to a surrogate parenting contract.

20 4. "Surrogate parenting contract"] "Genetic surrogate parenting agree-
21 ment" shall mean any agreement, oral or written, in which:

22 (a) a [woman] genetic surrogate agrees either to be inseminated with
23 the sperm of a [man] person who is not [her husband] their spouse or to
24 be impregnated with an embryo that is the product of [an] the genetic
25 surrogate's ovum fertilized with the sperm of a [man] person who is not
26 [her husband] their spouse; and

27 (b) the [woman] genetic surrogate agrees to, or intends to, surrender
28 or consent to the adoption of the child born as a result of such insemi-
29 nation or impregnation.

30 § 4. Section 122 of the domestic relations law, as added by chapter
31 308 of the laws of 1992, is amended to read as follows:

32 § 122. Public policy. [Surrogate] Genetic surrogate parenting
33 [contracts] agreements are hereby declared contrary to the public policy
34 of this state, and are void and unenforceable.

35 § 5. Section 123 of the domestic relations law, as added by chapter
36 308 of the laws of 1992, is amended to read as follows:

37 § 123. Prohibitions and penalties. 1. No person or other entity shall
38 knowingly request, accept, receive, pay or give any fee, compensation or
39 other remuneration, directly or indirectly, in connection with any
40 genetic surrogate parenting [contract] agreement, or induce, arrange or
41 otherwise assist in arranging a genetic surrogate parenting [contract]
42 agreement for a fee, compensation or other remuneration, except for:

43 (a) payments in connection with the adoption of a child permitted by
44 subdivision six of section three hundred seventy-four of the social
45 services law and disclosed pursuant to subdivision eight of section one
46 hundred fifteen of this chapter; or

47 (b) payments for reasonable and actual medical fees and hospital
48 expenses for artificial insemination or in vitro fertilization services
49 incurred by the [mother] genetic surrogate in connection with the birth
50 of the child.

51 2. (a) [A birth mother or her husband, a genetic father and his wife,
52 and, if the genetic mother is not the birth mother, the genetic mother
53 and her husband] Any party to a genetic surrogate parenting agreement or
54 the spouse of any part to a genetic surrogate parenting agreement who
55 violate this section shall be subject to a civil penalty not to exceed
56 five hundred dollars.

(b) Any other person or entity who or which induces, arranges or otherwise assists in the formation of a genetic surrogate parenting contract for a fee, compensation or other remuneration or otherwise violates this section shall be subject to a civil penalty not to exceed ten thousand dollars and forfeiture to the state of any such fee, compensation or remuneration in accordance with the provisions of subdivision (a) of section seven thousand two hundred one of the civil practice law and rules, for the first such offense. Any person or entity who or which induces, arranges or otherwise assists in the formation of a genetic surrogate parenting contract for a fee, compensation or other remuneration or otherwise violates this section, after having been once subject to a civil penalty for violating this section, shall be guilty of a felony.

§ 6. Section 124 of the domestic relations law, as added by chapter 308 of the laws of 1992, is amended to read as follows:

§ 124. Proceedings regarding parental rights, status or obligations. In any action or proceeding involving a [dispute between the birth mother and (i) the genetic father, (ii) the genetic mother, (iii) both the genetic father and genetic mother, or (iv) the parent or parents of the genetic father or genetic mother, regarding parental rights, status or obligations with respect to a child born pursuant to a surrogate parenting contract] purported genetic surrogacy parenting agreement, the parentage of the child will be determined based on the laws of New York state and:

1. the court shall not consider the [birth mother's] genetic surrogate's participation in a genetic surrogate parenting [contract] agreement as adverse to [her] their parental rights, status, or obligations; and

2. the court, having regard to the circumstances of the case and of the respective parties including the parties' relative ability to pay such fees and expenses, in its discretion and in the interests of justice, may award to either party reasonable and actual counsel fees and legal expenses incurred in connection with such action or proceeding. Such award may be made in the order or judgment by which the particular action or proceeding is finally determined, or by one or more orders from time to time before the final order or judgment, or by both such order or orders and the final order or judgment; provided, however, that in any dispute involving a [birth mother] genetic surrogate who has executed a valid surrender or consent to the adoption, nothing in this section shall empower a court to make any award that it would not otherwise be empowered to direct.

§ 7. Section 4135 of the public health law, subdivision 1 as amended by chapter 201 of the laws of 1972, subdivision 2 as amended by chapter 398 of the laws of 1997 and subdivision 3 as added by chapter 342 of the laws of 1980, is amended to read as follows:

§ 4135. Birth certificate; child born out of wedlock. 1. (a) There shall be no specific statement on the birth certificate as to whether the child is born in wedlock or out of wedlock or as to the marital name or status of the mother.

(b) The phrase "child born out of wedlock" when used in this article, refers to a child whose father is not its mother's husband.

2. The name of the [putative] alleged father of a child born out of wedlock shall not be entered on the certificate of birth prior to filing without (i) an acknowledgment of [paternity] parentage pursuant to section one hundred eleven-k of the social services law or section four thousand one hundred thirty-five-b of this article executed by both the



1 mother and [putative] alleged father, and filed with the record of
2 birth; or (ii) notification having been received by, or proper proof
3 having been filed with, the record of birth by the clerk of a court of
4 competent jurisdiction or the parents, or their attorneys of a judgment,
5 order or decree relating to parentage.

6 3. Orders relating to parentage shall be held confidential by the
7 commissioner and shall not be released or otherwise divulged except by
8 order of a court of competent jurisdiction.

9 § 8. Section 4135-b of the public health law, as added by chapter 59
10 of the laws of 1993, subdivisions 1 and 2 as amended by chapter 402 of
11 the laws of 2013, and subdivision 3 as amended by chapter 170 of the
12 laws of 1994, is amended to read as follows:

13 § 4135-b. Voluntary acknowledgments of [paternity; child born out of
14 wedlock] parentage. 1. (a) Immediately preceding or following the
15 in-hospital birth of a child to an unmarried [woman] person or to a
16 person who gave birth to a child conceived through assisted
17 reproduction, the person in charge of such hospital or his or her desig-
18 nated representative shall provide to the [child's mother and putative
19 father] unmarried person who gave birth to the child and the alleged
20 genetic parent, if such [father] alleged genetic parent is readily iden-
21 tifiable and available, or to the person who gave birth and the other
22 intended parent of a child conceived through assisted reproduction if
23 such person is readily identifiable and available, the documents and
24 written instructions necessary for such [mother] person or to a person
25 who gave birth to a child conceived through assisted reproduction and
26 [putative father] alleged persons to complete an acknowledgment of
27 [paternity] parentage witnessed by two persons not related to the signa-
28 tory. Such acknowledgment, if signed by both parties, at any time
29 following the birth of a child, shall be filed with the registrar at the
30 same time at which the certificate of live birth is filed, if possible,
31 or anytime thereafter. Nothing herein shall be deemed to require the
32 person in charge of such hospital or his or her designee to seek out or
33 otherwise locate [a putative father] an alleged genetic parent or
34 intended parent of a child conceived through assisted reproduction who
35 is not readily identifiable or available.

36 (b) The following persons may sign an acknowledgment of parentage to
37 establish the parentage of the child:

38 (i) An unmarried person who gave birth to the child and another person
39 who is a genetic parent.

40 (ii) A married or unmarried person who gave birth to the child and
41 another person who is an intended parent under section 581-303 of the
42 family court act of a child conceived through assisted reproduction.

43 (c) An acknowledgment of parentage shall be in a record signed by the
44 person who gave birth to the child and by either the genetic parent
45 other than the person who gave birth to the child or a person who is a
46 parent under section 581-303 of the family court act of the child
47 conceived through assisted reproduction.

48 (d) An acknowledgment of parentage is void if, at the time of signing,
49 any of the following are true:

50 (i) A person other than the signatories is a presumed parent of the
51 child under section twenty-four of the domestic relations law;

52 (ii) A court has entered a judgment of parentage of the child;

53 (iii) Another person has signed a valid acknowledgment of parentage
54 with regard to the child;

55 (iv) The child has a parent under section 581-303 of the family court
56 act other than the signatories;



1 (v) A signatory is a gamete donor under section 581-302 of the family
2 court act;

3 (vi) The acknowledgment is signed by a person who asserts that they
4 are a parent under section 581-303 of the family court act of a child
5 conceived through assisted reproduction, but the child was not conceived
6 through assisted reproduction.

7 (e) The acknowledgment shall be executed on a form provided by the
8 commissioner developed in consultation with the [appropriate] commis-
9 sioner of the [department of family assistance] office of temporary and
10 disability assistance, which shall: (i) include the social security
11 number of the [mother and of the putative father and] signatories; (ii)
12 provide in plain language [(i)] (A) a statement by the [mother] person
13 who gave birth to the child consenting to the acknowledgment of [pater-
14 nity] parentage and a statement that the [putative father] other signa-
15 tory is the only possible [father] other genetic parent or that the
16 other signatory is an intended parent and the child was conceived
17 through assisted reproduction, [(ii)] (B) a statement by the [putative
18 father], alleged genetic parent, if any, that he or she is the [biolog-
19 ical father] genetic parent of the child, and [(iii)] (C) a statement
20 that the signing of the acknowledgment of [paternity] parentage by both
21 parties shall have the same force and effect as an order of parentage or
22 filiation entered after a court hearing by a court of competent juris-
23 isdiction, including an obligation to provide support for the child except
24 that, only if filed with the registrar of the district in which the
25 birth certificate has been filed, will the acknowledgment have such
26 force and effect with respect to inheritance rights; and (iii) include
27 the name and address, if known, of any gamete donors.

28 [(b)] (f) Prior to the execution of an acknowledgment of [paternity]
29 parentage, the [mother] person who gave birth to the child and the
30 [putative father] other signatory shall be provided orally, which may be
31 through the use of audio or video equipment, and in writing with such
32 information as is required pursuant to this section with respect to
33 their rights and the consequences of signing a voluntary acknowledgment
34 of [paternity] parentage including, but not limited to:

35 (i) that the signing of the acknowledgment of [paternity] parentage
36 shall establish the [paternity] parentage of the child and shall have
37 the same force and effect as an order of [paternity] parentage or filia-
38 tion issued by a court of competent jurisdiction establishing the duty
39 of both parties to provide support for the child;

40 (ii) that if such an acknowledgment is not made, the [putative father]
41 signatory other than the person who gave birth to the child can be held
42 liable for support only if the family court, after a hearing, makes an
43 order declaring that the [putative father] person is the [father] parent
44 of the child whereupon the court may make an order of support which may
45 be retroactive to the birth of the child;

46 (iii) that if made a respondent in a proceeding to establish [paterni-
47 ty] parentage the [putative father] signatory other than the person who
48 gave birth to the child has a right to free legal representation if
49 indigent;

50 (iv) that [the putative father] an alleged genetic parent has a right
51 to a genetic marker test or to a DNA test when available;

52 (v) that by executing the acknowledgment, the [putative father]
53 alleged genetic parent waives [his] their right to a hearing, to which
54 [he] they would otherwise be entitled, on the issue of [paternity]
55 parentage;



(vi) that a copy of the acknowledgment of [paternity] parentage shall be filed with the [putative father] registry [pursuant to] created by section three hundred seventy-two-c of the social services law, and that such filing may establish the child's right to inheritance from the [putative father] alleged genetic parent or the other intended parent of a child conceived through assisted reproduction pursuant to clause (B) of subparagraph two of paragraph (a) of section 4-1.2 of the estates, powers and trusts law;

(vii) that, if such acknowledgment is filed with the registrar of the district in which the birth certificate has been filed, such acknowledgment will establish inheritance rights from the [putative father] alleged genetic parent or the other intended parent of a child conceived through assisted reproduction pursuant to clause (A) of subparagraph two of paragraph (a) of section 4-1.2 of the estates, powers and trusts law;

(viii) that no further judicial or administrative proceedings are required to ratify an unchallenged acknowledgment of [paternity] parentage provided, however, that:

(A) A signatory to an acknowledgment of [paternity] parentage, who had attained the age of eighteen at the time of execution of the acknowledgment, shall have the right to rescind the acknowledgment within the earlier of sixty days from the date of signing the acknowledgment or the date of an administrative or a judicial proceeding (including, but not limited to, a proceeding to establish a support order) relating to the child in which the signatory is a party, provided that the "date of an administrative or a judicial proceeding" shall be the date by which the respondent is required to answer the petition;

(B) A signatory to an acknowledgment of [paternity] parentage, who had not attained the age of eighteen at the time of execution of the acknowledgment, shall have the right to rescind the acknowledgment anytime up to sixty days after the signatory's attaining the age of eighteen years or sixty days after the date on which the respondent is required to answer a petition (including, but not limited to, a petition to establish a support order) relating to the child, whichever is earlier; provided, however, that the signatory must have been advised at such proceeding of his or her right to file a petition to vacate the acknowledgment within sixty days of the date of such proceeding;

(ix) that after the expiration of the time limits set forth in clauses (A) and (B) of subparagraph (viii) of this paragraph, any of the signatories may challenge the acknowledgment of [paternity] parentage in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof on the party challenging the voluntary acknowledgment;

(x) that the [putative father and mother] person who gave birth to the child and the other signatory may wish to consult with attorneys before executing the acknowledgment; and that they have the right to seek legal representation and supportive services including counseling regarding such acknowledgment;

(xi) that the acknowledgment of [paternity] parentage may be the basis for the [putative father] signatory other than the person who gave birth to the child establishing custody and visitation rights to the child and for requiring the [putative father's] consent of the signatory other than the person who gave birth to the child prior to an adoption proceeding;

(xii) that the [mother's] refusal of the person who gave birth to the child to sign the acknowledgment shall not be deemed a failure to cooperate in establishing [paternity for] parentage of the child; and



1 (xiii) that the child may bear the last name of either parent, or any
2 combination thereof, which name shall not affect the legal status of the
3 child.

4 In addition, the governing body of such hospital shall [insure] ensure
5 that appropriate staff shall provide to the [child's mother and putative
6 father] person who gave birth to the child and the other signatory,
7 prior to the [mother's] discharge from the hospital of the person who
8 gave birth to the child, the opportunity to speak with hospital staff to
9 obtain clarifying information and answers to their questions about
10 [paternity] parentage establishment, and shall also provide the tele-
11 phone number of the local support collection unit.

12 [(c)] (g) Within ten days after receiving the certificate of birth,
13 the registrar shall furnish without charge to each parent or guardian of
14 the child or to the [mother] person who gave birth at the address desig-
15 nated by her for that purpose, a certified copy of the certificate of
16 birth and, if applicable, a certified copy of the written acknowledgment
17 of [paternity] parentage. If the [mother] person who gave birth is in
18 receipt of child support enforcement services pursuant to title six-A of
19 article three of the social services law, the registrar also shall
20 furnish without charge a certified copy of the certificate of birth and,
21 if applicable, a certified copy of the written acknowledgment of [pater-
22 nity] parentage to the social services district of the county within
23 which the [mother] person who gave birth resides.

24 2. (a) When a child's [paternity] parentage is acknowledged voluntar-
25 ily pursuant to section one hundred eleven-k of the social services law,
26 the social services official shall file the executed acknowledgment with
27 the registrar of the district in which the birth occurred and in which
28 the birth certificate has been filed.

29 (b) Where a child's [paternity] parentage has not been acknowledged
30 voluntarily pursuant to paragraph (a) of subdivision one of this section
31 or paragraph (a) of this subdivision, the [child's mother and the puta-
32 tive father] person who gave birth to the child and the other signatory
33 may voluntarily acknowledge a child's [paternity] parentage pursuant to
34 this paragraph by signing the acknowledgment of [paternity] parentage.

35 (c) A signatory to an acknowledgment of [paternity] parentage, who has
36 attained the age of eighteen at the time of execution of the acknowledg-
37 ment shall have the right to rescind the acknowledgment within the
38 earlier of sixty days from the date of signing the acknowledgment or the
39 date of an administrative or a judicial proceeding (including, but not
40 limited to, a proceeding to establish a support order) relating to the
41 child in which either signatory is a party; provided that for purposes
42 of this section, the "date of an administrative or a judicial proceed-
43 ing" shall be the date by which the respondent is required to answer the
44 petition.

45 (d) A signatory to an acknowledgment of [paternity] parentage, who has
46 not attained the age of eighteen at the time of execution of the
47 acknowledgment, shall have the right to rescind the acknowledgment
48 anytime up to sixty days after the signatory's attaining the age of
49 eighteen years or sixty days after the date on which the respondent is
50 required to answer a petition (including, but not limited to, a petition
51 to establish a support order) relating to the child in which the signa-
52 tory is a party, whichever is earlier; provided, however, that the
53 signatory must have been advised at such proceeding of his or her right
54 to file a petition to vacate the acknowledgment within sixty days of the
55 date of such proceeding.



(e) After the expiration of the time limits set forth in paragraphs (c) and (d) of this subdivision, any of the signatories may challenge the acknowledgment of [paternity] parentage in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof on the party challenging the voluntary acknowledgment. The acknowledgment shall have full force and effect once so signed. The original or a copy of the acknowledgment shall be filed with the registrar of the district in which the birth certificate has been filed.

3. (a) An acknowledgment of [paternity] parentage executed by [the mother and father of a child born out of wedlock] any two people eligible to sign such an acknowledgment under paragraph (b) of subdivision one of this section, married or unmarried, shall establish the [paternity] parentage of a child and shall have the same force and effect as an order of [paternity] parentage or filiation issued by a court of competent jurisdiction. Such acknowledgement shall thereafter be filed with the registrar pursuant to subdivision one or two of this section.

(b) A registrar with whom an acknowledgment of [paternity] parentage has been filed pursuant to subdivision one or two of this section shall file the acknowledgment with the state department of health [and the putative father registry], the New York city department of health and mental hygiene and the registry operated by the department of social services pursuant to section three hundred seventy-two-c of the social services law. If the acknowledgment includes the name and address of any known gamete donors of a child conceived through assisted reproduction, the state department of health or the New York city department of health and mental hygiene shall mail a copy to the known donors listed on the form with the social security numbers of the signatories redacted.

4. The court shall give full faith and credit to an acknowledgment of parentage effective in another state if the acknowledgment was in a signed record and otherwise complies with the law of the other state.

5. A new certificate of birth shall be issued if the certificate of birth of [a] the child [born out of wedlock] as defined in paragraph (b) of subdivision one of section four thousand one hundred thirty-five of this article has been filed without entry of the name of the [father] signatory other than the person who gave birth, and the commissioner thereafter receives a notarized acknowledgment of [paternity] parentage accompanied by the written consent of the [putative father and mother] person who gave birth to the child and other signatory to the entry of the name of such [father] person, which consent may also be to a change in the surname of the child.

6. Any reference to an acknowledgment of paternity in any law of this state shall be interpreted to mean an acknowledgment of parentage signed pursuant to this section or signed in another state consistent with the law of that state.

§ 9. Paragraph (e) of subdivision 1 of section 4138 of the public health law, as amended by chapter 214 of the laws of 1998, is amended to read as follows:

(e) the certificate of birth of a child born out of wedlock as defined in paragraph (b) of subdivision one of section four thousand one hundred thirty-five of this article has been filed without entry of the name of the [father] signatory other than the person who gave birth and the commissioner thereafter receives the acknowledgment of [paternity] parentage pursuant to section one hundred eleven-k of the social services law or section four thousand one hundred thirty-five-b of this article executed by the [putative father and mother] person who gave birth and the other signatory which authorizes the entry of the name of



1 such [father] other signatory, and which may also authorize a conforming
2 change in the surname of the child.

3 § 10. The article heading of article 8 of the domestic relations law,
4 as added by chapter 308 of the laws of 1992, is amended to read as
5 follows:

6 GENETIC SURROGATE PARENTING CONTRACTS

7 § 11. The general business law is amended by adding a new article 44
8 to read as follows:

9 ARTICLE 44

10 REGULATION OF SURROGACY PROGRAMS AND ASSISTED

11 REPRODUCTION SERVICE PROVIDERS

12 Section 1400. Definitions.

13 1401. Surrogacy programs regulated under this article.

14 1402. Assisted reproduction service providers regulated under
15 this article.

16 1403. Conflicts of interest; prohibition on payments; funds in
17 escrow; licensure; notice of surrogates' bill of rights.

18 1404. Regulations.

19 § 1400. Definitions. As used in this section:

20 (a) The definitions in section 581-102 of the family court act shall
21 apply.

22 (b) "Payment" means any type of monetary compensation or other valu-
23 able consideration including but not limited to a rebate, refund,
24 commission, unearned discount, or profit by means of credit or other
25 valuable consideration.

26 (c) "Surrogacy program" does not include any party to a surrogacy
27 agreement or any person licensed to practice law and representing a
28 party to the surrogacy agreement, but does include and is not limited to
29 any agency, agent, business, or individual engaged in, arranging, or
30 facilitating transactions contemplated by a surrogacy agreement, regard-
31 less of whether such agreement ultimately comports with the requirements
32 of article five-C of the family court act.

33 § 1401. Surrogacy programs regulated under this article. The
34 provisions of this article apply to surrogacy programs arranging or
35 facilitating transactions contemplated by a surrogacy agreement under
36 part four of article five-C of the family court act if:

37 (a) The surrogacy program does business in New York state;

38 (b) A person acting as surrogate who is party to a surrogacy agreement
39 resides in New York state during the term of the surrogacy agreement; or

40 (c) Any medical procedures under the surrogacy agreement are performed
41 in New York state.

42 § 1402. Assisted reproduction service providers regulated under this
43 article. The provisions of this article apply to agents, gamete banks,
44 fertility clinics, and other entities if:

45 1. The agent, gamete bank, fertility clinic, or other entity does
46 business in this state; or

47 2. Any health care services performed, provided or otherwise arranged
48 by the entity are performed in this state.

49 § 1403. Conflicts of interest; prohibition on payments; funds in
50 escrow; licensure; notice of surrogates' bill of rights. A surrogacy
51 program to which this article applies:

52 (a) Shall keep all funds paid by or on behalf of the intended parent
53 or parents in an escrow account separate from its operating accounts;
54 and



1 (b) May not be owned or managed, in any part, directly or indirectly,
2 by any attorney representing a party to the surrogacy agreement; and

3 (c) May not pay or receive payment, directly or indirectly, to or from
4 any person licensed to practice law and representing a party to the
5 surrogacy agreement in connection with the referral of any person or
6 party for the purpose of a surrogacy agreement; and

7 (d) May not pay or receive payment, directly or indirectly, to or from
8 any health care provider providing any health services, including
9 assisted reproduction, to a party to the surrogacy agreement; and

10 (e) May not be owned or managed, in any part, directly or indirectly,
11 by any health care provider providing any health services, including
12 assisted reproduction, to a party to the surrogacy agreement; and

13 (f) Shall be licensed to operate in New York state pursuant to regu-
14 lations promulgated by the department of health in consultation with the
15 department of financial services, once such regulations are promulgated
16 and become effective; and

17 (g) Shall ensure that all potential parties to a surrogacy agreement,
18 at the time of consultation with such surrogacy program, are provided
19 with written notice of the surrogates' bill of rights enumerated in part
20 six of article five-C of the family court act.

21 § 1404. Regulations. 1. The department of health, in consultation with
22 the department of financial services, shall promulgate rules and regu-
23 lations to implement the requirements of this article regarding surroga-
24 cy programs and assisted reproduction service providers in a manner that
25 ensures the safety and health of gamete providers and persons serving as
26 surrogates. Such regulations shall:

27 (a) Require surrogacy programs to monitor compliance with surrogacy
28 agreements eligibility and requirements in state law; and

29 (b) Require the surrogacy programs and assisted reproduction service
30 providers to administer informed consent procedures that comply with
31 regulations promulgated by the department of health under section twen-
32 ty-five hundred ninety-nine-cc of the public health law.

33 2. The department of health shall annually report to the legislature
34 regarding the practices of surrogacy programs and assisted reproduction
35 service providers and all business transactions related to surrogacy and
36 gamete provision in New York state, with recommendations for any neces-
37 sary amendments to this article.

38 § 12. The public health law is amended by adding a new article 25-B to
39 read as follows:

40 ARTICLE 25-B

41 GESTATIONAL SURROGACY

42 Section 2599-cc. Gestational surrogacy.

43 § 2599-cc. Gestational surrogacy. 1. The commissioner shall promulgate
44 regulations on the practice of gestational surrogacy. Such regulations
45 shall include, but not be limited to:

46 (a) guidelines and procedures for obtaining fully informed consent
47 from potential persons acting as surrogates, including but not limited
48 to a full disclosure of any known or potential health risks and mental
49 health impacts associated with acting as a surrogate;

50 (b) the development and distribution, in printed form and on the
51 department's website, of informational material relating to gestational
52 surrogacy;

53 (c) the establishment of a voluntary central tracking registry of
54 persons acting as surrogates, as reported by surrogacy programs licensed
55 by the department pursuant to article forty-four of the general business
56 law upon the affirmative consent of a person acting as surrogate. Such

1 registry shall provide a means for gathering and maintaining accurate
2 information on the:

3 (i) number of times a person has acted as a surrogate;

4 (ii) health information of the person acting as surrogate; and

5 (iii) other information deemed appropriate by the commissioner;

6 (d) the development of guidelines, procedures or protocols, in consul-
7 tation with the American college of obstetricians and gynecologists and
8 the American society for reproductive medicine, to assist physicians in
9 screening potential surrogates for their ability to serve as a surrogate
10 as required under subdivision four of section 581-402 of the family
11 court act including taking into consideration the potential surrogates
12 family medical history and complications from prior pregnancies and
13 known health conditions that may pose a risk to the potential surrogate
14 during pregnancy; and

15 (e) the development of guidance to reduce conflicts of interest among
16 physicians providing health care services to the surrogate.

17 2. All such regulations shall maintain the anonymity of the person
18 acting as surrogate and any resulting offspring and govern access to
19 information maintained by the registry. Such registry shall comply with
20 all state and federal laws and regulations related to maintaining the
21 privacy and confidentiality of records contained with the registry.

22 § 13. Subdivisions 4, 5, 6, 7 and 8 of section 4365 of the public
23 health law are renumbered subdivisions 5, 6, 7, 8 and 9 and a new subdi-
24 vision 4 is added to read as follows:

25 4. The commissioner, in consultation with the transplant council,
26 shall promulgate regulations on the donation of ova. Such regulations
27 shall include, but not be limited to:

28 (a) guidelines and procedures for obtaining fully informed consent
29 from potential donors, including but not limited to a full disclosure of
30 any known or potential health risks of the ova donation process;

31 (b) the development and distribution, in printed form and on the
32 department's website, of informational material relating to the donation
33 of ova;

34 (c) the establishment of a voluntary central tracking registry of ova
35 donor information, as reported by banks and storage facilities licensed
36 pursuant to this article upon the affirmative consent of an ova donor.
37 Such registry shall provide a means for gathering and maintaining accu-
38 rate information on the:

39 (i) number of ova and the number of times ova have been donated from a
40 single donor;

41 (ii) health information of the donor at the time of the donation; and

42 (iii) other information deemed appropriate by the commissioner.

43 In addition, all such regulations shall maintain the anonymity of the
44 donor and any resulting offspring and govern access to information main-
45 tained by the registry. Such registry shall comply with all state and
46 federal laws and regulations related to maintaining the privacy and
47 confidentiality of records contained within the registry; and

48 (d) the development of best practices and procedures, in consultation
49 with the American college of obstetricians and gynecologists, American
50 society for reproductive medicine and other medical organizations, for
51 ova donation, ova retrieval, and in vitro fertilization for the
52 protection of the health and safety of the donor.

53 § 14. Paragraph (a) of subdivision 1 of section 440 of the family
54 court act, as amended by chapter 398 of the laws of 1997, is amended to
55 read as follows:

1 (a) Any support order made by the court in any proceeding under the
2 provisions of article five-B of this act, pursuant to a reference from
3 the supreme court under section two hundred fifty-one of the domestic
4 relations law or under the provisions of article four, five or five-A of
5 this act (i) shall direct that payments of child support or combined
6 child and spousal support collected on behalf of persons in receipt of
7 services pursuant to section one hundred eleven-g of the social services
8 law, or on behalf of persons in receipt of public assistance be made to
9 the support collection unit designated by the appropriate social
10 services district, which shall receive and disburse funds so paid; or
11 (ii) shall be enforced pursuant to subdivision (c) of section five thou-
12 sand two hundred forty-two of the civil practice law and rules at the
13 same time that the court issues an order of support; and (iii) shall in
14 either case, except as provided for herein, be effective as of the
15 earlier of the date of the filing of the petition therefor, or, if the
16 children for whom support is sought are in receipt of public assistance,
17 the date for which their eligibility for public assistance was effec-
18 tive. Any retroactive amount of support due shall be support
19 arrears/past due support and shall be paid in one sum or periodic sums,
20 as the court directs, and any amount of temporary support which has been
21 paid to be taken into account in calculating any amount of such retroac-
22 tive support due. In addition, such retroactive child support shall be
23 enforceable in any manner provided by law including, but not limited to,
24 an execution for support enforcement pursuant to subdivision (b) of
25 section fifty-two hundred forty-one of the civil practice law and rules.
26 When a child receiving support is a public assistance recipient, or the
27 order of support is being enforced or is to be enforced pursuant to
28 section one hundred eleven-g of the social services law, the court shall
29 establish the amount of retroactive child support and notify the parties
30 that such amount shall be enforced by the support collection unit pursu-
31 ant to an execution for support enforcement as provided for in subdivi-
32 sion (b) of section fifty-two hundred forty-one of the civil practice
33 law and rules, or in such periodic payments as would have been author-
34 ized had such an execution been issued. In such case, the court shall
35 not direct the schedule of repayment of retroactive support. Where such
36 direction is for child support and [paternity] parentage has been estab-
37 lished by a voluntary acknowledgment of [paternity] parentage as defined
38 in section forty-one hundred thirty-five-b of the public health law, the
39 court shall inquire of the parties whether the acknowledgment has been
40 duly filed, and unless satisfied that it has been so filed shall require
41 the clerk of the court to file such acknowledgment with the appropriate
42 registrar within five business days. The court shall not direct that
43 support payments be made to the support collection unit unless the
44 child, who is the subject of the order, is in receipt of public assist-
45 ance or child support services pursuant to section one hundred eleven-g
46 of the social services law. Any such order shall be enforceable pursu-
47 ant to section fifty-two hundred forty-one or fifty-two hundred forty-
48 two of the civil practice law and rules, or in any other manner provided
49 by law. Such orders or judgments for child support and maintenance
50 shall also be enforceable pursuant to article fifty-two of the civil
51 practice law and rules upon a debtor's default as such term is defined
52 in paragraph seven of subdivision (a) of section fifty-two hundred
53 forty-one of the civil practice law and rules. The establishment of a
54 default shall be subject to the procedures established for the determi-
55 nation of a mistake of fact for income executions pursuant to subdivi-
56 sion (e) of section fifty-two hundred forty-one of the civil practice



1 law and rules. For the purposes of enforcement of child support orders
2 or combined spousal and child support orders pursuant to section five
3 thousand two hundred forty-one of the civil practice law and rules, a
4 "default" shall be deemed to include amounts arising from retroactive
5 support. Where permitted under federal law and where the record of the
6 proceedings contains such information, such order shall include on its
7 face the social security number and the name and address of the employ-
8 er, if any, of the person chargeable with support provided, however,
9 that failure to comply with this requirement shall not invalidate such
10 order.

11 § 15. Section 516-a of the family court act, as amended by chapter 398
12 of the laws of 1997, subdivisions (b) and (c) as amended by chapter 402
13 of the laws of 2013, and subdivision (d) as amended by chapter 343 of
14 the laws of 2009, is amended to read as follows:

15 § 516-a. Acknowledgment of [paternity] parentage. (a) An acknowledg-
16 ment of [paternity] parentage executed pursuant to section one hundred
17 eleven-k of the social services law or section four thousand one hundred
18 thirty-five-b of the public health law shall establish the [paternity]
19 parentage of and liability for the support of a child pursuant to this
20 act. Such acknowledgment must be reduced to writing and filed pursuant
21 to section four thousand one hundred thirty-five-b of the public health
22 law with the registrar of the district in which the birth occurred and
23 in which the birth certificate has been filed. No further judicial or
24 administrative proceedings are required to ratify an unchallenged
25 acknowledgment of [paternity] parentage.

26 (b) (i) Where a signatory to an acknowledgment of [paternity] parent-
27 age executed pursuant to section one hundred eleven-k of the social
28 services law or section four thousand one hundred thirty-five-b of the
29 public health law had attained the age of eighteen at the time of
30 execution of the acknowledgment, the signatory may seek to rescind the
31 acknowledgment by filing a petition with the court to vacate the
32 acknowledgment within the earlier of sixty days of the date of signing
33 the acknowledgment or the date of an administrative or a judicial
34 proceeding (including, but not limited to, a proceeding to establish a
35 support order) relating to the child in which the signatory is a party.
36 For purposes of this section, the "date of an administrative or a judi-
37 cial proceeding" shall be the date by which the respondent is required
38 to answer the petition.

39 (ii) Where a signatory to an acknowledgment of [paternity] parentage
40 executed pursuant to section one hundred eleven-k of the social services
41 law or section four thousand one hundred thirty-five-b of the public
42 health law had not attained the age of eighteen at the time of execution
43 of the acknowledgment, the signatory may seek to rescind the acknowledg-
44 ment by filing a petition with the court to vacate the acknowledgment
45 anytime up to sixty days after the signatory's attaining the age of
46 eighteen years or sixty days after the date on which the respondent is
47 required to answer a petition (including, but not limited to, a petition
48 to establish a support order) relating to the child in which the signa-
49 tory is a party, whichever is earlier; provided, however, that the
50 signatory must have been advised at such proceeding of his or her right
51 to file a petition to vacate the acknowledgment within sixty days of the
52 date of such proceeding.

53 (iii) Where a petition to vacate an acknowledgment of [paternity]
54 parentage has been filed in accordance with paragraph (i) or (ii) of
55 this subdivision, the court shall order genetic marker tests or DNA
56 tests for the determination of the child's [paternity] parentage. No



1 such test shall be ordered, however, where the acknowledgment was signed
2 by the intended parent of a child born through assisted reproduction
3 pursuant to subparagraph (ii) of paragraph (b) of subdivision one of
4 section four thousand one hundred thirty-five-b of the public health
5 law, or upon a written finding by the court that it is not in the best
6 interests of the child on the basis of res judicata, equitable estoppel,
7 or the presumption of legitimacy of a child born to a married [woman]
8 person. If the court determines, following the test, that the person who
9 signed the acknowledgment is the [father] parent of the child, the court
10 shall make a finding of [paternity] parentage and enter an order of
11 [filiation] parentage. If the court determines that the person who
12 signed the acknowledgment is not the [father] parent of the child, the
13 acknowledgment shall be vacated.

14 (iv) After the expiration of the time limits set forth in paragraphs
15 (i) and (ii) of this subdivision, any of the signatories to an acknowl-
16 edgment of [paternity] parentage may challenge the acknowledgment in
17 court by alleging and proving fraud, duress, or material mistake of
18 fact. If the petitioner proves to the court that the acknowledgment of
19 [paternity] parentage was signed under fraud, duress, or due to a mate-
20 rial mistake of fact, the court shall then order genetic marker tests or
21 DNA tests for the determination of the child's [paternity] parentage.
22 No such test shall be ordered, however, where the acknowledgment was
23 signed by the intended parent of a child born through assisted reprod-
24 uction pursuant to subparagraph (ii) of paragraph (b) of subdivision one
25 of section four thousand one hundred thirty-five-b of the public health
26 law, or upon a written finding by the court that it is not in the best
27 interests of the child on the basis of res judicata, equitable estoppel,
28 or the presumption of legitimacy of a child born to a married [woman]
29 person. If the court determines, following the test, that the person who
30 signed the acknowledgment is the [father] parent of the child, the court
31 shall make a finding of [paternity] parentage and enter an order of
32 [filiation] parentage. If the court determines that the person who
33 signed the acknowledgment is not the [father] parent of the child, the
34 acknowledgment shall be vacated.

35 (v) If, at any time before or after a signatory has filed a petition
36 to vacate an acknowledgment of [paternity] parentage pursuant to this
37 subdivision, the signatory dies or becomes mentally ill or cannot be
38 found within the state, neither the proceeding nor the right to commence
39 the proceeding shall abate but may be commenced or continued by any of
40 the persons authorized by this article to commence a [paternity] parent-
41 age proceeding.

42 (c) An acknowledgment of parentage is void if, at the time of signing,
43 any of the following are true:

44 (i) a person other than the signatories is a presumed parent of the
45 child pursuant to section twenty-four of the domestic relations law;

46 (ii) a court has entered a judgment of parentage of the child;

47 (iii) another person has signed a valid acknowledgment of parentage
48 with regard to the child;

49 (iv) the child has a parent pursuant to section 581-303 of the family
50 court act other than the signatories;

51 (v) a signatory is a gamete donor under section 581-302 of the family
52 court act; or

53 (vi) the acknowledgment is signed by a person who asserts that they
54 are a parent under section 581-303 of the family court act of a child
55 conceived through assisted reproduction, but the child was not conceived
56 through assisted reproduction.



1 (d) Neither signatory's legal obligations, including the obligation
2 for child support arising from the acknowledgment, may be suspended
3 during the challenge to the acknowledgment except for good cause as the
4 court may find. If the court vacates the acknowledgment of [paternity]
5 parentage, the court shall immediately provide a copy of the order to
6 the registrar of the district in which the child's birth certificate is
7 filed and also to the putative father registry operated by the depart-
8 ment of social services pursuant to section three hundred seventy-two-c
9 of the social services law. In addition, if the [mother] parent of the
10 child who is the subject of the acknowledgment is in receipt of child
11 support services pursuant to title six-A of article three of the social
12 services law, the court shall immediately provide a copy of the order to
13 the child support enforcement unit of the social services district that
14 provides the [mother] parent with such services.

15 [(d)] (e) A determination of [paternity] parentage made by any other
16 state, whether established through an administrative or judicial process
17 or through an acknowledgment of [paternity] parentage signed in accord-
18 ance with that state's laws, must be accorded full faith and credit
19 pursuant to section 466(a)(11) of title IV-D of the social security act
20 (42 U.S.C. § 666(a)(11)).

21 (f) Any reference to an acknowledgment of paternity in any law of this
22 state, or any similar instrument signed in another state consistent with
23 the law of that state shall be interpreted to mean an acknowledgment of
24 parentage executed pursuant to section one hundred eleven-k of the
25 social services law, section four thousand one hundred thirty-five-b of
26 the public health law, or signed in another state consistent with the
27 law of that state.

28 § 16. Paragraph (b) of subdivision 1 of section 1017 of the family
29 court act, as added by chapter 567 of the laws of 2015, is amended to
30 read as follows:

31 (b) The court shall also direct the local commissioner of social
32 services to conduct an investigation to locate any person who is not
33 recognized to be the child's legal parent and does not have the rights
34 of a legal parent under the laws of the state of New York but who (i)
35 has filed with a putative father registry an instrument acknowledging
36 [paternity] parentage of the child, pursuant to section 4-1.2 of the
37 estates, powers and trusts law, or (ii) has a pending [paternity]
38 parentage petition, or (iii) has been identified as a parent of the
39 child by the child's other parent in a written sworn statement. The
40 local commissioner of social services shall report the results of such
41 investigation to the court and parties, including the attorney for the
42 child.

43 § 17. Section 4-1.2 of the estates, powers and trusts law, as amended
44 by chapter 67 of the laws of 1981, the section heading, the opening
45 paragraph of subparagraph 1 of paragraph (a), the opening paragraph of
46 subparagraph 2 of paragraph (a) and the opening paragraph of subpara-
47 graph 3 of paragraph (a) as amended by chapter 595 of the laws of 1992,
48 subparagraph 2 of paragraph (a) as amended by chapter 434 of the laws of
49 1987, clause (A) of subparagraph 2 of paragraph (a) as amended by chap-
50 ter 170 of the laws of 1994, and clause (C) of subparagraph 2 of para-
51 graph (a) and paragraph (b) as amended by chapter 64 of the laws of
52 2010, is amended to read as follows:

53 § 4-1.2 Inheritance by non-marital children

54 (a) For the purposes of this article:

55 (1) A non-marital child is the legitimate child of his mother so that
56 he and his issue inherit from his mother and from his maternal kindred.



1 (2) A non-marital child is the legitimate child of his father or non-
2 gestating intended parent so that he and his issue inherit from [his
3 father and his paternal] such parent and such parent's kindred if:

4 (A) a court of competent jurisdiction has, during the lifetime of the
5 father, made an order of filiation or parentage declaring [paternity]
6 parentage or the [mother and father] parentage of the child [have
7 executed] has been established through the execution of an acknowledg-
8 ment of [paternity] parentage pursuant to section four thousand one
9 hundred thirty-five-b of the public health law, which has been filed
10 with the registrar of the district in which the birth certificate has
11 been filed or;

12 (B) the father of the child has signed an instrument acknowledging
13 [paternity] parentage, provided that

14 (i) such instrument is acknowledged or executed or proved in the form
15 required to entitle a deed to be recorded in the presence of one or more
16 witnesses and acknowledged by such witness or witnesses, in either case,
17 before a notary public or other officer authorized to take proof of
18 deeds and

19 (ii) such instrument is filed within sixty days from the making there-
20 of with the putative father registry established by the state department
21 of social services pursuant to section three hundred seventy-two-c of
22 the social services law, as added by chapter six hundred sixty-five of
23 the laws of nineteen hundred seventy-six and

24 (iii) the department of social services shall, within seven days of
25 the filing of the instrument, send written notice by registered mail to
26 the mother and other legal guardian of such child, notifying them that
27 an acknowledgment of [paternity] parentage instrument acknowledged or
28 executed by such [father] parent has been duly filed or;

29 (C) [paternity] parentage has been established by clear and convincing
30 evidence, which may include, but is not limited to: (i) evidence derived
31 from a genetic marker test, or (ii) evidence that the [father] parent
32 openly and notoriously acknowledged the child as his or her own, however
33 nothing in this section regarding genetic marker tests shall be
34 construed to expand or limit the current application of subdivision four
35 of section forty-two hundred ten of the public health law.

36 (3) The existence of an agreement obligating the father to support the
37 non-marital child does not qualify such child or his issue to inherit
38 from the father in the absence of an order of filiation made or acknowl-
39 edgement of [paternity] parentage as prescribed by subparagraph (2).

40 (4) A motion for relief from an order of filiation may be made only by
41 the father and a motion for relief from an acknowledgement of [paterni-
42 ty] parentage may be made by [the father, mother] a parent or other
43 legal guardian of such child, or the child, provided however, such
44 motion must be made within one year from the entry of such order or from
45 the date of written notice as provided for in subparagraph (2).

46 (b) If a non-marital child dies, his or her surviving spouse, issue,
47 mother, maternal kindred, father and paternal kindred inherit and are
48 entitled to letters of administration as if the decedent was a marital
49 child, provided that the father and paternal kindred may inherit or
50 obtain such letters only if the [paternity] parentage of the non-marital
51 child has been established pursuant to any of the provisions of subpara-
52 graph (2) of paragraph (a).

53 § 18. Subdivision 1, paragraph g of subdivision 2, subdivision 3, and
54 subdivision 4 of section 111-c of the social services law, subdivision 1
55 as added by chapter 685 of the laws of 1975, paragraph g of subdivision
56 2 as added by chapter 809 of the laws of 1985, subdivision 3 as amended



1 by chapter 398 of the laws of 1997, and subdivision 4 as added by chap-
2 ter 343 of the laws of 2009, are amended to read as follows:

3 1. Each social services district shall establish a single organiza-
4 tional unit which shall be responsible for such district's activities in
5 assisting the state in the location of absent parents, establishment of
6 [paternity] parentage and enforcement and collection of support in
7 accordance with the regulations of the department.

8 g. obtain from respondent, when appropriate and in accordance with the
9 procedures established by section one hundred eleven-k of this chapter,
10 an acknowledgement of [paternity] parentage or an agreement to make
11 support payments, or both;

12 3. Notwithstanding the foregoing, the social services official shall
13 not be required to establish the [paternity] parentage of any child born
14 out-of-wedlock, or to secure support for any child, with respect to whom
15 such official has determined that such actions would be detrimental to
16 the best interests of the child, in accordance with procedures and
17 criteria established by regulations of the department consistent with
18 federal law.

19 4. a. A social services district represents the interests of the
20 district in performing its functions and duties as provided in this
21 title and not the interests of any party. The interests of a district
22 shall include, but are not limited to, establishing [paternity] parent-
23 age, and establishing, modifying and enforcing child support orders.

24 b. Notwithstanding any other provision of law, the provision of child
25 support services pursuant to this title does not constitute nor create
26 an attorney-client relationship between the individual receiving
27 services and any attorney representing or appearing for the district. A
28 social services district shall provide notice to any individual request-
29 ing or receiving services that the attorney representing or appearing
30 for the district does not represent the individual and that the individ-
31 ual has a right to retain his or her own legal counsel.

32 c. A social services district may appear in any action to establish
33 [paternity] parentage, or to establish, modify, or enforce an order of
34 support when an individual is receiving services under this title.

35 § 19. Section 111-k of the social services law, as amended by chapter
36 398 of the laws of 1997, paragraphs (a) and (b) of subdivision 1 as
37 amended by chapter 214 of the laws of 1998, is amended to read as
38 follows:

39 § 111-k. Procedures relating to acknowledgments of [paternity]
40 parentage, agreements to support, and genetic tests. 1. A social
41 services official or his or her designated representative who confers
42 with a potential respondent or respondent, hereinafter referred to in
43 this section as the "respondent", the mother of a child born out of
44 wedlock and any other interested persons, pursuant to section one
45 hundred eleven-c of this title, may obtain:

46 (a) an acknowledgment of [paternity] parentage of a child, as provided
47 for in article five-B or section five hundred sixteen-a of the family
48 court act, by a written statement, witnessed by two people not related
49 to the signator or as provided for in section four thousand one hundred
50 thirty-five-b of the public health law. Prior to the execution of such
51 acknowledgment by the child's mother and the respondent, they shall be
52 advised, orally, which may be through the use of audio or video equip-
53 ment, and in writing, of the consequences of making such an acknowledg-
54 ment. Upon the signing of an acknowledgment of [paternity] parentage
55 pursuant to this section, the social services official or his or her

1 representative shall file the original acknowledgment with the regist-
2 rar.

3 (b) an agreement to make support payments as provided in section four
4 hundred twenty-five of the family court act. Prior to the execution of
5 such agreement, the respondent shall be advised, orally, which may be
6 through the use of audio or video equipment, and in writing, of the
7 consequences of such agreement, that the respondent can be held liable
8 for support only if the family court, after a hearing, makes an order of
9 support; that respondent has a right to consult with an attorney and
10 that the agreement will be submitted to the family court for approval
11 pursuant to section four hundred twenty-five of the family court act;
12 and that by executing the agreement, the respondent waives any right to
13 a hearing regarding any matter contained in such agreement.

14 2. (a) When the paternity of a child is contested, a social services
15 official or designated representative may order the mother, the child,
16 and the alleged father to submit to one or more genetic marker or DNA
17 tests of a type generally acknowledged as reliable by an accreditation
18 body designated by the secretary of the federal department of health and
19 human services and performed by a laboratory approved by such an accred-
20 itation body and by the commissioner of health or by a duly qualified
21 physician to aid in the determination of whether or not the alleged
22 father is the father of the child. The order may be issued prior or
23 subsequent to the filing of a petition with the court to establish
24 paternity, shall be served on the parties by certified mail, and shall
25 include a sworn statement which either (i) alleges [paternity] parentage
26 and sets forth facts establishing a reasonable possibility of the requi-
27 site sexual contact between the parties, or (ii) denies [paternity]
28 parentage and sets forth facts establishing a reasonable possibility
29 that the party is not the father. The parties shall not be required to
30 submit to the administration and analysis of such tests if they sign a
31 voluntary acknowledgment of [paternity] parentage in accordance with
32 paragraph (a) of subdivision one of this section, or if there has been a
33 written finding by the court that it is not in the best interests of the
34 child on the basis of res judicata, equitable estoppel, the child was
35 conceived through assisted reproduction or the presumption of legitimacy
36 of a child born to a married [woman] person.

37 (b) The record or report of the results of any such genetic marker or
38 DNA test may be submitted to the family court as evidence pursuant to
39 subdivision (e) of rule forty-five hundred eighteen of the civil prac-
40 tice law and rules where no timely objection in writing has been made
41 thereto.

42 (c) The cost of any test ordered pursuant to this section shall be
43 paid by the social services district provided however, that the alleged
44 father shall reimburse the district for the cost of such test at such
45 time as the alleged father's [paternity] parentage is established by a
46 voluntary acknowledgment of [paternity] parentage or an order of filia-
47 tion. If either party contests the results of genetic marker or DNA
48 tests, an additional test may be ordered upon written request to the
49 social services district and advance payment by the requesting party.

50 (d) The parties shall be required to submit to such tests and appear
51 at any conference scheduled by the social services official or designee
52 to discuss the notice of the allegation of paternity or to discuss the
53 results of such tests. If the alleged [father] genetic parent fails to
54 appear at any such conference or fails to submit to such genetic marker
55 or DNA tests, the social services official or designee shall petition
56 the court to establish [paternity] parentage, provide the court with a

1 copy of the records or reports of such tests if any, and request the
2 court to issue an order for temporary support pursuant to section five
3 hundred forty-two of the family court act.

4 3. Any reference to an acknowledgment of paternity in any law of this
5 state or any similar instrument signed in another state consistent with
6 the law of that state shall be interpreted to mean an acknowledgment of
7 parentage executed pursuant to this section, section four thousand one
8 hundred thirty-five-b of the public health law or signed in another
9 state consistent with the law of that state.

10 § 20. Subdivisions 1 and 2 of section 372-c of the social services
11 law, as amended by chapter 139 of the laws of 1979, are amended to read
12 as follows:

13 1. The department shall establish a putative father registry which
14 shall record the names and addresses of: (a) any person adjudicated by
15 a court of this state to be the [father] parent of a child born [out-of-
16 wedlock] out of wedlock; (b) any person who has filed with the registry
17 before or after the birth of a child [out-of-wedlock] out of wedlock, a
18 notice of intent to claim [paternity] parentage of the child; (c) any
19 person adjudicated by a court of another state or territory of the
20 United States to be the father of an [out-of-wedlock] out of wedlock
21 child, where a certified copy of the court order has been filed with the
22 registry by such person or any other person; (d) any person who has
23 filed with the registry an instrument acknowledging paternity pursuant
24 to section 4-1.2 of the estates, powers and trusts law.

25 2. A person filing a notice of intent to claim [paternity] parentage
26 of a child or an acknowledgement of paternity shall include therein his
27 current address and shall notify the registry of any change of address
28 pursuant to procedures prescribed by regulations of the department.

29 § 21. Subdivision (a) of section 439 of the family court act, as
30 amended by section 1 of chapter 468 of the laws of 2012, is amended to
31 read as follows:

32 (a) The chief administrator of the courts shall provide, in accordance
33 with subdivision (f) of this section, for the appointment of a suffi-
34 cient number of support magistrates to hear and determine support
35 proceedings. Except as hereinafter provided, support magistrates shall
36 be empowered to hear, determine and grant any relief within the powers
37 of the court in any proceeding under this article, articles five,
38 five-A, [and] five-B and five-C and sections two hundred thirty-four and
39 two hundred thirty-five of this act, and objections raised pursuant to
40 section five thousand two hundred forty-one of the civil practice law
41 and rules. Support magistrates shall not be empowered to hear, determine
42 and grant any relief with respect to issues specified in section four
43 hundred fifty-five of this article, issues of contested [paternity]
44 parentage involving claims of equitable estoppel, custody, visitation
45 including visitation as a defense, determinations of parentage made
46 pursuant to section 581-407 of this act, and orders of protection or
47 exclusive possession of the home, which shall be referred to a judge as
48 provided in subdivision (b) or (c) of this section. Where an order of
49 filiation is issued by a judge in a paternity proceeding and child
50 support is in issue, the judge, or support magistrate upon referral from
51 the judge, shall be authorized to immediately make a temporary or final
52 order of support, as applicable. A support magistrate shall have the
53 authority to hear and decide motions and issue summonses and subpoenas
54 to produce persons pursuant to section one hundred fifty-three of this
55 act, hear and decide proceedings and issue any order authorized by
56 subdivision (g) of section five thousand two hundred forty-one of the



1 civil practice law and rules, issue subpoenas to produce prisoners
2 pursuant to section two thousand three hundred two of the civil practice
3 law and rules and make a determination that any person before the
4 support magistrate is in violation of an order of the court as author-
5 ized by section one hundred fifty-six of this act subject to confirma-
6 tion by a judge of the court who shall impose any punishment for such
7 violation as provided by law. A determination by a support magistrate
8 that a person is in willful violation of an order under subdivision
9 three of section four hundred fifty-four of this article and that recom-
10 mends commitment shall be transmitted to the parties, accompanied by
11 findings of fact, but the determination shall have no force and effect
12 until confirmed by a judge of the court.

13 § 22. Subparagraph (D) of paragraph 17 of subsection (a) of section
14 1113 of the insurance law, as amended by chapter 551 of the laws of
15 1997, is amended to read as follows:

16 (D) (i) (I) Indemnifying an adoptive parent for verifiable expenses not
17 prohibited under the law paid to or on behalf of the birth mother when
18 either one or both of the birth parents of the child withdraw or with-
19 hold their consent to adoption. Such expenses may include maternity-con-
20 nected medical or hospital expenses of the birth mother, necessary
21 living expenses of the birth mother preceding and during confinement,
22 travel expenses of the birth mother to arrange for the adoption of the
23 child, legal fees of the birth mother, and any other expenses [which]
24 that an adoptive parent may lawfully pay to or on behalf of the birth
25 mother[.]; or (II) Indemnifying an intended parent for financial loss
26 incurred as a result of the failure by the person acting as surrogate to
27 perform under the surrogacy contract due to death, bodily injury, sick-
28 ness, disappearance of the person acting as surrogate, late miscarriage,
29 or stillbirth. Such financial loss shall include medical and hospital
30 expenses, insurance co-payments, deductibles, and coinsurance, necessary
31 living expenses of the person acting as surrogate during the term of the
32 surrogacy contract, travel expenses to arrange for the surrogacy, legal
33 fees of the person acting as surrogate, and any other expenses that an
34 intended parent may lawfully pay to or on behalf of the person acting as
35 surrogate; and (ii) For the purposes of this [section] subparagraph
36 "adoptive parent" means the parent or his or her spouse seeking to adopt
37 a child, "birth mother" means the biological mother of the child, "birth
38 parent" means the biological mother or biological father of the child,
39 and the terms "donor", "intended parent", person acting as surrogate",
40 and "surrogacy agreement" shall have the meaning set forth in section
41 581-102 of the family court act; or

42 § 23. Paragraph 32 of subsection (a) of section 1113 of the insurance
43 law, as renumbered by chapter 626 of the laws of 2006, is renumbered
44 paragraph 33 and a new paragraph 32 is added to read as follows:

45 (32) "Donor medical expense insurance" means insurance indemnifying an
46 intended parent for medical or hospital expenses that the intended
47 parent is contractually obligated to pay under a donor agreement when
48 the expenses result from medical complications that occur as a result of
49 the donation of gametes. For the purpose of this paragraph, "donor",
50 "gametes" and "intended parent" shall have the meaning set forth in
51 section 581-102 of the family court act.

52 § 24. Subsection (a) of section 2105 of the insurance law, as amended
53 by section 9 of part I of chapter 61 of the laws of 2011, is amended to
54 read as follows:

55 (a) The superintendent may issue an excess line broker's license to
56 any person, firm, association or corporation who or which is licensed as



1 an insurance broker under section two thousand one hundred four of this
 2 article, or who or which is licensed as an excess line broker in the
 3 licensee's home state, provided, however, that the applicant's home
 4 state grants non-resident licenses to residents of this state on the
 5 same basis, except that reciprocity is not required in regard to the
 6 placement of liability insurance on behalf of a purchasing group or any
 7 of its members; authorizing such person, firm, association or corpo-
 8 ration to procure, subject to the restrictions herein provided, policies
 9 of insurance from insurers which are not authorized to transact business
 10 in this state of the kind or kinds of insurance specified in paragraphs
 11 four through fourteen, sixteen, seventeen, nineteen, twenty, twenty-two,
 12 twenty-seven, twenty-eight [and], thirty-one, and thirty-two of
 13 subsection (a) of section one thousand one hundred thirteen of this
 14 chapter and in subsection (h) of this section, provided, however, that
 15 the provisions of this section and section two thousand one hundred
 16 eighteen of this article shall not apply to ocean marine insurance and
 17 other contracts of insurance enumerated in subsections (b) and (c) of
 18 section two thousand one hundred seventeen of this article. Such license
 19 may be suspended or revoked by the superintendent whenever in his or her
 20 judgment such suspension or revocation will best promote the interests
 21 of the people of this state.

22 § 25. Subsection (b) of section 4101 of the insurance law, as amended
 23 by chapter 626 of the laws of 2006, is amended to read as follows:

24 (b) "Non-basic kinds of insurance" means the kinds of insurance
 25 described in the following paragraphs of subsection (a) of section one
 26 thousand one hundred thirteen of this chapter numbered therein as set
 27 forth in parentheses below:

28 accident and health (item (i) of (3));
 29 non-cancellable disability (item (ii) of (3));
 30 miscellaneous property (5);
 31 water damage (6);
 32 collision (12);
 33 property damage liability (14) - non-basic as to mutual companies
 34 only;
 35 motor vehicle and aircraft physical damage (19);
 36 inland marine as specified in marine and inland marine (20);
 37 marine protection and indemnity (21) - non-basic as to stock companies
 38 only;
 39 residual value (22);
 40 credit unemployment (24);
 41 gap (26);
 42 prize indemnification (27);
 43 service contract reimbursement (28);
 44 legal services insurance (29);
 45 involuntary unemployment insurance (30);
 46 salary protection insurance (31);
 47 donor medical expense insurance (32).

48 § 26. Group A of table one as contained in paragraph 1 of subsection
 49 (a) of section 4103 of the insurance law, as amended by chapter 626 of
 50 the laws of 2006, is amended to read as follows:

51 Group A:

52 7	\$300,000	\$150,000
53 8, 9, 10, 11, or 14 - for each such kind	\$100,000	\$ 50,000
54 13 or 15 - for each such kind	\$500,000	\$250,000
55 16	\$900,000	\$450,000



1	17	\$400,000	\$200,000
2	Basic additional amount		
3	required for any one		
4	or more of the above		
5	kinds of insurance	\$100,000	\$ 50,000
6	3(i), 3(ii), 6{1} or 12{2} - for each		
7	such kind	\$100,000	\$ 50,000
8	22	\$2,000,000	\$1,000,000
9	24	\$400,000	\$200,000
10	26(B)	\$200,000	\$100,000
11	26(A), 26(C) or 26(D) -		
12	for each such kind	\$600,000	\$300,000
13	27	\$300,000	\$150,000
14	28	\$2,000,000	\$1,000,000
15	30	\$400,000	\$200,000
16	31	\$100,000	\$ 50,000
17	<u>32</u>	<u>\$100,000</u>	<u>\$ 50,000</u>

18 § 27. Group C of table three as contained in subsection (b) of section
 19 4107 of the insurance law, as amended by chapter 626 of the laws of
 20 2006, is amended to read as follows:

21 Group C:

22	3(i) or 3(ii) - for each such kind	\$ 100,000	\$ 100,000
23	22	\$3,000,000	\$2,000,000
24	24	\$ 300,000	\$ 300,000
25	26 (B)	\$ 300,000	\$ 200,000
26	26(A), 26(C) or 26(D) -		
27	for each such kind	\$ 900,000	\$ 600,000
28	28	\$3,000,000	\$2,000,000
29	6{5}, 12{6} or 14{2} - for		
30	each such kind	\$ 50,000	\$ 50,000
31	27	\$ 300,000	\$ 150,000
32	30	\$ 300,000	\$ 300,000
33	31	\$ 100,000	\$ 100,000
34	<u>32</u>	<u>\$ 100,000</u>	<u>\$ 100,000</u>

35 § 28. Section 4-1.3 of the estates, powers and trust law, as added by
 36 chapter 439 of the laws of 2014, is amended to read as follows:

37 § 4-1.3 Inheritance by children conceived after the death of [a genetic]
 38 an intended parent

39 (a) When used in this article, unless the context or subject matter
 40 manifestly requires a different interpretation:

41 (1) ["Genetic parent" shall mean a man who provides sperm or a woman
 42 who provides ova used to conceive a child after the death of the man or
 43 woman.

44 (2)] "Genetic material" shall mean sperm or ova provided by a genetic
 45 parent.

46 [(3) "Genetic child" shall mean a child of the sperm or ova provided
 47 by a genetic parent, but only if and when such child is born.]

48 (2) "Child" shall mean a child conceived through assisted reprod-
 49 uction.

50 (3) "Intended parent" shall have the same meaning as defined in
 51 section 581-102 of the family court act.

52 (b) For purposes of this article, a genetic child is the child of his
 53 or her [genetic] intended parent or parents and, notwithstanding para-
 54 graph (c) of section 4-1.1 of this part, is a distributee of his or her
 55 [genetic] intended parent or parents and, notwithstanding subparagraph



(2) of paragraph (a) of section 2-1.3 of this chapter, is included in any disposition of property to persons described in any instrument of which [a genetic] an intended parent of the genetic child was the creator as the issue, children, descendants, heirs, heirs at law, next of kin, distributees (or by any term of like import) of the creator if it is established that:

(1) the [genetic] intended parent in a written instrument executed pursuant to the provisions of this section not more than seven years before the death of the [genetic] intended parent[:]

(A)] expressly consented [to the use of his or her genetic material to posthumously conceive his or her genetic child, and

(B)] that if assisted reproduction were to occur after the death of the intended parent, the deceased individual would be a parent of the child; and

(2) the child was in utero no later than twenty-four months after the intended parent's death or born no later than thirty-three months after the intended parent's death.

(c) If the child was conceived using the genetic material of the intended parent, it must further be established that:

(1) the intended parent in a written instrument executed pursuant to the provisions of this section not more than seven years before the death of the intended parent authorized a person to make decisions about the use of the [genetic] intended parent's genetic material after the death of the [genetic] intended parent;

(2) the person authorized in the written instrument to make decisions about the use of the [genetic] intended parent's genetic material gave written notice, by certified mail, return receipt requested, or by personal delivery, that the [genetic] intended parent's genetic material was available for the purpose of conceiving a [genetic] child of the [genetic] intended parent, and such written notice was given;

(A) within seven months from the date of the issuance of letters testamentary or of administration on the estate of the [genetic] intended parent, as the case may be, to the person to whom such letters have issued, or, if no letters have been issued within four months of the death of the [genetic] intended parent, and

(B) within seven months of the death of the [genetic] intended parent to a distributee of the [genetic] intended parent; and

(3) the person authorized in the written instrument to make decisions about the use of the [genetic] intended parent's genetic material recorded the written instrument within seven months of the [genetic] intended parent's death in the office of the surrogate granting letters on the [genetic] intended parent's estate, or, if no such letters have been granted, in the office of the surrogate having jurisdiction to grant them[]; and

(4) the genetic child was in utero no later than twenty-four months after the genetic parent's death or born no later than thirty-three months after the genetic parent's death].

[(c)] (d) The written instrument referred to in subparagraph (1) of paragraph (b) of this section and subparagraph (1) of paragraph (c) of this section:

(1) must be signed by the [genetic] intended parent in the presence of two witnesses who also sign the instrument referred to in subparagraph (1) of paragraph (c) of this section, both of whom are at least eighteen years of age and neither of whom is a person authorized under the instrument to make decisions about the use of the [genetic] intended parent's genetic material;



(2) may be revoked only by a written instrument signed by the [genetic] intended parent and executed in the same manner as the instrument it revokes;

(3) may not be altered or revoked by a provision in the will of the [genetic] intended parent;

(4) an instrument referred to in subparagraph (1) of paragraph (c) of this section may authorize an alternate to make decisions about the use of the [genetic] intended parent's genetic material if the first person so designated dies before the [genetic] intended parent or is unable to exercise the authority granted; [and]

(5) an instrument referred to in subparagraph (1) of paragraph (b) of this section may be substantially in the following form and must be signed and dated by the intended parent and properly witnessed:

I, _____,
(Your name and address)

consent to the use of assisted reproduction to conceive a child or children of mine after my death. I understand that, unless I revoke this consent and authorization in a written document signed by me in the presence of two witnesses who also sign the document, this consent and authorization will remain in effect for seven years from this day and that I cannot revoke or modify this consent and designation by any provision in my will.

Signed this _____ day of _____,

(Your signature)

Statement of witnesses:

I declare that the person who signed this document is personally known to me and appears to be of sound mind and acting willingly and free from duress. He or she signed this document in my presence. I am not the person authorized in this document to control the use of the genetic material of the person who signed this document.

Witness:

Address:

Date:

Witness:

Address:

Date:

(6) may be substantially in the following form and must be signed and dated by the [genetic] intended parent and properly witnessed:

I, _____,
(Your name and address)

consent to the use of my (sperm or ova) (referred to below as my "genetic material") to conceive a child or children of mine after my death, and I authorize

(Name and address of person)
to decide whether and how my genetic material is to be used to conceive a child or children of mine after my death. In the event that the



1 person authorized above dies before me or is unable to exercise the
2 authority granted I designate

3 _____
4 (Name and address of person)
5 to decide whether and how my genetic material is to be used to conceive
6 a child or children of mine after my death. I understand that, unless I
7 revoke this consent and authorization in a written document signed by me
8 in the presence of two witnesses who also sign the document, this
9 consent and authorization will remain in effect for seven years from
10 this day and that I cannot revoke or modify this consent and designation
by any provision in my will.

11 Signed this _____ day of _____, _____

12 _____
13 (Your signature)

14 Statement of witnesses:

15 I declare that the person who signed this document is personally known
16 to me and appears to be of sound mind and acting willingly and free from
17 duress. He or she signed this document in my presence. I am not the
18 person authorized in this document to control the use of the genetic
19 material of the person who signed this document.

20 Witness:

21 Address:

22 Date:

23 Witness:

24 Address:

25 Date:

26 [(d)] (e) Any authority granted in a written instrument authorized by
27 this section to a person who is the spouse of the [genetic] intended
28 parent at the time of execution of the written instrument is revoked by
29 a final decree or judgment of divorce or annulment, or a final decree,
30 judgment or order declaring the nullity of the marriage between the
31 [genetic] intended parent and the spouse or dissolving such marriage on
32 the ground of absence, recognized as valid under the law of this state,
33 or a final decree or judgment of separation, recognized as valid under
34 the law of this state, which was rendered against the spouse.

35 [(e)] (f) Process shall not issue to a [genetic] child who is a
36 distributee of [a genetic] an intended parent under sections one thou-
37 sand three and one thousand four hundred three of the surrogate's court
38 procedure act unless the child is in being at the time process issues.

39 [(f)] (g) Except as provided in paragraph (b) of this section with
40 regard to any disposition of property in any instrument of which the
41 [genetic] intended parent of a [genetic] child is the creator, for
42 purposes of section 2-1.3 of this chapter a [genetic] child who is enti-
43 tled to inherit from [a genetic] an intended parent under this section
44 is a child of the [genetic] intended parent for purposes of a disposi-
45 tion of property to persons described in any instrument as the issue,
46 children, descendants, heirs, heirs at law, next of kin, distributees
47 (or by any term of like import) of the creator or of another. This para-
48 graph shall apply to the wills of persons dying on or after September
49 first, two thousand fourteen, to lifetime instruments theretofore
50 executed which on said date are subject to the grantor's power to revoke
51 or amend, and to all lifetime instruments executed on or after such
52 date.



1 [(g)] (h) For purposes of section 3-3.3 of this chapter the terms
2 "issue", "surviving issue" and "issue surviving" include a [genetic]
3 child if he or she is entitled to inherit from his or her [genetic]
4 intended parent under this section.

5 [(h)] (i) Where the validity of a disposition under the rule against
6 perpetuities depends on the ability of a person to have a child at some
7 future time, the possibility that such person may have a [genetic] child
8 conceived using assisted reproduction shall be disregarded. This
9 provision shall not apply for any purpose other than that of determining
10 the validity of a disposition under the rule against perpetuities where
11 such validity depends on the ability of a person to have a child at some
12 future time. A determination of validity or invalidity of a disposition
13 under the rule against perpetuities by the application of this provision
14 shall not be affected by the later birth of a [genetic] child conceived
15 using assisted reproduction disregarded under this provision.

16 [(i)] (j) The use of a genetic material after the death of the person
17 providing such material is subject exclusively to the provisions of this
18 section and to any valid and binding contractual agreement between such
19 person and the facility providing storage of the genetic material and
20 may not be the subject of a disposition in an instrument created by the
21 person providing such material or by any other person.

22 § 29. This act shall take effect February 15, 2021, provided, however,
23 that the amendments to subdivision (a) of section 439 of the family
24 court act made by section twenty-one of this act shall not affect the
25 expiration of such subdivision and shall be deemed to expire therewith.
26 Effective immediately, the addition, amendment and/or repeal of any rule
27 or regulation necessary for the implementation of this act on its effec-
28 tive date are authorized to be made and completed on or before such
29 effective date.

30 PART M

31 Intentionally Omitted

32 PART N

33 Section 1. Subdivision 10 of section 153 of the social services law,
34 as amended by section 1 of subpart B of part K of chapter 56 of the laws
35 of 2017, is amended to read as follows:

36 10. Expenditures made by a social services district for the mainte-
37 nance of children with disabilities, placed by school districts, pursu-
38 ant to section forty-four hundred five of the education law shall, if
39 approved by the office of children and family services, be subject to
40 [eighteen and four hundred twenty-four thousandths percent reimbursement
41 by the state and thirty-eight and four hundred twenty-four thousandths
42 percent reimbursement by school districts, except for social services
43 districts located within a city with a population of one million or
44 more, where such expenditures shall be subject to] fifty-six and eight
45 hundred forty-eight thousandths percent reimbursement by the school
46 district, in accordance with paragraph c of subdivision one of section
47 forty-four hundred five of the education law, after first deducting
48 therefrom any federal funds received or to be received on account of
49 such expenditures, except that in the case of a student attending a
50 state-operated school for the deaf or blind pursuant to article eighty-
51 seven or eighty-eight of the education law who was not placed in such
52 school by a school district such expenditures shall be subject to fifty



1 percent reimbursement by the [state] school district after first deduct-
2 ing therefrom any federal funds received or to be received on account of
3 such expenditures [and there shall be no reimbursement by school
4 districts]. Such expenditures shall not be subject to the limitations
5 on state reimbursement contained in subdivision two of section one
6 hundred fifty-three-k of this title. In the event of the failure of the
7 school district to make the maintenance payment pursuant to the
8 provisions of this subdivision, the state comptroller shall withhold
9 state reimbursement to any such school district in an amount equal to
10 the unpaid obligation for maintenance and pay over such sum to the
11 social services district upon certification of the commissioner of the
12 office of children and family services and the commissioner of education
13 that such funds are overdue and owed by such school district. The
14 commissioner of the office of children and family services, in consulta-
15 tion with the commissioner of education, shall promulgate regulations to
16 implement the provisions of this subdivision.

17 § 2. Paragraph b of subdivision 1 of section 4405 of the education law
18 is REPEALED.

19 § 3. This act shall take effect immediately and shall expire and be
20 deemed repealed April 1, 2021; provided however that the amendments to
21 subdivision 10 of section 153 of the social services law made by section
22 one of this act, shall not affect the expiration of such subdivision and
23 shall be deemed to expire therewith.

24 PART O

25 Intentionally Omitted

26 PART P

27 Section 1. The education law is amended by adding a new section 363 to
28 read as follows:

29 § 363. Curing Alzheimer's health consortium. 1. There is hereby estab-
30 lished within the state university of New York the curing Alzheimer's
31 health consortium. The consortium shall have as its purpose to identify
32 genes that predict an increased risk for developing the disease, collab-
33 orating with research institutions within the state university of New
34 York system, and the department of health, in research projects and
35 studies to identify opportunities to develop new therapeutic treatment
36 and cures for Alzheimer's.

37 2. The state university of New York shall issue a request for
38 proposals to partner with hospitals both within the state university of
39 New York and other not-for-profit article twenty-eight of the public
40 health law hospitals and non-profit higher education research insti-
41 tutions to map the genomes of individuals suffering from or at risk of
42 Alzheimer's.

43 § 2. This act shall take effect immediately.

44 PART Q

45 Section 1. Subdivisions 5 and 6 of section 6456 of the education law,
46 as amended by section 1 of part U of chapter 54 of the laws of 2016 and
47 paragraph e of subdivision 5 as amended by section 1 of part BB of chap-
48 ter 56 of the laws of 2019, are amended to read as follows:

49 5. Moneys made available to institutions under this section shall be
50 spent for the following purposes:



1 a. to provide additional services and expenses to expand opportunities
2 through existing postsecondary opportunity programs at the state univer-
3 sity of New York, the city university of New York, and other degree-
4 granting higher education institutions for foster youth;

5 b. to provide any necessary supplemental financial aid for foster
6 youth, which may include the cost of tuition and fees, books, transpor-
7 tation, housing and other expenses as determined by the commissioner to
8 be necessary for such foster youth to attend college;

9 c. summer college preparation programs to help foster youth transition
10 to college, prepare them to navigate on-campus systems, and provide
11 preparation in reading, writing, and mathematics for foster youth who
12 need it; [or]

13 d. advisement, tutoring, and academic assistance for foster youth[.];

14 e. to provide supplemental housing and meals, including but not limit-
15 ed to during intersession and summer breaks, for foster youth[.]; or

16 f. medical expenses including, but not limited to, primary care,
17 behavioral health, vision and dental care which is not otherwise covered
18 by an eligible student's health plan.

19 6. Eligible institutions shall file an application for approval by the
20 commissioner [no later than the first of May] each year demonstrating a
21 need for such funding, including how the funding would be used and how
22 many foster youth would be assisted with such funding. Successful appli-
23 cants will be funded as provided in subdivision four of this section.

24 § 2. This act shall take effect immediately.

25 PART R

26 Section 1. Subdivisions 6 and 7 of section 412 of the social services
27 law, as added by chapter 1039 of the laws of 1973 and as renumbered by
28 chapter 323 of the laws of 2008, are amended to read as follows:

29 6. An "unfounded report" means any report made pursuant to this title
30 unless an investigation: (i) commenced on or before December thirty-
31 first, two thousand twenty-one determines that some credible evidence of
32 the alleged abuse or maltreatment exists; or (ii) commenced on or after
33 January first, two thousand twenty-two determines that a fair preponder-
34 ance of the evidence of the alleged abuse or maltreatment exists;

35 7. An "indicated report" means a report made pursuant to this title if
36 an investigation: (i) commenced on or before December thirty-first, two
37 thousand twenty-one determines that some credible evidence of the
38 alleged abuse or maltreatment exists[.]; or (ii) commenced on or after
39 January first, two thousand twenty-two determines that a fair preponder-
40 ance of the evidence of the alleged abuse or maltreatment exists;

41 § 2. Paragraph (c) of subdivision 2 of section 421 of the social
42 services law, as amended by chapter 718 of the laws of 1986, is amended
43 to read as follows:

44 (c) issue guidelines to assist local child protective services in the
45 interpretation and assessment of reports of abuse and maltreatment made
46 to the statewide central register described in section four hundred
47 twenty-two of this article. Such guidelines shall include information,
48 standards and criteria for the identification of [credible] evidence of
49 alleged abuse and maltreatment as required to determine whether a report
50 may be indicated pursuant to this article.

51 § 3. The opening paragraph of paragraph (a) of subdivision 5 of
52 section 422 of the social services law, as amended by section 7 of part
53 D of chapter 501 of the laws of 2012, is amended to read as follows:

1 Unless an investigation of a report conducted pursuant to this title
2 that is commenced on or before December thirty-first, two thousand twen-
3 ty-one determines that there is some credible evidence of the alleged
4 abuse or maltreatment or unless an investigation of a report conducted
5 pursuant to this title that is commenced on or after January first, two
6 thousand twenty-two determines that there is a fair preponderance of the
7 evidence that the alleged abuse or maltreatment occurred, all informa-
8 tion identifying the subjects of the report and other persons named in
9 the report shall be legally sealed forthwith by the central register and
10 any local child protective services [or the state agency] which investi-
11 gated the report. Such unfounded reports may only be unsealed and made
12 available:

13 § 4. Paragraph (c) of subdivision 5 of section 422 of the social
14 services law, as added by chapter 555 of the laws of 2000, is amended to
15 read as follows:

16 (c) Notwithstanding any other provision of law, the office of children
17 and family services may, in its discretion, grant a request to expunge
18 an unfounded report where: (i) the source of the report was convicted of
19 a violation of subdivision three of section 240.55 of the penal law in
20 regard to such report; or (ii) the subject of the report presents clear
21 and convincing evidence that affirmatively refutes the allegation of
22 abuse or maltreatment; provided however, that the absence of [credible]
23 a fair preponderance of the evidence supporting the allegation of abuse
24 or maltreatment shall not be the sole basis to expunge the report. Noth-
25 ing in this paragraph shall require the office of children and family
26 services to hold an administrative hearing in deciding whether to
27 expunge a report. Such office shall make its determination upon review-
28 ing the written evidence submitted by the subject of the report and any
29 records or information obtained from the state or local agency which
30 investigated the allegations of abuse or maltreatment.

31 § 5. Subparagraphs (ii), (iii), (iv) and (v) of paragraph (a) of
32 subdivision 8 of section 422 of the social services law, subparagraph
33 (ii) as amended by chapter 323 of the laws of 2008 and subparagraphs
34 (iii), (iv) and (v) as amended by chapter 12 of the laws of 1996, are
35 amended to read as follows:

36 (ii) Upon receipt of a request to amend the record of a child abuse
37 and maltreatment report the office of children and family services shall
38 immediately send a written request to the child protective service [or
39 the state agency] which was responsible for investigating the allega-
40 tions of abuse or maltreatment for all records, reports and other infor-
41 mation maintained by the service [or state agency] pertaining to such
42 indicated report. Where a proceeding pursuant to article ten of the
43 family court act based on the same allegations that were indicated is
44 pending, the request to amend shall be stayed until the disposition of
45 such family court proceeding. The service [or state agency] shall as
46 expeditiously as possible but within no more than twenty working days of
47 receiving such request, forward all records, reports and other informa-
48 tion it maintains on such indicated report to the office of children and
49 family services, including a copy of any petition or court order based
50 on the allegations that were indicated. [The] Unless such request to
51 amend has been stayed, the office of children and family services shall
52 as expeditiously as possible but within no more than fifteen working
53 days of receiving such materials from the child protective service or
54 state agency, review all such materials in its possession concerning the
55 indicated report and determine, after affording such service [or state
56 agency] a reasonable opportunity to present its views, whether there is



1 a fair preponderance of the evidence to find that the subject committed
2 the act or acts of child abuse or maltreatment giving rise to the indi-
3 cated report and whether, based on guidelines developed by the office of
4 children and family services pursuant to subdivision five of section
5 four hundred twenty-four-a of this title, such act or acts could be
6 relevant and reasonably related to employment of the subject of the
7 report by a provider agency, as defined by subdivision three of section
8 four hundred twenty-four-a of this title, or relevant and reasonably
9 related to the subject of the report being allowed to have regular and
10 substantial contact with children who are cared for by a provider agen-
11 cy, or relevant and reasonably related to the approval or disapproval of
12 an application submitted by the subject of the report to a licensing
13 agency, as defined by subdivision four of section four hundred twenty-
14 four-a of this title.

15 (iii) If it is determined at the review held pursuant to this para-
16 graph [(a)] that there is [no credible] not a fair preponderance of the
17 evidence in the record to find that the subject committed an act or acts
18 of child abuse or maltreatment, the [department] office of children and
19 family services shall amend the record to indicate that the report is
20 "unfounded" and notify the subject forthwith.

21 (iv) If it is determined at the review held pursuant to this paragraph
22 [(a)] that there is [some credible] a fair preponderance of the evidence
23 in the record to find that the subject committed such act or acts but
24 that such act or acts could not be relevant and reasonably related to
25 the employment of the subject by a provider agency or to the subject
26 being allowed to have regular and substantial contact with children who
27 are cared for by a provider agency or the approval or disapproval of an
28 application which could be submitted by the subject to a licensing agen-
29 cy, the [department] office of children and family services shall be
30 precluded from informing a provider or licensing agency which makes an
31 inquiry to [the department] such office pursuant to the provisions of
32 section four hundred twenty-four-a of this title concerning the subject
33 that the person about whom the inquiry is made is the subject of an
34 indicated report of child abuse or maltreatment. The [department] office
35 of children and family services shall notify forthwith the subject of
36 the report of such determinations and that a fair hearing has been sche-
37 duled pursuant to paragraph (b) of this subdivision. The sole issue at
38 such hearing shall be whether the subject has been shown by [some credi-
39 ble] a fair preponderance of the evidence to have committed the act or
40 acts of child abuse or maltreatment giving rise to the indicated report.

41 (v) If it is determined at the review held pursuant to this paragraph
42 [(a)] that there is [some credible] a fair preponderance of the evidence
43 in the record to prove that the subject committed an act or acts of
44 child abuse or maltreatment and that such act or acts could be relevant
45 and reasonably related to the employment of the subject by a provider
46 agency or to the subject being allowed to have regular and substantial
47 contact with children cared for by a provider agency or the approval or
48 disapproval of an application which could be submitted by the subject to
49 a licensing agency, the [department] office of children and family
50 services shall notify forthwith the subject of the report of such deter-
51 minations and that a fair hearing has been scheduled pursuant to para-
52 graph (b) of this subdivision.

53 § 6. Subparagraph (ii) of paragraph (b) of subdivision 8 of section
54 422 of the social services law, as amended by chapter 12 of the laws of
55 1996, is amended to read as follows:



1 (ii) The burden of proof in such a hearing shall be on the child
2 protective service [or the state agency] which investigated the report[,
3 as the case may be]. In such a hearing, [the fact that there is] where
4 a family court [finding of] proceeding pursuant to article ten of the
5 family court act has occurred and where the petition for such proceeding
6 alleges that a respondent in that proceeding committed abuse or neglect
7 against the subject child in regard to an allegation contained in [the]
8 a report indicated pursuant to this section: (A) where the court finds
9 that such respondent did commit abuse or neglect there shall [create] be
10 an irrebuttable presumption in a fair hearing held pursuant to this
11 subdivision that said allegation is substantiated by [some credible] a
12 fair preponderance of the evidence as to that respondent on that allega-
13 tion; and (B) where such child protective service withdraws such peti-
14 tion with prejudice, where the family court dismisses such petition, or
15 where the family court finds on the merits in favor of the respondent,
16 there shall be an irrebuttable presumption in a fair hearing held pursu-
17 ant to this subdivision that said allegation as to that respondent has
18 not been proven by a fair preponderance of the evidence.

19 § 7. Subparagraphs (i) and (ii) of paragraph (c) of subdivision 8 of
20 section 422 of the social services law, as amended by chapter 12 of the
21 laws of 1996, and the opening paragraph of subparagraph (ii) as amended
22 by chapter 323 of the laws of 2008, are amended to read as follows:

23 (i) If it is determined at the fair hearing that there is [no credi-
24 ble] not a fair preponderance of the evidence in the record to find that
25 the subject committed an act or acts of child abuse or maltreatment, the
26 [department] office of children and family services shall amend the
27 record to reflect that such a finding was made at the administrative
28 hearing, order any child protective service [or state agency] which
29 investigated the report to similarly amend its records of the report,
30 and shall notify the subject forthwith of the determination.

31 (ii) Upon a determination made at a fair hearing [held on or after
32 January first, nineteen hundred eighty-six] scheduled pursuant to the
33 provisions of subparagraph (v) of paragraph (a) of this subdivision that
34 the subject has been shown by a fair preponderance of the evidence to
35 have committed the act or acts of child abuse or maltreatment giving
36 rise to the indicated report, the hearing officer shall determine, based
37 on guidelines developed by the office of children and family services
38 pursuant to subdivision five of section four hundred twenty-four-a of
39 this title, whether such act or acts are relevant and reasonably related
40 to employment of the subject by a provider agency, as defined by subdi-
41 vision three of section four hundred twenty-four-a of this title, or
42 relevant and reasonably related to the subject being allowed to have
43 regular and substantial contact with children who are cared for by a
44 provider agency or relevant and reasonably related to the approval or
45 disapproval of an application submitted by the subject to a licensing
46 agency, as defined by subdivision four of section four hundred twenty-
47 four-a of this title.

48 Upon a determination made at a fair hearing that the act or acts of
49 abuse or maltreatment are relevant and reasonably related to employment
50 of the subject by a provider agency or the subject being allowed to have
51 regular and substantial contact with children who are cared for by a
52 provider agency or the approval or denial of an application submitted by
53 the subject to a licensing agency, the [department] office of children
54 and family services shall notify the subject forthwith. The [department]
55 office of children and family services shall inform a provider or
56 licensing agency which makes an inquiry to [the department] such office



1 pursuant to the provisions of section four hundred twenty-four-a of this
2 title concerning the subject that the person about whom the inquiry is
3 made is the subject of an indicated child abuse or maltreatment report.

4 The failure to determine at the fair hearing that the act or acts of
5 abuse and maltreatment are relevant and reasonably related to the
6 employment of the subject by a provider agency or to the subject being
7 allowed to have regular and substantial contact with children who are
8 cared for by a provider agency or the approval or denial of an applica-
9 tion submitted by the subject to a licensing agency shall preclude the
10 [department] office of children and family services from informing a
11 provider or licensing agency which makes an inquiry to [the department]
12 such office pursuant to the provisions of section four hundred twenty-
13 four-a of this title concerning the subject that the person about whom
14 the inquiry is made is the subject of an indicated child abuse or
15 maltreatment report.

16 § 8. Paragraph (e) of subdivision 8 of section 422 of the social
17 services law, as added by chapter 12 of the laws of 1996, is amended to
18 read as follows:

19 (e) Should the [department] office of children and family services
20 grant the request of the subject of the report pursuant to this subdivi-
21 sion either through an administrative review or fair hearing to amend an
22 indicated report to an unfounded report[. Such], such report shall be
23 legally sealed and shall be released and expunged in accordance with the
24 standards set forth in subdivision five of this section.

25 § 9. Paragraph (e) of subdivision 1 of section 424-a of the social
26 services law, as amended by chapter 634 of the laws of 1988, subpara-
27 graphs (i), (ii) and (iii) as amended by chapter 12 of the laws of 1996,
28 and subparagraph (iv) as amended by section 8-a of part D of chapter 501
29 of the laws of 2012, is amended to read as follows:

30 (e) (i) Subject to the provisions of subparagraph (ii) of this para-
31 graph, the [department] office of children and family services shall
32 inform the provider or licensing agency, or child care resource and
33 referral programs pursuant to subdivision six of this section whether or
34 not the person is the subject of an indicated child abuse and maltreat-
35 ment report only if:

36 [(a)] (A) (I) the time for the subject of the report to request an
37 amendment of the record of the report pursuant to subdivision eight of
38 section four hundred twenty-two has expired without any such request
39 having been made; or

40 [(b)] (II) such request was made within such time and a fair hearing
41 regarding the request has been finally determined by the commissioner
42 and the record of the report has not been amended to unfound the report
43 or delete the person as a subject of the report; and

44 (B) (I) the person is the subject of an indicated report of child
45 abuse; or

46 (II) the person is not the subject of an indicated report of child
47 abuse and is the subject of a report of child maltreatment where the
48 indication for child maltreatment occurred within less than eight years
49 from the date of the inquiry.

50 (ii) If the subject of an indicated report of child abuse or maltreat-
51 ment has not requested an amendment of the record of the report [within
52 the time specified in subdivision eight of section four hundred twenty-
53 two of this title or if the subject had a fair hearing pursuant to such
54 section prior to January first, nineteen hundred eighty-six] and an
55 inquiry is made to the [department] office of children and family
56 services pursuant to this subdivision concerning the subject of the



1 report, [the department] such office shall, as expeditiously as possible
2 but within no more than ten working days of receipt of the inquiry,
3 determine whether, in fact, the person about whom an inquiry is made is
4 the subject of an indicated report. Upon making a determination that the
5 person about whom the inquiry is made is the subject of an indicated
6 report of child abuse and maltreatment, the [department] office of chil-
7 dren and family services shall immediately send a written request to the
8 child protective service or state agency which was responsible for
9 investigating the allegations of abuse or maltreatment for all records,
10 reports and other information maintained by the service or state agency
11 on the subject. The service or state agency shall, as expeditiously as
12 possible but within no more than twenty working days of receiving such
13 request, forward all records, reports and other information it maintains
14 on the indicated report to the [department] office of children and fami-
15 ly services, including a copy of any petition or court order based on
16 the allegations that were indicated. [The department] Where a proceed-
17 ing pursuant to article ten of the family court act is pending based on
18 the same allegations that were indicated, the office of children and
19 family services shall stay determination of whether there is a fair
20 preponderance of the evidence to support the indication until the dispo-
21 sition of such family court proceeding. Unless such determination has
22 been stayed, the office of children and family services shall, within
23 fifteen working days of receiving such records, reports and other infor-

24 mation from the child protective service or state agency, review all
25 records, reports and other information in its possession concerning the
26 subject and determine whether there is [some credible] a fair preponder-
27 ance of the evidence to find that the subject had committed the act or
28 acts of child abuse or maltreatment giving rise to the indicated report.

29 (iii) If it is determined, after affording such service or state agen-

30 cy a reasonable opportunity to present its views, that there is [no
31 credible] not a fair preponderance of the evidence in the record to find
32 that the subject committed such act or acts, the [department] office of
33 children and family services shall amend the record to indicate that the
34 report was unfounded and notify the inquiring party that the person
35 about whom the inquiry is made is not the subject of an indicated
36 report. [If the subject of the report had a fair hearing pursuant to
37 subdivision eight of section four hundred twenty-two of this title prior
38 to January first, nineteen hundred eighty-six and the fair hearing had
39 been finally determined by the commissioner and the record of the report
40 had not been amended to unfound the report or delete the person as a
41 subject of the report, then the department shall determine that there is
42 some credible evidence to find that the subject had committed the act or
43 acts of child abuse or maltreatment giving rise to the indicated
44 report.]

45 (iv) (A) If it is determined after a review by the office of all
46 records, reports and information in its possession concerning the
47 subject of the report that there is a preponderance of the evidence to
48 find that the subject committed the act or acts of child abuse or
49 maltreatment giving rise to the indicated report, the office shall also
50 determine whether such act or acts are relevant and reasonably related
51 to issues concerning the employment of the subject by a provider agency
52 or the subject being allowed to have regular and substantial contact
53 with individuals cared for by a provider agency or the approval or
54 disapproval of an application which has been submitted by the subject to
55 a licensing agency, based on guidelines developed pursuant to subdivi-



1 not relevant and related to such issues, the office shall be precluded
2 from informing the provider or licensing agency which made the inquiry
3 to the office pursuant to this section that the person about whom the
4 inquiry is made is the subject of an indicated report of child abuse or
5 maltreatment.

6 (B) Where the subject of the report is not the subject of any indi-
7 cated report of child abuse and is the subject of a report of child
8 maltreatment where the indication for child maltreatment occurred more
9 than eight years prior to the date of the inquiry, any such indication
10 of child maltreatment shall be deemed to be not relevant and reasonably
11 related to employment.

12 (v) If it is determined after a review by the [department] office of
13 children and family services of all records, reports and information in
14 its possession concerning the subject of the report that there is [some
15 credible] a fair preponderance of the evidence to prove that the subject
16 committed the act or acts of abuse or maltreatment giving rise to the
17 indicated report [and that such act or acts are relevant and reasonably
18 related to issues concerning the employment of the subject by a provider
19 agency or to the subject being allowed to have regular and substantial
20 contact with children cared for by a provider agency or the approval or
21 disapproval of an application which has been submitted by the subject to
22 a licensing agency, the department shall inform the inquiring party that
23 the person about whom the inquiry is made is the subject of an indicated
24 report of child abuse and maltreatment; the department shall also notify
25 the subject of the inquiry of his or her fair hearing rights granted
26 pursuant to paragraph (c) of subdivision two of this section] the office
27 of children and family services shall notify the subject of the determi-
28 nation of such report and of the subject's right to request a fair hear-
29 ing. If the subject shall request a hearing, the office of children and
30 family services shall schedule a fair hearing and shall provide notice
31 of the scheduled hearing date to the subject, the statewide central
32 register and, as appropriate, to the child protective service which
33 investigated such report.

34 (vi) The burden of proof in such a hearing shall be on the child
35 protective service which investigated the report. In such a hearing,
36 where a family court proceeding pursuant to article ten of the family
37 court act has occurred and where the petition for such proceeding
38 alleges that a respondent in that proceeding committed abuse or
39 maltreatment against the subject child in regard to an allegation
40 contained in a report indicated pursuant to this section: (A) where the
41 court finds that such respondent did commit abuse or maltreatment there
42 shall be an irrebuttable presumption in a fair hearing held pursuant to
43 this subdivision that said allegation is substantiated by a fair prepon-
44 derance of the evidence as to that respondent on that allegation; and
45 (B) where such child protective service withdraws such petition with
46 prejudice, where the family court dismisses such petition, or where the
47 family court finds on the merits in favor of the respondent, there shall
48 be an irrebuttable presumption in a fair hearing held pursuant to this
49 subdivision that said allegation as to that respondent has not been
50 proven by a fair preponderance of the evidence.

51 (vii) If it shall be determined at the fair hearing that there is no
52 fair preponderance of the evidence in the record to find that the
53 subject committed an act or acts of child abuse or maltreatment, the
54 office of children and family services shall amend the record as to that
55 respondent on that allegation to reflect that such a finding was made at
56 the administrative hearing, order any child protective service which



1 investigated the report as to that respondent to similarly amend its
2 records of such report, notify the subject of the determination, and
3 notify the inquiring party that the person about whom such inquiry was
4 made is not the subject of an indicated report on that allegation.

5 (viii) Upon a determination at the fair hearing that the subject has
6 been shown, by a fair preponderance of the evidence to have committed
7 the act or acts of child abuse or maltreatment giving rise to the indi-
8 cated report, the hearing officer shall determine, based on guidelines
9 developed by the office of children and family services pursuant to
10 subdivision five of this section, whether such act or acts are relevant
11 and reasonably related to the subject being allowed to have regular and
12 substantial contact with children who are cared for by a provider agency
13 as defined in subdivision three of this section, or relevant and reason-
14 ably related to the approval or disapproval of an application submitted
15 by the subject to a licensing agency as defined in subdivision four of
16 this section.

17 (ix) Upon a determination made at a fair hearing that the act or acts
18 of abuse or maltreatment are relevant and reasonably related to the
19 employment of the subject by a provider agency as defined in subdivision
20 three of this section, the subject being allowed to have regular and
21 substantial contact with children who are cared for by a provider agency
22 as defined in subdivision three of this section, or relevant and reason-
23 ably related to the approval or disapproval of an application submitted
24 by the subject to a licensing agency as defined in subdivision four of
25 this section, the office of children and family services shall notify
26 the subject and shall inform the inquiring party that the person about
27 whom such inquiry was made is the subject of an indicated report of
28 child abuse or maltreatment.

29 (x) The failure to determine at the fair hearing that the act or acts
30 of abuse or maltreatment are relevant and reasonably related to the
31 employment of the subject by a provider agency as defined in subdivision
32 three of this section, the subject being allowed to have regular and
33 substantial contact with children who are cared for by a provider agency
34 as defined in subdivision three of this section, or relevant and reason-
35 ably related to the approval or disapproval of an application submitted
36 by the subject to a licensing agency as defined in subdivision four of
37 this section, shall preclude the office of children and family services
38 from informing a provider agency as defined in subdivision three of this
39 section or licensing agency as defined in subdivision four of this
40 section that such person is the subject of an indicated report of child
41 abuse or maltreatment on that allegation.

42 § 10. Section 651-a of the family court act, as amended by chapter 12
43 of the laws of 1996, is amended to read as follows:

44 § 651-a. Reports of child abuse and maltreatment; admissibility. In
45 any proceeding brought pursuant to this section to determine the custody
46 or visitation of minors, a report made to the statewide central register
47 of child abuse and maltreatment, pursuant to title six of article six of
48 the social services law, or a portion thereof, which is otherwise admis-
49 sible as a business record pursuant to rule forty-five hundred eighteen
50 of the civil practice law and rules shall not be admissible in evidence,
51 notwithstanding such rule, unless an investigation of such report
52 conducted pursuant to title six of article six of the social services
53 law commenced on or before December thirty-first, two thousand twenty-
54 one has determined that there is some credible evidence of the alleged
55 abuse or maltreatment, or unless an investigation of such report
56 conducted pursuant to title six of article six of the social services



1 law commenced on or after January first, two thousand twenty-two deter-
2 mines that there is a fair preponderance of the evidence of the alleged
3 abuse or maltreatment, that the subject of the report has been notified
4 that the report is indicated. In addition, if such report has been
5 reviewed by the state commissioner of social services or his designee
6 and has been determined to be unfounded, it shall not be admissible in
7 evidence. If such report has been so reviewed and has been amended to
8 delete any finding, each such deleted finding shall not be admissible.
9 If the state commissioner of social services or his designee has amended
10 the report to add any new finding, each such new finding, together with
11 any portion of the original report not deleted by the commissioner or
12 his designee, shall be admissible if it meets the other requirements of
13 this section and is otherwise admissible as a business record. If such a
14 report, or portion thereof, is admissible in evidence but is uncorrobo-
15 rated, it shall not be sufficient to make a fact finding of abuse or
16 maltreatment in such proceeding. Any other evidence tending to support
17 the reliability of such report shall be sufficient corroboration.

18 § 11. This act shall take effect immediately; provided, however that
19 sections one, three, four, five, six, seven, eight, nine and ten of this
20 act shall take effect January 1, 2022. Effective immediately, the addi-
21 tion, amendment and/or repeal of any rule or regulation necessary for
22 the implementation of this act on its effective date are authorized to
23 be made and completed by the office of children and family services on
24 or before such effective date.

25 PART S

26 Section 1. Paragraph (b) of subdivision 2 of section 576-d of the
27 private housing finance law, as amended by chapter 428 of the laws of
28 2004, is amended to read as follows:

29 (b) the total amount of loans made to any single agricultural producer
30 shall not exceed [one] two hundred thousand dollars per annum;

31 § 2. This act shall take effect immediately.

32 PART T

33 Section 1. Paragraph c of subdivision 1 of section 656 of the private
34 housing finance law, as amended by chapter 336 of the laws of 2019, is
35 amended to read as follows:

36 c. No bonds or notes of the corporation shall be issued if upon such
37 issuance the aggregate principal amount of bonds and notes of the corpo-
38 ration then outstanding exceeds the lesser of [fourteen] fifteen billion
39 five hundred million dollars or such amount as would cause the maximum
40 capital reserve fund requirement to exceed eighty-five million dollars;
41 provided that, in determining such aggregate principal amounts there
42 shall be deducted (i) all sums then available for the payment of such
43 bonds or notes either at maturity or through the operation of a sinking
44 fund; (ii) the aggregate principal amount of outstanding bonds issued
45 (a) to refund notes and (b) to refund bonds, theretofore issued and then
46 outstanding; and (iii) the aggregate principal amount of outstanding
47 notes issued to renew notes theretofore issued and then outstanding. The
48 provisions of the prior sentence notwithstanding, the corporation shall
49 not issue bonds if such issuance shall cause the maximum reserve fund
50 requirement to exceed thirty million dollars unless prior to such issu-
51 ance the senate and assembly shall have adopted a concurrent resolution
52 passed by the votes of a majority of all the members elected to each

1 such house and, subsequent thereto, the governor shall evidence in writ-
2 ing the governor's agreement with such resolution to the chairperson of
3 the corporation, which resolution shall be in full force and effect on
4 the date of issuance of the bonds, permitting the maximum capital
5 reserve fund requirement to equal or exceed the amount of the maximum
6 capital reserve fund requirement which would be effective upon the issu-
7 ance of the bonds in question, but in no event shall the maximum capital
8 reserve fund requirement exceed eighty-five million dollars.

9 § 2. This act shall take effect immediately.

10

PART U

11 Section 1. Subdivision 3 of section 1 of chapter 21 of the laws of
12 1962, constituting the local emergency housing rent control act, as
13 amended by chapter 657 of the laws of 1967, is amended to read as
14 follows:

15 3. Local determination as to continuation of emergency. The continua-
16 tion, after May thirty-first, nineteen hundred sixty-seven, of the
17 public emergency requiring the regulation and control of residential
18 rents and evictions within cities having a population of one million or
19 more shall be a matter for local determination within each such city.
20 Any such determination shall be made by the local legislative body of
21 such city on or before April first, nineteen hundred sixty-seven and at
22 least once in every third year thereafter following a survey which the
23 city shall cause to be made of the supply of housing accommodations
24 within such city, the condition of such accommodations and the need for
25 continuing the regulation and control of residential rents and evictions
26 within such city, provided, however, that when the date by which such
27 determination shall be made falls in a calendar year immediately follow-
28 ing a calendar year during which a federal decennial census is
29 conducted, such date shall be postponed by one year. Such survey shall
30 be submitted to such legislative body not less than thirty nor more than
31 sixty days prior to the date of any such determination.

32 § 2. This act shall take effect immediately.

33

PART V

34 Section 1. Subdivision 9 of section 131 of the social services law, as
35 added by chapter 103 of the laws of 1971 and as renumbered by chapter
36 473 of the laws of 1978, is amended to read as follows:

37 9. Upon determining that a person is eligible for any form or category
38 of public assistance, the social services official shall issue to any
39 such person to whom payment is to be made, an appropriate [identifica-
40 tion] payment access card, [with a photograph affixed,] in a form
41 approved by the [department] office of temporary and disability assist-
42 ance, which shall be used as the [department] office of temporary and
43 disability assistance, by regulation, may prescribe for improved admin-
44 istration. [Any person, including the drawee bank, may require the pres-
45 entation of such identification card as a condition for the acceptance
46 and payment of a public assistance check.]

47 § 2. Subparagraph (iii) of paragraph (a) of subdivision 3 of section
48 490 of the vehicle and traffic law, as added by chapter 575 of the laws
49 of 2006, is amended to read as follows:

50 (iii) Notwithstanding any other law, rule or regulation to the contra-
51 ry, a person who is either (A) sixty-two years of age or older and [who
52 is] a recipient of supplemental security income benefits or (B) a recip-



1 ient of public assistance, as defined in subdivision nineteen of section
2 two of the social services law, supplemental nutrition assistance
3 program benefits, pursuant to section ninety-five of the social services
4 law, or medical assistance, as defined in paragraph (a) of subdivision
5 thirty-eight of section two of the social services law, and who has not
6 been issued a driver's license, or whose driver's license is expired, or
7 who surrendered his or her driver's license, shall be issued an iden-
8 tification card without the payment of any fee, upon submitting the
9 appropriate application. For persons applying for an identification card
10 pursuant to clause (B) of this subparagraph, such application shall
11 include proof that such person is in receipt of public assistance,
12 supplemental nutrition assistance program benefits, or medical assist-
13 ance, as the case may be.

14 § 3. This act shall take effect on the one hundred eightieth day after
15 it shall have become a law; provided, however, that section one of this
16 act shall take effect July 1, 2020.

17 PART W

18 Section 1. The tax law is amended by adding a new section 171-w to
19 read as follows:

20 § 171-w. State support for the local enforcement of past-due property
21 taxes. 1. Legislative findings. The legislature finds that local govern-
22 ments have limited means to enforce the collection of past-due property
23 taxes. The legislature further finds that it is appropriate for the
24 state to support the local enforcement of past-due property taxes by
25 authorizing the commissioner to administer a program to disallow STAR
26 credits and exemptions to delinquent property owners based on informa-
27 tion reported to him or her by municipal officials.

28 2. Definitions. For the purposes of this section:

29 (a) "Delinquent property owner" means a STAR recipient whose primary
30 residence is subject to past-due property taxes.

31 (b) "Past-due property taxes" means property taxes that have been
32 levied upon a property owner's primary residence that remain unpaid one
33 year after the last date on which they could have been paid without
34 interest, or where such taxes are payable in installments, those taxes
35 that remain unpaid one year after the last date on which the final
36 installment could have been paid without interest.

37 (c) "STAR credit" means the basic STAR personal income tax credit
38 authorized by subsection (eee) of section six hundred six of this chap-
39 ter.

40 (d) "STAR exemption" means the basic STAR exemption from real property
41 taxation authorized by section four hundred twenty-five of the real
42 property tax law.

43 (e) "STAR recipient" means a property owner who is registered to
44 receive the STAR credit in relation to his or her primary residence, or
45 whose primary residence is receiving the STAR exemption.

46 3. STAR tax payment requirement; generally. Notwithstanding any
47 provision of law to the contrary, a property owner whose primary resi-
48 dence is subject to past-due property taxes shall not be allowed to
49 receive a STAR credit or STAR exemption unless the past-due property
50 taxes are paid in full on or before a date specified by the commission-
51 er.

52 4. Commissioner's authority. The commissioner is hereby authorized to
53 develop a program to support the local enforcement of past-due property
54 taxes by disallowing STAR credits and STAR exemptions to delinquent



1 property owners. The commissioner shall establish procedures for the
2 administration of this program, which shall include the following
3 provisions:

4 (a) The procedures by which municipal officials shall report past-due
5 property taxes and property tax payments to the department.

6 (b) The procedures by which the department shall notify delinquent
7 property owners of the impending disallowance of their STAR credits or
8 exemptions due to past-due property taxes.

9 (c) The date by which delinquent property owners must pay their past-
10 due property taxes in full in order to avoid disallowance of their STAR
11 credits or exemptions.

12 (d) The procedures by which the commissioner shall disallow STAR cred-
13 its and notify assessors of the disallowance of STAR exemptions if past-
14 due property taxes are not paid in full by the specified date.

15 (e) Such other procedures as the commissioner shall deem necessary to
16 carry out the provisions of this section.

17 5. Municipal reports. The commissioner's procedures regarding municipi-
18 pal reporting shall be subject to the following provisions:

19 (a) The commissioner may request and shall be entitled to receive from
20 any municipal corporation of the state, or any agency or official there-
21 of, such data as the commissioner deems necessary to effectuate the
22 purposes of this section. Such information shall be submitted to the
23 department at such time and in such manner as the commissioner may
24 direct.

25 (b) In lieu of requiring municipal officials to submit their reports
26 directly to the department, the commissioner may, in his or her
27 discretion, require that such reports be submitted to the county direc-
28 tor of real property tax services, who shall integrate the reports into
29 a single file and submit it to the department at such time and in such
30 manner as the commissioner may direct. Provided, that where the commis-
31 sioner institutes such a procedure, he or she may exclude cities with
32 one hundred twenty-five thousand inhabitants or more, so that informa-
33 tion about past-due property taxes and property tax payments in such a
34 city shall be reported directly to the department by a designated city
35 official at such time and in such manner as the commissioner may direct.

36 (c) Reports and other records prepared pursuant to this section shall
37 not be subject to the provisions of article six of the public officers
38 law.

39 6. Notification of delinquent property owners. The commissioner's
40 procedures regarding the notification of delinquent property owners
41 shall be subject to the following provisions:

42 (a) The department shall notify a delinquent property owner by regular
43 mail at least thirty days prior to the date by which his or her past-due
44 property taxes must be paid in full in order to avoid disallowance of
45 his or her STAR credit or exemption.

46 (b) Such notice shall include a statement that the property owner's
47 STAR credit or exemption will be disallowed unless his or her past-due
48 property taxes are paid in full by the date specified in the notice.

49 (c) To the extent practicable, such notice shall provide contact
50 information for the local official or officials to whom the past-due
51 property taxes may be paid.

52 (d) Such notice shall further state that the property owner's right to
53 protest the disallowance of the STAR credit or exemption is limited to
54 raising issues that constitute a "mistake of fact" as defined in subdi-
55 vision nine of this section.



1 (e) Such notice may include such other information as the commissioner
2 may deem necessary.

3 7. Timely payment of past-due property taxes. If a delinquent property
4 owner pays his or her past-due property taxes in full on or before the
5 date specified in such notice, the official receiving such payment shall
6 so notify the department at such time and in such manner as prescribed
7 by the commissioner. The property owner shall then be permitted to
8 receive the STAR credit or exemption that would have been disallowed if
9 timely payment had not been made. However, if the department does not
10 learn of the payment until after it has already directed an assessor to
11 deny a STAR exemption to a delinquent property owner, then in lieu of
12 directing the exemption to be restored, the department may remit to the
13 property owner payment in an amount that will reimburse the property
14 owner for the increase in his or her school tax bill that is directly
15 attributable to the lost STAR exemption.

16 8. Failure to make timely payment. (a) If the past-due taxes are not
17 paid on or before the date specified in the notice that had been sent to
18 the delinquent property owner, his or her STAR credit or STAR exemption
19 shall be disallowed in accordance with the procedures established by the
20 commissioner.

21 (b) The property owner shall not be eligible to participate in the
22 STAR program again as long as the property is subject to past-due prop-
23 erty taxes.

24 (c) Upon payment of the past-due property taxes in full, the official
25 receiving such payment shall notify the department at such time and in
26 such manner as may be prescribed by the commissioner. The commissioner
27 shall then proceed as follows:

28 (i) If the property owner had previously been receiving the STAR cred-
29 it, the commissioner shall allow the property owner to resume his or her
30 participation in the STAR credit program on a prospective basis, if
31 otherwise eligible, effective with the first taxable year commencing
32 after such payment.

33 (ii) If the property owner had previously been receiving the STAR
34 exemption, the commissioner shall allow the property owner to partic-
35 ipate in the STAR credit program on a prospective basis, if otherwise
36 eligible, effective with the first taxable year commencing after such
37 payment. The property owner shall not be allowed back into the STAR
38 exemption program.

39 (iii) The commissioner shall, when making the first advanced payment
40 of a STAR credit to the property taxpayer after payment of the past-due
41 property taxes in full, also pay to such property taxpayer the value of
42 the STAR exemptions or STAR credits that were disallowed pursuant to
43 paragraph a of this subdivision.

44 9. Mistake of fact. Notwithstanding any other provision of law, a
45 disallowance of a STAR credit or STAR exemption pursuant to this section
46 may only be challenged before the department on the grounds of a mistake
47 of fact as defined in this subdivision. The taxpayer will have no right
48 to commence a court action, administrative proceeding or any other form
49 of legal recourse against an assessor, county director of real property
50 tax services or other local official regarding such disallowance. For
51 the purposes of this subdivision, "mistake of fact" is limited to claims
52 that: (i) the individual notified is not the taxpayer at issue; or (ii)
53 the past-due property taxes were satisfied before the date specified in
54 the notice described in subdivision six of this section. However, noth-
55 ing in this subdivision is intended to limit a taxpayer from seeking
56 relief from joint and several liability pursuant to section six hundred



1 fifty-four of this chapter to the extent that he or she is eligible
2 pursuant to that subdivision or establishing to the department that the
3 enforcement of the underlying property taxes has been stayed by the
4 filing of a petition pursuant to the Bankruptcy Code of 1978 (Title
5 Eleven of the United States Code).

6 10. Assessors. (a) Notwithstanding any provision of law to the contra-
7 ry, the department may disclose to assessors such information as the
8 commissioner deems necessary to ensure that the STAR exemptions of
9 delinquent property owners are disallowed as required by this section.

10 (b) Notwithstanding any provision of law to the contrary, an assessor
11 shall be authorized and directed to deny a STAR exemption to a delin-
12 quent property owner upon being directed by the department to do so. If
13 an assessor should receive such a directive after the applicable assess-
14 ment roll has been filed, the assessor or other official having custody
15 and control of that roll shall be authorized and directed to remove such
16 exemption from such roll prior to the levy of school taxes, without
17 regard to the provisions of title three of article five of the real
18 property tax law or any comparable laws governing the correction of
19 administrative errors on assessment rolls and tax rolls.

20 11. Recovery of STAR benefits in certain cases. The commissioner may
21 establish procedures to be followed in cases where a STAR credit or
22 exemption was inadvertently or erroneously provided to a delinquent
23 property owner who was sent the notice required by subdivision six of
24 this section, and whose past-due property taxes were not paid in full by
25 the date specified in the notice. Such procedures shall include, but not
26 be limited to, (a) applying the improperly received STAR credit or
27 exemption as an offset against future STAR credits or against other
28 personal income tax credits or personal income tax refunds to which the
29 delinquent property owner would otherwise be entitled, and (b) pursuing
30 any of the other remedies that are available to enforce a personal
31 income tax debt under article twenty-two of this chapter.

32 § 2. This act shall take effect immediately.

33 PART X

34 Section 1. Section 851 of the tax law is amended by adding a new
35 subsection (d) to read as follows:

36 (d) If an employer determines that the election made pursuant to
37 subsection (b) of this section was in error and such employer does not
38 wish to participate in the program for the calendar year and has taken
39 no action to comply with the requirements of this article, the employer
40 may revoke the election to participate in the program. For the calendar
41 year two thousand twenty, such revocation of the employer election may
42 be made on or before April fifteenth, two thousand twenty. For calendar
43 years beginning two thousand twenty-one and thereafter, such revocation
44 of the employer election must be made no later than January fifteenth of
45 the immediately succeeding calendar year after the employer election was
46 made.

47 § 2. This act shall take effect immediately.

48 PART Y

49 Section 1. Section 34 of part A3 of chapter 62 of the laws of 2003
50 amending the general business law and other laws relating to enacting
51 major components necessary to implement the state fiscal plan for the



1 2003-04 state fiscal year, as amended by section 14 of part H of chapter
2 57 of the laws of 2017, is amended to read as follows:

3 § 34. (1) Notwithstanding any inconsistent provision of law, rule or
4 regulation and effective April 1, 2008 through March 31, [2020] 2023,
5 the commissioner of health is authorized to transfer and the state comp-
6 troller is authorized and directed to receive for deposit to the credit
7 of the department of health's special revenue fund - other, health care
8 reform act (HCRA) resources fund - 061, provider collection monitoring
9 account, within amounts appropriated each year, those funds collected
10 and accumulated pursuant to section 2807-v of the public health law,
11 including income from invested funds, for the purpose of payment for
12 administrative costs of the department of health related to adminis-
13 tration of statutory duties for the collections and distributions
14 authorized by section 2807-v of the public health law.

15 (2) Notwithstanding any inconsistent provision of law, rule or regu-
16 lation and effective April 1, 2008 through March 31, [2020] 2023, the
17 commissioner of health is authorized to transfer and the state comp-
18 troller is authorized and directed to receive for deposit to the credit
19 of the department of health's special revenue fund - other, health care
20 reform act (HCRA) resources fund - 061, provider collection monitoring
21 account, within amounts appropriated each year, those funds collected
22 and accumulated and interest earned through surcharges on payments for
23 health care services pursuant to section 2807-s of the public health law
24 and from assessments pursuant to section 2807-t of the public health law
25 for the purpose of payment for administrative costs of the department of
26 health related to administration of statutory duties for the collections
27 and distributions authorized by sections 2807-s, 2807-t, and 2807-m of
28 the public health law.

29 (3) Notwithstanding any inconsistent provision of law, rule or regu-
30 lation and effective April 1, 2008 through March 31, [2020] 2023, the
31 commissioner of health is authorized to transfer and the comptroller is
32 authorized to deposit, within amounts appropriated each year, those
33 funds authorized for distribution in accordance with the provisions of
34 paragraph (a) of subdivision 1 of section 2807-l of the public health
35 law for the purposes of payment for administrative costs of the depart-
36 ment of health related to the child health insurance plan program
37 authorized pursuant to title 1-A of article 25 of the public health law
38 into the special revenue funds - other, health care reform act (HCRA)
39 resources fund - 061, child health insurance account, established within
40 the department of health.

41 [(4) Notwithstanding any inconsistent provision of law, rule or regu-
42 lation and effective April 1, 2008 through March 31, 2020, the commis-
43 sioner of health is authorized to transfer and the comptroller is
44 authorized to deposit, within amounts appropriated each year, those
45 funds authorized for distribution in accordance with the provisions of
46 paragraph (e) of subdivision 1 of section 2807-l of the public health
47 law for the purpose of payment for administrative costs of the depart-
48 ment of health related to the health occupation development and work-
49 place demonstration program established pursuant to section 2807-h and
50 the health workforce retraining program established pursuant to section
51 2807-g of the public health law into the special revenue funds - other,
52 health care reform act (HCRA) resources fund - 061, health occupation
53 development and workplace demonstration program account, established
54 within the department of health.]

55 (5) Notwithstanding any inconsistent provision of law, rule or regu-
56 lation and effective April 1, 2008 through March 31, [2020] 2023, the

1 commissioner of health is authorized to transfer and the comptroller is
2 authorized to deposit, within amounts appropriated each year, those
3 funds allocated pursuant to paragraph (j) of subdivision 1 of section
4 2807-v of the public health law for the purpose of payment for adminis-
5 trative costs of the department of health related to administration of
6 the state's tobacco control programs and cancer services provided pursu-
7 ant to sections 2807-r and 1399-ii of the public health law into such
8 accounts established within the department of health for such purposes.

9 (6) Notwithstanding any inconsistent provision of law, rule or regu-
10 lation and effective April 1, 2008 through March 31, [2020] 2023, the
11 commissioner of health is authorized to transfer and the comptroller is
12 authorized to deposit, within amounts appropriated each year, the funds
13 authorized for distribution in accordance with the provisions of section
14 2807-l of the public health law for the purposes of payment for adminis-
15 trative costs of the department of health related to the programs funded
16 pursuant to section 2807-l of the public health law into the special
17 revenue funds - other, health care reform act (HCRA) resources fund -
18 061, pilot health insurance account, established within the department
19 of health.

20 (7) Notwithstanding any inconsistent provision of law, rule or regu-
21 lation and effective April 1, 2008 through March 31, [2020] 2023, the
22 commissioner of health is authorized to transfer and the comptroller is
23 authorized to deposit, within amounts appropriated each year, those
24 funds authorized for distribution in accordance with the provisions of
25 subparagraph (ii) of paragraph (f) of subdivision 19 of section 2807-c
26 of the public health law from monies accumulated and interest earned in
27 the bad debt and charity care and capital statewide pools through an
28 assessment charged to general hospitals pursuant to the provisions of
29 subdivision 18 of section 2807-c of the public health law and those
30 funds authorized for distribution in accordance with the provisions of
31 section 2807-l of the public health law for the purposes of payment for
32 administrative costs of the department of health related to programs
33 funded under section 2807-l of the public health law into the special
34 revenue funds - other, health care reform act (HCRA) resources fund -
35 061, primary care initiatives account, established within the department
36 of health.

37 (8) Notwithstanding any inconsistent provision of law, rule or regu-
38 lation and effective April 1, 2008 through March 31, [2020] 2023, the
39 commissioner of health is authorized to transfer and the comptroller is
40 authorized to deposit, within amounts appropriated each year, those
41 funds authorized for distribution in accordance with section 2807-l of
42 the public health law for the purposes of payment for administrative
43 costs of the department of health related to programs funded under
44 section 2807-l of the public health law into the special revenue funds -
45 other, health care reform act (HCRA) resources fund - 061, health care
46 delivery administration account, established within the department of
47 health.

48 (9) Notwithstanding any inconsistent provision of law, rule or regu-
49 lation and effective April 1, 2008 through March 31, [2020] 2023, the
50 commissioner of health is authorized to transfer and the comptroller is
51 authorized to deposit, within amounts appropriated each year, those
52 funds authorized pursuant to sections 2807-d, 3614-a and 3614-b of the
53 public health law and section 367-i of the social services law and for
54 distribution in accordance with the provisions of subdivision 9 of
55 section 2807-j of the public health law for the purpose of payment for
56 administration of statutory duties for the collections and distributions



1 authorized by sections 2807-c, 2807-d, 2807-j, 2807-k, 2807-l, 3614-a
2 and 3614-b of the public health law and section 367-i of the social
3 services law into the special revenue funds - other, health care reform
4 act (HCRA) resources fund - 061, provider collection monitoring account,
5 established within the department of health.

6 § 2. Subparagraphs (iv) and (v) of paragraph (a) of subdivision 9 of
7 section 2807-j of the public health law, as amended by section 5 of part
8 H of chapter 57 of the laws of 2017, are amended to read as follows:

9 (iv) seven hundred sixty-five million dollars annually of the funds
10 accumulated for the periods January first, two thousand through December
11 thirty-first, two thousand [nineteen] twenty-two, and

12 (v) one hundred ninety-one million two hundred fifty thousand dollars
13 of the funds accumulated for the period January first, two thousand
14 [twenty] twenty-three through March thirty-first, two thousand [twenty]
15 twenty-three.

16 § 3. Subdivision 5 of section 168 of chapter 639 of the laws of 1996,
17 constituting the New York Health Care Reform Act of 1996, as amended by
18 section 1 of part H of chapter 57 of the laws of 2017, is amended to
19 read as follows:

20 5. sections 2807-c, 2807-j, 2807-s and 2807-t of the public health
21 law, as amended or as added by this act, shall expire on December 31,
22 [2020] 2023, and shall be thereafter effective only in respect to any
23 act done on or before such date or action or proceeding arising out of
24 such act including continued collections of funds from assessments and
25 allowances and surcharges established pursuant to sections 2807-c,
26 2807-j, 2807-s and 2807-t of the public health law, and administration
27 and distributions of funds from pools established pursuant to sections
28 2807-c, 2807-j, 2807-k, 2807-l, 2807-m, 2807-s and 2807-t of the public
29 health law related to patient services provided before December 31,
30 [2020] 2023, and continued expenditure of funds authorized for programs
31 and grants until the exhaustion of funds therefor;

32 § 4. Subdivision 1 of section 138 of chapter 1 of the laws of 1999,
33 constituting the New York Health Care Reform Act of 2000, as amended by
34 section 2 of part H of chapter 57 of the laws of 2017, is amended to
35 read as follows:

36 1. sections 2807-c, 2807-j, 2807-s, and 2807-t of the public health
37 law, as amended by this act, shall expire on December 31, [2020] 2023,
38 and shall be thereafter effective only in respect to any act done before
39 such date or action or proceeding arising out of such act including
40 continued collections of funds from assessments and allowances and
41 surcharges established pursuant to sections 2807-c, 2807-j, 2807-s and
42 2807-t of the public health law, and administration and distributions of
43 funds from pools established pursuant to sections 2807-c, 2807-j,
44 2807-k, 2807-l, 2807-m, 2807-s, 2807-t, 2807-v and 2807-w of the public
45 health law, as amended or added by this act, related to patient services
46 provided before December 31, [2020] 2023, and continued expenditure of
47 funds authorized for programs and grants until the exhaustion of funds
48 therefor;

49 § 5. Section 2807-l of the public health law, as amended by section
50 21 of part H of chapter 57 of the laws of 2017, is amended to read as
51 follows:

52 § 2807-l. Health care initiatives pool distributions. 1. Funds accumu-
53 lated in the health care initiatives pools pursuant to paragraph (b) of
54 subdivision nine of section twenty-eight hundred seven-j of this arti-
55 cle, or the health care reform act (HCRA) resources fund established
56 pursuant to section ninety-two-dd of the state finance law, whichever is

1 applicable, including income from invested funds, shall be distributed
2 or retained by the commissioner or by the state comptroller, as applica-
3 ble, in accordance with the following.

4 (a) Funds shall be reserved and accumulated from year to year and
5 shall be available, including income from invested funds, for purposes
6 of distributions to programs to provide health care coverage for unin-
7 sured or underinsured children pursuant to sections twenty-five hundred
8 ten and twenty-five hundred eleven of this chapter from the respective
9 health care initiatives pools established for the following periods in
10 the following amounts:

11 (i) from the pool for the period January first, nineteen hundred nine-
12 ty-seven through December thirty-first, nineteen hundred ninety-seven,
13 up to one hundred twenty million six hundred thousand dollars;

14 (ii) from the pool for the period January first, nineteen hundred
15 ninety-eight through December thirty-first, nineteen hundred ninety-
16 eight, up to one hundred sixty-four million five hundred thousand
17 dollars;

18 (iii) from the pool for the period January first, nineteen hundred
19 ninety-nine through December thirty-first, nineteen hundred ninety-nine,
20 up to one hundred eighty-one million dollars;

21 (iv) from the pool for the period January first, two thousand through
22 December thirty-first, two thousand, two hundred seven million dollars;

23 (v) from the pool for the period January first, two thousand one
24 through December thirty-first, two thousand one, two hundred thirty-five
25 million dollars;

26 (vi) from the pool for the period January first, two thousand two
27 through December thirty-first, two thousand two, three hundred twenty-
28 four million dollars;

29 (vii) from the pool for the period January first, two thousand three
30 through December thirty-first, two thousand three, up to four hundred
31 fifty million three hundred thousand dollars;

32 (viii) from the pool for the period January first, two thousand four
33 through December thirty-first, two thousand four, up to four hundred
34 sixty million nine hundred thousand dollars;

35 (ix) from the pool or the health care reform act (HCRA) resources
36 fund, whichever is applicable, for the period January first, two thou-
37 sand five through December thirty-first, two thousand five, up to one
38 hundred fifty-three million eight hundred thousand dollars;

39 (x) from the health care reform act (HCRA) resources fund for the
40 period January first, two thousand six through December thirty-first,
41 two thousand six, up to three hundred twenty-five million four hundred
42 thousand dollars;

43 (xi) from the health care reform act (HCRA) resources fund for the
44 period January first, two thousand seven through December thirty-first,
45 two thousand seven, up to four hundred twenty-eight million fifty-nine
46 thousand dollars;

47 (xii) from the health care reform act (HCRA) resources fund for the
48 period January first, two thousand eight through December thirty-first,
49 two thousand ten, up to four hundred fifty-three million six hundred
50 seventy-four thousand dollars annually;

51 (xiii) from the health care reform act (HCRA) resources fund for the
52 period January first, two thousand eleven, through March thirty-first,
53 two thousand eleven, up to one hundred thirteen million four hundred
54 eighteen thousand dollars;

55 (xiv) from the health care reform act (HCRA) resources fund for the
56 period April first, two thousand eleven, through March thirty-first, two

1 thousand twelve, up to three hundred twenty-four million seven hundred
2 forty-four thousand dollars;

3 (xv) from the health care reform act (HCRA) resources fund for the
4 period April first, two thousand twelve, through March thirty-first, two
5 thousand thirteen, up to three hundred forty-six million four hundred
6 forty-four thousand dollars;

7 (xvi) from the health care reform act (HCRA) resources fund for the
8 period April first, two thousand thirteen, through March thirty-first,
9 two thousand fourteen, up to three hundred seventy million six hundred
10 ninety-five thousand dollars; and

11 (xvii) from the health care reform act (HCRA) resources fund for each
12 state fiscal year for periods on and after April first, two thousand
13 fourteen, within amounts appropriated.

14 (b) Funds shall be reserved and accumulated from year to year and
15 shall be available, including income from invested funds, for purposes
16 of distributions for health insurance programs under the individual
17 subsidy programs established pursuant to the expanded health care cover-
18 age act of nineteen hundred eighty-eight as amended, and for evaluation
19 of such programs from the respective health care initiatives pools or
20 the health care reform act (HCRA) resources fund, whichever is applica-
21 ble, established for the following periods in the following amounts:

22 (i) (A) an amount not to exceed six million dollars on an annualized
23 basis for the periods January first, nineteen hundred ninety-seven
24 through December thirty-first, nineteen hundred ninety-nine; up to six
25 million dollars for the period January first, two thousand through
26 December thirty-first, two thousand; up to five million dollars for the
27 period January first, two thousand one through December thirty-first,
28 two thousand one; up to four million dollars for the period January
29 first, two thousand two through December thirty-first, two thousand two;
30 up to two million six hundred thousand dollars for the period January
31 first, two thousand three through December thirty-first, two thousand
32 three; up to one million three hundred thousand dollars for the period
33 January first, two thousand four through December thirty-first, two
34 thousand four; up to six hundred seventy thousand dollars for the period
35 January first, two thousand five through June thirtieth, two thousand
36 five; up to one million three hundred thousand dollars for the period
37 April first, two thousand six through March thirty-first, two thousand
38 seven; and up to one million three hundred thousand dollars annually for
39 the period April first, two thousand seven through March thirty-first,
40 two thousand nine, shall be allocated to individual subsidy programs;
41 and

42 (B) an amount not to exceed seven million dollars on an annualized
43 basis for the periods during the period January first, nineteen hundred
44 ninety-seven through December thirty-first, nineteen hundred ninety-nine
45 and four million dollars annually for the periods January first, two
46 thousand through December thirty-first, two thousand two, and three
47 million dollars for the period January first, two thousand three through
48 December thirty-first, two thousand three, and two million dollars for
49 the period January first, two thousand four through December thirty-
50 first, two thousand four, and two million dollars for the period January
51 first, two thousand five through June thirtieth, two thousand five shall
52 be allocated to the catastrophic health care expense program.

53 (ii) Notwithstanding any law to the contrary, the characterizations of
54 the New York state small business health insurance partnership program
55 as in effect prior to June thirtieth, two thousand three, voucher
56 program as in effect prior to December thirty-first, two thousand one,

1 individual subsidy program as in effect prior to June thirtieth, two
2 thousand five, and catastrophic health care expense program, as in
3 effect prior to June thirtieth, two thousand five, may, for the purposes
4 of identifying matching funds for the community health care conversion
5 demonstration project described in a waiver of the provisions of title
6 XIX of the federal social security act granted to the state of New York
7 and dated July fifteenth, nineteen hundred ninety-seven, may continue to
8 be used to characterize the insurance programs in sections four thousand
9 three hundred twenty-one-a, four thousand three hundred twenty-two-a,
10 four thousand three hundred twenty-six and four thousand three hundred
11 twenty-seven of the insurance law, which are successor programs to these
12 programs.

13 (c) Up to seventy-eight million dollars shall be reserved and accumu-
14 lated from year to year from the pool for the period January first,
15 nineteen hundred ninety-seven through December thirty-first, nineteen
16 hundred ninety-seven, for purposes of public health programs, up to
17 seventy-six million dollars shall be reserved and accumulated from year
18 to year from the pools for the periods January first, nineteen hundred
19 ninety-eight through December thirty-first, nineteen hundred ninety-
20 eight and January first, nineteen hundred ninety-nine through December
21 thirty-first, nineteen hundred ninety-nine, up to eighty-four million
22 dollars shall be reserved and accumulated from year to year from the
23 pools for the period January first, two thousand through December thir-
24 ty-first, two thousand, up to eighty-five million dollars shall be
25 reserved and accumulated from year to year from the pools for the period
26 January first, two thousand one through December thirty-first, two thou-
27 sand one, up to eighty-six million dollars shall be reserved and accumu-
28 lated from year to year from the pools for the period January first, two
29 thousand two through December thirty-first, two thousand two, up to
30 eighty-six million one hundred fifty thousand dollars shall be reserved
31 and accumulated from year to year from the pools for the period January
32 first, two thousand three through December thirty-first, two thousand
33 three, up to fifty-eight million seven hundred eighty thousand dollars
34 shall be reserved and accumulated from year to year from the pools for
35 the period January first, two thousand four through December thirty-
36 first, two thousand four, up to sixty-eight million seven hundred thirty
37 thousand dollars shall be reserved and accumulated from year to year
38 from the pools or the health care reform act (HCRA) resources fund,
39 whichever is applicable, for the period January first, two thousand five
40 through December thirty-first, two thousand five, up to ninety-four
41 million three hundred fifty thousand dollars shall be reserved and accu-
42 mulated from year to year from the health care reform act (HCRA)
43 resources fund for the period January first, two thousand six through
44 December thirty-first, two thousand six, up to seventy million nine
45 hundred thirty-nine thousand dollars shall be reserved and accumulated
46 from year to year from the health care reform act (HCRA) resources fund
47 for the period January first, two thousand seven through December thir-
48 ty-first, two thousand seven, up to fifty-five million six hundred
49 eighty-nine thousand dollars annually shall be reserved and accumulated
50 from year to year from the health care reform act (HCRA) resources fund
51 for the period January first, two thousand eight through December thir-
52 ty-first, two thousand ten, up to thirteen million nine hundred twenty-
53 two thousand dollars shall be reserved and accumulated from year to year
54 from the health care reform act (HCRA) resources fund for the period
55 January first, two thousand eleven through March thirty-first, two thou-
56 sand eleven, and for periods on and after April first, two thousand



1 eleven, up to funding amounts specified below and shall be available,
2 including income from invested funds, for:

3 (i) deposit by the commissioner, within amounts appropriated, and the
4 state comptroller is hereby authorized and directed to receive for
5 deposit to, to the credit of the department of health's special revenue
6 fund - other, hospital based grants program account or the health care
7 reform act (HCRA) resources fund, whichever is applicable, for purposes
8 of services and expenses related to general hospital based grant
9 programs, up to twenty-two million dollars annually from the nineteen
10 hundred ninety-seven pool, nineteen hundred ninety-eight pool, nineteen
11 hundred ninety-nine pool, two thousand pool, two thousand one pool and
12 two thousand two pool, respectively, up to twenty-two million dollars
13 from the two thousand three pool, up to ten million dollars for the
14 period January first, two thousand four through December thirty-first,
15 two thousand four, up to eleven million dollars for the period January
16 first, two thousand five through December thirty-first, two thousand
17 five, up to twenty-two million dollars for the period January first, two
18 thousand six through December thirty-first, two thousand six, up to
19 twenty-two million ninety-seven thousand dollars annually for the period
20 January first, two thousand seven through December thirty-first, two
21 thousand ten, up to five million five hundred twenty-four thousand
22 dollars for the period January first, two thousand eleven through March
23 thirty-first, two thousand eleven, up to thirteen million four hundred
24 forty-five thousand dollars for the period April first, two thousand
25 eleven through March thirty-first, two thousand twelve, and up to thir-
26 teen million three hundred seventy-five thousand dollars each state
27 fiscal year for the period April first, two thousand twelve through
28 March thirty-first, two thousand fourteen;

29 (ii) deposit by the commissioner, within amounts appropriated, and the
30 state comptroller is hereby authorized and directed to receive for
31 deposit to, to the credit of the emergency medical services training
32 account established in section ninety-seven-q of the state finance law
33 or the health care reform act (HCRA) resources fund, whichever is appli-
34 cable, up to sixteen million dollars on an annualized basis for the
35 periods January first, nineteen hundred ninety-seven through December
36 thirty-first, nineteen hundred ninety-nine, up to twenty million dollars
37 for the period January first, two thousand through December thirty-
38 first, two thousand, up to twenty-one million dollars for the period
39 January first, two thousand one through December thirty-first, two thou-
40 sand one, up to twenty-two million dollars for the period January first,
41 two thousand two through December thirty-first, two thousand two, up to
42 twenty-two million five hundred fifty thousand dollars for the period
43 January first, two thousand three through December thirty-first, two
44 thousand three, up to nine million six hundred eighty thousand dollars
45 for the period January first, two thousand four through December thir-
46 ty-first, two thousand four, up to twelve million one hundred thirty
47 thousand dollars for the period January first, two thousand five through
48 December thirty-first, two thousand five, up to twenty-four million two
49 hundred fifty thousand dollars for the period January first, two thou-
50 sand six through December thirty-first, two thousand six, up to twenty
51 million four hundred ninety-two thousand dollars annually for the period
52 January first, two thousand seven through December thirty-first, two
53 thousand ten, up to five million one hundred twenty-three thousand
54 dollars for the period January first, two thousand eleven through March
55 thirty-first, two thousand eleven, up to eighteen million three hundred
56 fifty thousand dollars for the period April first, two thousand eleven



1 through March thirty-first, two thousand twelve, up to eighteen million
2 nine hundred fifty thousand dollars for the period April first, two
3 thousand twelve through March thirty-first, two thousand thirteen, up to
4 nineteen million four hundred nineteen thousand dollars for the period
5 April first, two thousand thirteen through March thirty-first, two thou-
6 sand fourteen, and up to nineteen million six hundred fifty-nine thou-
7 sand seven hundred dollars each state fiscal year for the period of
8 April first, two thousand fourteen through March thirty-first, two thou-
9 sand [twenty] twenty-three;

10 (iii) priority distributions by the commissioner up to thirty-two
11 million dollars on an annualized basis for the period January first, two
12 thousand through December thirty-first, two thousand four, up to thir-
13 ty-eight million dollars on an annualized basis for the period January
14 first, two thousand five through December thirty-first, two thousand
15 six, up to eighteen million two hundred fifty thousand dollars for the
16 period January first, two thousand seven through December thirty-first,
17 two thousand seven, up to three million dollars annually for the period
18 January first, two thousand eight through December thirty-first, two
19 thousand ten, up to seven hundred fifty thousand dollars for the period
20 January first, two thousand eleven through March thirty-first, two thou-
21 sand eleven, up to two million nine hundred thousand dollars each state
22 fiscal year for the period April first, two thousand eleven through
23 March thirty-first, two thousand fourteen, and up to two million nine
24 hundred thousand dollars each state fiscal year for the period April
25 first, two thousand fourteen through March thirty-first, two thousand
26 [twenty] twenty-three to be allocated (A) for the purposes established
27 pursuant to subparagraph (ii) of paragraph (f) of subdivision nineteen
28 of section twenty-eight hundred seven-c of this article as in effect on
29 December thirty-first, nineteen hundred ninety-six and as may thereafter
30 be amended, up to fifteen million dollars annually for the periods Janu-
31 ary first, two thousand through December thirty-first, two thousand
32 four, up to twenty-one million dollars annually for the period January
33 first, two thousand five through December thirty-first, two thousand
34 six, and up to seven million five hundred thousand dollars for the peri-
35 od January first, two thousand seven through March thirty-first, two
36 thousand seven;

37 (B) pursuant to a memorandum of understanding entered into by the
38 commissioner, the majority leader of the senate and the speaker of the
39 assembly, for the purposes outlined in such memorandum upon the recom-
40 mendation of the majority leader of the senate, up to eight million
41 five hundred thousand dollars annually for the period January first, two
42 thousand through December thirty-first, two thousand six, and up to four
43 million two hundred fifty thousand dollars for the period January first,
44 two thousand seven through June thirtieth, two thousand seven, and for
45 the purposes outlined in such memorandum upon the recommendation of the
46 speaker of the assembly, up to eight million five hundred thousand
47 dollars annually for the periods January first, two thousand through
48 December thirty-first, two thousand six, and up to four million two
49 hundred fifty thousand dollars for the period January first, two thou-
50 sand seven through June thirtieth, two thousand seven; and

51 (C) for services and expenses, including grants, related to emergency
52 assistance distributions as designated by the commissioner. Notwith-
53 standing section one hundred twelve or one hundred sixty-three of the
54 state finance law or any other contrary provision of law, such distrib-
55 utions shall be limited to providers or programs where, as determined by
56 the commissioner, emergency assistance is vital to protect the life or



1 safety of patients, to ensure the retention of facility caregivers or
2 other staff, or in instances where health facility operations are jeop-
3 ardized, or where the public health is jeopardized or other emergency
4 situations exist, up to three million dollars annually for the period
5 April first, two thousand seven through March thirty-first, two thousand
6 eleven, up to two million nine hundred thousand dollars each state
7 fiscal year for the period April first, two thousand eleven through
8 March thirty-first, two thousand fourteen, up to two million nine
9 hundred thousand dollars each state fiscal year for the period April
10 first, two thousand fourteen through March thirty-first, two thousand
11 seventeen, [and] up to two million nine hundred thousand dollars each
12 state fiscal year for the period April first, two thousand seventeen
13 through March thirty-first, two thousand twenty, and up to two million
14 nine hundred thousand dollars each state fiscal year for the period
15 April first, two thousand twenty through March thirty-first, two thou-
16 sand twenty-three. Upon any distribution of such funds, the commissioner
17 shall immediately notify the chair and ranking minority member of the
18 senate finance committee, the assembly ways and means committee, the
19 senate committee on health, and the assembly committee on health;
20 (iv) distributions by the commissioner related to poison control
21 centers pursuant to subdivision seven of section twenty-five hundred-d
22 of this chapter, up to five million dollars for the period January
23 first, nineteen hundred ninety-seven through December thirty-first,
24 nineteen hundred ninety-seven, up to three million dollars on an annual-
25 ized basis for the periods during the period January first, nineteen
26 hundred ninety-eight through December thirty-first, nineteen hundred
27 ninety-nine, up to five million dollars annually for the periods January
28 first, two thousand through December thirty-first, two thousand two, up
29 to four million six hundred thousand dollars annually for the periods
30 January first, two thousand three through December thirty-first, two
31 thousand four, up to five million one hundred thousand dollars for the
32 period January first, two thousand five through December thirty-first,
33 two thousand six annually, up to five million one hundred thousand
34 dollars annually for the period January first, two thousand seven
35 through December thirty-first, two thousand nine, up to three million
36 six hundred thousand dollars for the period January first, two thousand
37 ten through December thirty-first, two thousand ten, up to seven hundred
38 seventy-five thousand dollars for the period January first, two thousand
39 eleven through March thirty-first, two thousand eleven, up to two
40 million five hundred thousand dollars each state fiscal year for the
41 period April first, two thousand eleven through March thirty-first, two
42 thousand fourteen, up to three million dollars each state fiscal year
43 for the period April first, two thousand fourteen through March thirty-
44 first, two thousand seventeen, [and] up to three million dollars each
45 state fiscal year for the period April first, two thousand seventeen
46 through March thirty-first, two thousand twenty, and up to three million
47 dollars each state fiscal year for the period April first, two thousand
48 twenty through March thirty-first, two thousand twenty-three; and
49 (v) deposit by the commissioner, within amounts appropriated, and the
50 state comptroller is hereby authorized and directed to receive for
51 deposit to, to the credit of the department of health's special revenue
52 fund - other, miscellaneous special revenue fund - 339 maternal and
53 child HIV services account or the health care reform act (HCRA)
54 resources fund, whichever is applicable, for purposes of a special
55 program for HIV services for women and children, including adolescents
56 pursuant to section twenty-five hundred-f-one of this chapter, up to



1 five million dollars annually for the periods January first, two thou-
2 sand through December thirty-first, two thousand two, up to five million
3 dollars for the period January first, two thousand three through Decem-
4 ber thirty-first, two thousand three, up to two million five hundred
5 thousand dollars for the period January first, two thousand four through
6 December thirty-first, two thousand four, up to two million five hundred
7 thousand dollars for the period January first, two thousand five through
8 December thirty-first, two thousand five, up to five million dollars for
9 the period January first, two thousand six through December thirty-
10 first, two thousand six, up to five million dollars annually for the
11 period January first, two thousand seven through December thirty-first,
12 two thousand ten, up to one million two hundred fifty thousand dollars
13 for the period January first, two thousand eleven through March thirty-
14 first, two thousand eleven, and up to five million dollars each state
15 fiscal year for the period April first, two thousand eleven through
16 March thirty-first, two thousand fourteen;

17 (d) (i) An amount of up to twenty million dollars annually for the
18 period January first, two thousand through December thirty-first, two
19 thousand six, up to ten million dollars for the period January first,
20 two thousand seven through June thirtieth, two thousand seven, up to
21 twenty million dollars annually for the period January first, two thou-
22 sand eight through December thirty-first, two thousand ten, up to five
23 million dollars for the period January first, two thousand eleven
24 through March thirty-first, two thousand eleven, up to nineteen million
25 six hundred thousand dollars each state fiscal year for the period April
26 first, two thousand eleven through March thirty-first, two thousand
27 fourteen, up to nineteen million six hundred thousand dollars each state
28 fiscal year for the period April first, two thousand fourteen through
29 March thirty-first, two thousand seventeen, [and] up to nineteen million
30 six hundred thousand dollars each state fiscal year for the period of
31 April first, two thousand seventeen through March thirty-first, two
32 thousand twenty, and up to nineteen million six hundred thousand dollars
33 each state fiscal year for the period of April first, two thousand twen-
34 ty through March thirty-first, two thousand twenty-three, shall be
35 transferred to the health facility restructuring pool established pursu-
36 ant to section twenty-eight hundred fifteen of this article;

37 (ii) provided, however, amounts transferred pursuant to subparagraph
38 (i) of this paragraph may be reduced in an amount to be approved by the
39 director of the budget to reflect the amount received from the federal
40 government under the state's 1115 waiver which is directed under its
41 terms and conditions to the health facility restructuring program.

42 (e) Funds shall be reserved and accumulated from year to year and
43 shall be available, including income from invested funds, for purposes
44 of distributions to organizations to support the health workforce
45 retraining program established pursuant to section twenty-eight hundred
46 seven-g of this article from the respective health care initiatives
47 pools established for the following periods in the following amounts
48 from the pools or the health care reform act (HCRA) resources fund,
49 whichever is applicable, during the period January first, nineteen
50 hundred ninety-seven through December thirty-first, nineteen hundred
51 ninety-nine, up to fifty million dollars on an annualized basis, up to
52 thirty million dollars for the period January first, two thousand
53 through December thirty-first, two thousand, up to forty million dollars
54 for the period January first, two thousand one through December thirty-
55 first, two thousand one, up to fifty million dollars for the period
56 January first, two thousand two through December thirty-first, two thou-



1 sand two, up to forty-one million one hundred fifty thousand dollars for
2 the period January first, two thousand three through December thirty-
3 first, two thousand three, up to forty-one million one hundred fifty
4 thousand dollars for the period January first, two thousand four through
5 December thirty-first, two thousand four, up to fifty-eight million
6 three hundred sixty thousand dollars for the period January first, two
7 thousand five through December thirty-first, two thousand five, up to
8 fifty-two million three hundred sixty thousand dollars for the period
9 January first, two thousand six through December thirty-first, two thou-
10 sand six, up to thirty-five million four hundred thousand dollars annu-
11 ally for the period January first, two thousand seven through December
12 thirty-first, two thousand ten, up to eight million eight hundred fifty
13 thousand dollars for the period January first, two thousand eleven
14 through March thirty-first, two thousand eleven, up to twenty-eight
15 million four hundred thousand dollars each state fiscal year for the
16 period April first, two thousand eleven through March thirty-first, two
17 thousand fourteen, up to twenty-six million eight hundred seventeen
18 thousand dollars each state fiscal year for the period April first, two
19 thousand fourteen through March thirty-first, two thousand seventeen,
20 [and] up to twenty-six million eight hundred seventeen thousand dollars
21 each state fiscal year for the period April first, two thousand seven-
22 teen through March thirty-first, two thousand twenty, and up to twenty-
23 six million eight hundred seventeen thousand dollars each state fiscal
24 year for the period April first, two thousand twenty through March thir-
25 ty-first, two thousand twenty-three, less the amount of funds available
26 for allocations for rate adjustments for workforce training programs for
27 payments by state governmental agencies for inpatient hospital services.
28 (f) Funds shall be accumulated and transferred from as follows:
29 (i) from the pool for the period January first, nineteen hundred nine-
30 ty-seven through December thirty-first, nineteen hundred ninety-seven,
31 (A) thirty-four million six hundred thousand dollars shall be trans-
32 ferred to funds reserved and accumulated pursuant to paragraph (b) of
33 subdivision nineteen of section twenty-eight hundred seven-c of this
34 article, and (B) eighty-two million dollars shall be transferred and
35 deposited and credited to the credit of the state general fund medical
36 assistance local assistance account;
37 (ii) from the pool for the period January first, nineteen hundred
38 ninety-eight through December thirty-first, nineteen hundred ninety-
39 eight, eighty-two million dollars shall be transferred and deposited and
40 credited to the credit of the state general fund medical assistance
41 local assistance account;
42 (iii) from the pool for the period January first, nineteen hundred
43 ninety-nine through December thirty-first, nineteen hundred ninety-nine,
44 eighty-two million dollars shall be transferred and deposited and cred-
45 ited to the credit of the state general fund medical assistance local
46 assistance account;
47 (iv) from the pool or the health care reform act (HCRA) resources
48 fund, whichever is applicable, for the period January first, two thou-
49 sand through December thirty-first, two thousand four, eighty-two
50 million dollars annually, and for the period January first, two thousand
51 five through December thirty-first, two thousand five, eighty-two
52 million dollars, and for the period January first, two thousand six
53 through December thirty-first, two thousand six, eighty-two million
54 dollars, and for the period January first, two thousand seven through
55 December thirty-first, two thousand seven, eighty-two million dollars,
56 and for the period January first, two thousand eight through December



1 thirty-first, two thousand eight, ninety million seven hundred thousand
2 dollars shall be deposited by the commissioner, and the state comp-
3 troller is hereby authorized and directed to receive for deposit to the
4 credit of the state special revenue fund - other, HCRA transfer fund,
5 medical assistance account;

6 (v) from the health care reform act (HCRA) resources fund for the
7 period January first, two thousand nine through December thirty-first,
8 two thousand nine, one hundred eight million nine hundred seventy-five
9 thousand dollars, and for the period January first, two thousand ten
10 through December thirty-first, two thousand ten, one hundred twenty-six
11 million one hundred thousand dollars, for the period January first, two
12 thousand eleven through March thirty-first, two thousand eleven, twenty
13 million five hundred thousand dollars, and for each state fiscal year
14 for the period April first, two thousand eleven through March thirty-
15 first, two thousand fourteen, one hundred forty-six million four hundred
16 thousand dollars, shall be deposited by the commissioner, and the state
17 comptroller is hereby authorized and directed to receive for deposit, to
18 the credit of the state special revenue fund - other, HCRA transfer
19 fund, medical assistance account.

20 (g) Funds shall be transferred to primary health care services pools
21 created by the commissioner, and shall be available, including income
22 from invested funds, for distributions in accordance with former section
23 twenty-eight hundred seven-bb of this article from the respective health
24 care initiatives pools for the following periods in the following
25 percentage amounts of funds remaining after allocations in accordance
26 with paragraphs (a) through (f) of this subdivision:

27 (i) from the pool for the period January first, nineteen hundred nine-
28 ty-seven through December thirty-first, nineteen hundred ninety-seven,
29 fifteen and eighty-seven-hundredths percent;

30 (ii) from the pool for the period January first, nineteen hundred
31 ninety-eight through December thirty-first, nineteen hundred ninety-
32 eight, fifteen and eighty-seven-hundredths percent; and

33 (iii) from the pool for the period January first, nineteen hundred
34 ninety-nine through December thirty-first, nineteen hundred ninety-nine,
35 sixteen and thirteen-hundredths percent.

36 (h) Funds shall be reserved and accumulated from year to year by the
37 commissioner and shall be available, including income from invested
38 funds, for purposes of primary care education and training pursuant to
39 article nine of this chapter from the respective health care initiatives
40 pools established for the following periods in the following percentage
41 amounts of funds remaining after allocations in accordance with para-
42 graphs (a) through (f) of this subdivision and shall be available for
43 distributions as follows:

44 (i) funds shall be reserved and accumulated:

45 (A) from the pool for the period January first, nineteen hundred nine-
46 ty-seven through December thirty-first, nineteen hundred ninety-seven,
47 six and thirty-five-hundredths percent;

48 (B) from the pool for the period January first, nineteen hundred nine-
49 ty-eight through December thirty-first, nineteen hundred ninety-eight,
50 six and thirty-five-hundredths percent; and

51 (C) from the pool for the period January first, nineteen hundred nine-
52 ty-nine through December thirty-first, nineteen hundred ninety-nine, six
53 and forty-five-hundredths percent;

54 (ii) funds shall be available for distributions including income from
55 invested funds as follows:



1 (A) for purposes of the primary care physician loan repayment program
2 in accordance with section nine hundred three of this chapter, up to
3 five million dollars on an annualized basis;

4 (B) for purposes of the primary care practitioner scholarship program
5 in accordance with section nine hundred four of this chapter, up to two
6 million dollars on an annualized basis;

7 (C) for purposes of minority participation in medical education grants
8 in accordance with section nine hundred six of this chapter, up to one
9 million dollars on an annualized basis; and

10 (D) provided, however, that the commissioner may reallocate any funds
11 remaining or unallocated for distributions for the primary care practi-
12 tioner scholarship program in accordance with section nine hundred four
13 of this chapter.

14 (i) Funds shall be reserved and accumulated from year to year and
15 shall be available, including income from invested funds, for distrib-
16 utions in accordance with section twenty-nine hundred fifty-two and
17 section twenty-nine hundred fifty-eight of this chapter for rural health
18 care delivery development and rural health care access development,
19 respectively, from the respective health care initiatives pools or the
20 health care reform act (HCRA) resources fund, whichever is applicable,
21 for the following periods in the following percentage amounts of funds
22 remaining after allocations in accordance with paragraphs (a) through
23 (f) of this subdivision, and for periods on and after January first, two
24 thousand, in the following amounts:

25 (i) from the pool for the period January first, nineteen hundred nine-
26 ty-seven through December thirty-first, nineteen hundred ninety-seven,
27 thirteen and forty-nine-hundredths percent;

28 (ii) from the pool for the period January first, nineteen hundred
29 ninety-eight through December thirty-first, nineteen hundred ninety-
30 eight, thirteen and forty-nine-hundredths percent;

31 (iii) from the pool for the period January first, nineteen hundred
32 ninety-nine through December thirty-first, nineteen hundred ninety-nine,
33 thirteen and seventy-one-hundredths percent;

34 (iv) from the pool for the periods January first, two thousand through
35 December thirty-first, two thousand two, seventeen million dollars annu-
36 ally, and for the period January first, two thousand three through
37 December thirty-first, two thousand three, up to fifteen million eight
38 hundred fifty thousand dollars;

39 (v) from the pool or the health care reform act (HCRA) resources fund,
40 whichever is applicable, for the period January first, two thousand four
41 through December thirty-first, two thousand four, up to fifteen million
42 eight hundred fifty thousand dollars, for the period January first, two
43 thousand five through December thirty-first, two thousand five, up to
44 nineteen million two hundred thousand dollars, for the period January
45 first, two thousand six through December thirty-first, two thousand six,
46 up to nineteen million two hundred thousand dollars, for the period
47 January first, two thousand seven through December thirty-first, two
48 thousand ten, up to eighteen million one hundred fifty thousand dollars
49 annually, for the period January first, two thousand eleven through
50 March thirty-first, two thousand eleven, up to four million five hundred
51 thirty-eight thousand dollars, for each state fiscal year for the period
52 April first, two thousand eleven through March thirty-first, two thou-
53 sand fourteen, up to sixteen million two hundred thousand dollars, up to
54 sixteen million two hundred thousand dollars each state fiscal year for
55 the period April first, two thousand fourteen through March thirty-
56 first, two thousand seventeen, [and] up to sixteen million two hundred



1 thousand dollars each state fiscal year for the period April first, two
2 thousand seventeen through March thirty-first, two thousand twenty, and
3 up to sixteen million two hundred thousand dollars each state fiscal
4 year for the period April first, two thousand twenty through March thir-
5 ty-first, two thousand twenty-three.

6 (j) Funds shall be reserved and accumulated from year to year and
7 shall be available, including income from invested funds, for purposes
8 of distributions related to health information and health care quality
9 improvement pursuant to former section twenty-eight hundred seven-n of
10 this article from the respective health care initiatives pools estab-
11 lished for the following periods in the following percentage amounts of
12 funds remaining after allocations in accordance with paragraphs (a)
13 through (f) of this subdivision:

14 (i) from the pool for the period January first, nineteen hundred nine-
15 ty-seven through December thirty-first, nineteen hundred ninety-seven,
16 six and thirty-five-hundredths percent;

17 (ii) from the pool for the period January first, nineteen hundred
18 ninety-eight through December thirty-first, nineteen hundred ninety-
19 eight, six and thirty-five-hundredths percent; and

20 (iii) from the pool for the period January first, nineteen hundred
21 ninety-nine through December thirty-first, nineteen hundred ninety-nine,
22 six and forty-five-hundredths percent.

23 (k) Funds shall be reserved and accumulated from year to year and
24 shall be available, including income from invested funds, for allo-
25 cations and distributions in accordance with section twenty-eight
26 hundred seven-p of this article for diagnostic and treatment center
27 uncompensated care from the respective health care initiatives pools or
28 the health care reform act (HCRA) resources fund, whichever is applica-
29 ble, for the following periods in the following percentage amounts of
30 funds remaining after allocations in accordance with paragraphs (a)
31 through (f) of this subdivision, and for periods on and after January
32 first, two thousand, in the following amounts:

33 (i) from the pool for the period January first, nineteen hundred nine-
34 ty-seven through December thirty-first, nineteen hundred ninety-seven,
35 thirty-eight and one-tenth percent;

36 (ii) from the pool for the period January first, nineteen hundred
37 ninety-eight through December thirty-first, nineteen hundred ninety-
38 eight, thirty-eight and one-tenth percent;

39 (iii) from the pool for the period January first, nineteen hundred
40 ninety-nine through December thirty-first, nineteen hundred ninety-nine,
41 thirty-eight and seventy-one-hundredths percent;

42 (iv) from the pool for the periods January first, two thousand through
43 December thirty-first, two thousand two, forty-eight million dollars
44 annually, and for the period January first, two thousand three through
45 June thirtieth, two thousand three, twenty-four million dollars;

46 (v) (A) from the pool or the health care reform act (HCRA) resources
47 fund, whichever is applicable, for the period July first, two thousand
48 three through December thirty-first, two thousand three, up to six
49 million dollars, for the period January first, two thousand four through
50 December thirty-first, two thousand six, up to twelve million dollars
51 annually, for the period January first, two thousand seven through
52 December thirty-first, two thousand thirteen, up to forty-eight million
53 dollars annually, for the period January first, two thousand fourteen
54 through March thirty-first, two thousand fourteen, up to twelve million
55 dollars for the period April first, two thousand fourteen through March
56 thirty-first, two thousand seventeen, up to forty-eight million dollars

1 annually, [and] for the period April first, two thousand seventeen
2 through March thirty-first, two thousand twenty, up to forty-eight
3 million dollars annually, and for the period April first, two thousand
4 twenty through March thirty-first, two thousand twenty-three, up to
5 forty-eight million dollars annually;

6 (B) from the health care reform act (HCRA) resources fund for the
7 period January first, two thousand six through December thirty-first,
8 two thousand six, an additional seven million five hundred thousand
9 dollars, for the period January first, two thousand seven through Decem-
10 ber thirty-first, two thousand thirteen, an additional seven million
11 five hundred thousand dollars annually, for the period January first,
12 two thousand fourteen through March thirty-first, two thousand fourteen,
13 an additional one million eight hundred seventy-five thousand dollars,
14 for the period April first, two thousand fourteen through March thirty-
15 first, two thousand seventeen, an additional seven million five hundred
16 thousand dollars annually, [and] for the period April first, two thou-
17 sand seventeen through March thirty-first, two thousand twenty, an addi-
18 tional seven million five hundred thousand dollars annually, and for the
19 period April first, two thousand twenty through March thirty-first, two
20 thousand twenty-three, an additional seven million five hundred thousand
21 dollars annually for voluntary non-profit diagnostic and treatment
22 center uncompensated care in accordance with subdivision four-c of
23 section twenty-eight hundred seven-p of this article; and

24 (vi) funds reserved and accumulated pursuant to this paragraph for
25 periods on and after July first, two thousand three, shall be deposited
26 by the commissioner, within amounts appropriated, and the state comp-
27 troller is hereby authorized and directed to receive for deposit to the
28 credit of the state special revenue funds - other, HCRA transfer fund,
29 medical assistance account, for purposes of funding the state share of
30 rate adjustments made pursuant to section twenty-eight hundred seven-p
31 of this article, provided, however, that in the event federal financial
32 participation is not available for rate adjustments made pursuant to
33 paragraph (b) of subdivision one of section twenty-eight hundred seven-p
34 of this article, funds shall be distributed pursuant to paragraph (a) of
35 subdivision one of section twenty-eight hundred seven-p of this article
36 from the respective health care initiatives pools or the health care
37 reform act (HCRA) resources fund, whichever is applicable.

38 (1) Funds shall be reserved and accumulated from year to year by the
39 commissioner and shall be available, including income from invested
40 funds, for transfer to and allocation for services and expenses for the
41 payment of benefits to recipients of drugs under the AIDS drug assist-
42 ance program (ADAP) - HIV uninsured care program as administered by
43 Health Research Incorporated from the respective health care initi-
44 atives pools or the health care reform act (HCRA) resources fund, which-
45 ever is applicable, established for the following periods in the follow-
46 ing percentage amounts of funds remaining after allocations in
47 accordance with paragraphs (a) through (f) of this subdivision, and for
48 periods on and after January first, two thousand, in the following
49 amounts:

50 (i) from the pool for the period January first, nineteen hundred nine-
51 ty-seven through December thirty-first, nineteen hundred ninety-seven,
52 nine and fifty-two-hundredths percent;

53 (ii) from the pool for the period January first, nineteen hundred
54 ninety-eight through December thirty-first, nineteen hundred ninety-
55 eight, nine and fifty-two-hundredths percent;



1 (iii) from the pool for the period January first, nineteen hundred
2 ninety-nine and December thirty-first, nineteen hundred ninety-nine,
3 nine and sixty-eight-hundredths percent;

4 (iv) from the pool for the periods January first, two thousand through
5 December thirty-first, two thousand two, up to twelve million dollars
6 annually, and for the period January first, two thousand three through
7 December thirty-first, two thousand three, up to forty million dollars;
8 and

9 (v) from the pool or the health care reform act (HCRA) resources fund,
10 whichever is applicable, for the periods January first, two thousand
11 four through December thirty-first, two thousand four, up to fifty-six
12 million dollars, for the period January first, two thousand five through
13 December thirty-first, two thousand six, up to sixty million dollars
14 annually, for the period January first, two thousand seven through
15 December thirty-first, two thousand ten, up to sixty million dollars
16 annually, for the period January first, two thousand eleven through
17 March thirty-first, two thousand eleven, up to fifteen million dollars,
18 each state fiscal year for the period April first, two thousand eleven
19 through March thirty-first, two thousand fourteen, up to forty-two
20 million three hundred thousand dollars and up to forty-one million fifty
21 thousand dollars each state fiscal year for the period April first, two
22 thousand fourteen through March thirty-first, two thousand [twenty]
23 twenty-three.

24 (m) Funds shall be reserved and accumulated from year to year and
25 shall be available, including income from invested funds, for purposes
26 of distributions pursuant to section twenty-eight hundred seven-r of
27 this article for cancer related services from the respective health care
28 initiatives pools or the health care reform act (HCRA) resources fund,
29 whichever is applicable, established for the following periods in the
30 following percentage amounts of funds remaining after allocations in
31 accordance with paragraphs (a) through (f) of this subdivision, and for
32 periods on and after January first, two thousand, in the following
33 amounts:

34 (i) from the pool for the period January first, nineteen hundred nine-
35 ty-seven through December thirty-first, nineteen hundred ninety-seven,
36 seven and ninety-four-hundredths percent;

37 (ii) from the pool for the period January first, nineteen hundred
38 ninety-eight through December thirty-first, nineteen hundred ninety-
39 eight, seven and ninety-four-hundredths percent;

40 (iii) from the pool for the period January first, nineteen hundred
41 ninety-nine and December thirty-first, nineteen hundred ninety-nine, six
42 and forty-five-hundredths percent;

43 (iv) from the pool for the period January first, two thousand through
44 December thirty-first, two thousand two, up to ten million dollars on an
45 annual basis;

46 (v) from the pool for the period January first, two thousand three
47 through December thirty-first, two thousand four, up to eight million
48 nine hundred fifty thousand dollars on an annual basis;

49 (vi) from the pool or the health care reform act (HCRA) resources
50 fund, whichever is applicable, for the period January first, two thou-
51 sand five through December thirty-first, two thousand six, up to ten
52 million fifty thousand dollars on an annual basis, for the period Janu-
53 ary first, two thousand seven through December thirty-first, two thou-
54 sand ten, up to nineteen million dollars annually, and for the period
55 January first, two thousand eleven through March thirty-first, two thou-
56 sand eleven, up to four million seven hundred fifty thousand dollars.



1 (n) Funds shall be accumulated and transferred from the health care
2 reform act (HCRA) resources fund as follows: for the period April first,
3 two thousand seven through March thirty-first, two thousand eight, and
4 on an annual basis for the periods April first, two thousand eight
5 through November thirtieth, two thousand nine, funds within amounts
6 appropriated shall be transferred and deposited and credited to the
7 credit of the state special revenue funds - other, HCRA transfer fund,
8 medical assistance account, for purposes of funding the state share of
9 rate adjustments made to public and voluntary hospitals in accordance
10 with paragraphs (i) and (j) of subdivision one of section twenty-eight
11 hundred seven-c of this article.

12 2. Notwithstanding any inconsistent provision of law, rule or regu-
13 lation, any funds accumulated in the health care initiatives pools
14 pursuant to paragraph (b) of subdivision nine of section twenty-eight
15 hundred seven-j of this article, as a result of surcharges, assessments
16 or other obligations during the periods January first, nineteen hundred
17 ninety-seven through December thirty-first, nineteen hundred ninety-
18 nine, which are unused or uncommitted for distributions pursuant to this
19 section shall be reserved and accumulated from year to year by the
20 commissioner and, within amounts appropriated, transferred and deposited
21 into the special revenue funds - other, miscellaneous special revenue
22 fund - 339, child health insurance account or any successor fund or
23 account, for purposes of distributions to implement the child health
24 insurance program established pursuant to sections twenty-five hundred
25 ten and twenty-five hundred eleven of this chapter for periods on and
26 after January first, two thousand one; provided, however, funds reserved
27 and accumulated for priority distributions pursuant to subparagraph
28 (iii) of paragraph (c) of subdivision one of this section shall not be
29 transferred and deposited into such account pursuant to this subdivi-
30 sion; and provided further, however, that any unused or uncommitted pool
31 funds accumulated and allocated pursuant to paragraph (j) of subdivision
32 one of this section shall be distributed for purposes of the health
33 information and quality improvement act of 2000.

34 3. Revenue from distributions pursuant to this section shall not be
35 included in gross revenue received for purposes of the assessments
36 pursuant to subdivision eighteen of section twenty-eight hundred seven-c
37 of this article, subject to the provisions of paragraph (e) of subdivi-
38 sion eighteen of section twenty-eight hundred seven-c of this article,
39 and shall not be included in gross revenue received for purposes of the
40 assessments pursuant to section twenty-eight hundred seven-d of this
41 article, subject to the provisions of subdivision twelve of section
42 twenty-eight hundred seven-d of this article.

43 § 6. Subdivision 1, paragraph (f) of subdivision 3, paragraphs (a) and
44 (d) of subdivision 5 and subdivisions 5-a and 12 of section 2807-m of
45 the public health law, subdivision 1 as amended by section 16 of part B
46 of chapter 58 of the laws of 2008, the opening paragraph of paragraph
47 (s) of subdivision 1 as amended by section 95 and paragraph (f) of
48 subdivision 3 as amended by section 97 of part C of chapter 58 of the
49 laws of 2009, paragraph (a) of subdivision 5 as amended by section 75-b
50 of part C of chapter 58 of the laws of 2008, paragraph (d) of subdivi-
51 sion 5 as added by section 10-a of part E of chapter 63 of the laws of
52 2005, subdivision 5-a as amended by section 6 of part H of chapter 57 of
53 the laws of 2017 and subdivision 12 as added by section 3 of part R of
54 chapter 59 of the laws of 2016, are amended to read as follows:

55 1. Definitions. For purposes of this section, the following defi-
56 nitions shall apply, unless the context clearly requires otherwise:



1 (a) "Clinical research" means patient-oriented research, epidemiologic
2 and behavioral studies, or outcomes research and health services
3 research that is approved by an institutional review board by the time
4 the clinical research position is filled.

5 (b) "Clinical research plan" means a plan submitted by a consortium or
6 teaching general hospital for a clinical research position which demon-
7 strates, in a form to be provided by the commissioner, the following:

8 (i) financial support for overhead, supervision, equipment and other
9 resources equal to the amount of funding provided pursuant to subpara-
10 graph (i) of paragraph (b) of subdivision five-a of this section by the
11 teaching general hospital or consortium for the clinical research posi-
12 tion;

13 (ii) experience the sponsor-mentor and teaching general hospital has
14 in clinical research and the medical field of the study;

15 (iii) methods, data collection and anticipated measurable outcomes of
16 the clinical research to be performed;

17 (iv) training goals, objectives and experience the researcher will be
18 provided to assess a future career in clinical research;

19 (v) scientific relevance, merit and health implications of the
20 research to be performed;

21 (vi) information on potential scientific meetings and peer review
22 journals where research results can be disseminated;

23 (vii) clear and comprehensive details on the clinical research posi-
24 tion;

25 (viii) qualifications necessary for the clinical research position and
26 strategy for recruitment;

27 (ix) non-duplication with other clinical research positions from the
28 same teaching general hospital or consortium;

29 (x) methods to track the career of the clinical researcher once the
30 term of the position is complete; and

31 (xi) any other information required by the commissioner to implement
32 subparagraph (i) of paragraph (b) of subdivision five-a of this section.

33 (xii) The clinical review plan submitted in accordance with this para-
34 graph may be reviewed by the commissioner in consultation with experts
35 outside the department of health.

36 (c) "Clinical research position" means a post-graduate residency posi-
37 tion which:

38 (i) shall not be required in order for the researcher to complete a
39 graduate medical education program;

40 (ii) may be reimbursed by other sources but only for costs in excess
41 of the funding distributed in accordance with subparagraph (i) of para-
42 graph (b) of subdivision five-a of this section;

43 (iii) shall exceed the minimum standards that are required by the
44 residency review committee in the specialty the researcher has trained
45 or is currently training;

46 (iv) shall not be previously funded by the teaching general hospital
47 or supported by another funding source at the teaching general hospital
48 in the past three years from the date the clinical research plan is
49 submitted to the commissioner;

50 (v) may supplement an existing research project;

51 (vi) shall be equivalent to a full-time position comprising of no less
52 than thirty-five hours per week for one or two years;

53 (vii) shall provide, or be filled by a researcher who has formalized
54 instruction in clinical research, including biostatistics, clinical
55 trial design, grant writing and research ethics;



(viii) shall be supervised by a sponsor-mentor who shall either (A) be employed, contracted for employment or paid through an affiliated faculty practice plan by a teaching general hospital which has received at least one research grant from the National Institutes of Health in the past five years from the date the clinical research plan is submitted to the commissioner; (B) maintain a faculty appointment at a medical, dental or podiatric school located in New York state that has received at least one research grant from the National Institutes of Health in the past five years from the date the clinical research plan is submitted to the commissioner; or (C) be collaborating in the clinical research plan with a researcher from another institution that has received at least one research grant from the National Institutes of Health in the past five years from the date the clinical research plan is submitted to the commissioner; and

(ix) shall be filled by a researcher who is (A) enrolled or has completed a graduate medical education program, as defined in paragraph (i) of this subdivision; (B) a United States citizen, national, or permanent resident of the United States; and (C) a graduate of a medical, dental or podiatric school located in New York state, a graduate or resident in a graduate medical education program, as defined in paragraph (i) of this subdivision, where the sponsoring institution, as defined in paragraph (q) of this subdivision, is located in New York state, or resides in New York state at the time the clinical research plan is submitted to the commissioner.

(d) "Consortium" means an organization or association, approved by the commissioner in consultation with the council, of general hospitals which provide graduate medical education, together with any affiliated site; provided that such organization or association may also include other providers of health care services, medical schools, payors or consumers, and which meet other criteria pursuant to subdivision six of this section.

(e) "Council" means the New York state council on graduate medical education.

(f) "Direct medical education" means the direct costs of residents, interns and supervising physicians.

(g) "Distribution period" means each calendar year set forth in subdivision two of this section.

(h) "Faculty" means persons who are employed by or under contract for employment with a teaching general hospital or are paid through a teaching general hospital's affiliated faculty practice plan and maintain a faculty appointment at a medical school. Such persons shall not be limited to persons with a degree in medicine.

(i) "Graduate medical education program" means[, for purposes of subparagraph (i) of paragraph (b) of subdivision five-a of this section,] a post-graduate medical education residency in the United States which has received accreditation from a nationally recognized accreditation body or has been approved by a nationally recognized organization for medical, osteopathic, podiatric or dental residency programs including, but not limited to, specialty boards.

(j) "Indirect medical education" means the estimate of costs, other than direct costs, of educational activities in teaching hospitals as determined in accordance with the methodology applicable for purposes of determining an estimate of indirect medical education costs for reimbursement for inpatient hospital service pursuant to title XVIII of the federal social security act (medicare).



1 (k) "Medicare" means the methodology used for purposes of reimbursing
2 inpatient hospital services provided to beneficiaries of title XVIII of
3 the federal social security act.

4 (l) "Primary care" residents specialties shall include family medi-
5 cine, general pediatrics, primary care internal medicine, and primary
6 care obstetrics and gynecology. In determining whether a residency is in
7 primary care, the commissioner shall consult with the council.

8 (m) "Regions", for purposes of this section, shall mean the regions as
9 defined in paragraph (b) of subdivision sixteen of section twenty-eight
10 hundred seven-c of this article as in effect on June thirtieth, nineteen
11 hundred ninety-six. For purposes of distributions pursuant to subdivi-
12 sion five-a of this section, except distributions made in accordance
13 with paragraph (a) of subdivision five-a of this section, "regions"
14 shall be defined as New York city and the rest of the state.

15 (n) "Regional pool" means a professional education pool established on
16 a regional basis by the commissioner from funds available pursuant to
17 sections twenty-eight hundred seven-s and twenty-eight hundred seven-t
18 of this article.

19 (o) "Resident" means a person in a graduate medical education program
20 which has received accreditation from a nationally recognized accredi-
21 tation body or in a program approved by any other nationally recognized
22 organization for medical, osteopathic or dental residency programs
23 including, but not limited to, specialty boards.

24 (p) "Shortage specialty" means a specialty determined by the commis-
25 sioner, in consultation with the council, to be in short supply in the
26 state of New York.

27 (q) "Sponsoring institution" means the entity that has the overall
28 responsibility for a program of graduate medical education. Such insti-
29 tutions shall include teaching general hospitals, medical schools,
30 consortia and diagnostic and treatment centers.

31 (r) "Weighted resident count" means a teaching general hospital's
32 total number of residents as of July first, nineteen hundred ninety-
33 five, including residents in affiliated non-hospital ambulatory
34 settings, reported to the commissioner. Such resident counts shall
35 reflect the weights established in accordance with rules and regulations
36 adopted by the state hospital review and planning council and approved
37 by the commissioner for purposes of implementing subdivision twenty-five
38 of section twenty-eight hundred seven-c of this article and in effect on
39 July first, nineteen hundred ninety-five. Such weights shall not be
40 applied to specialty hospitals, specified by the commissioner, whose
41 primary care mission is to engage in research, training and clinical
42 care in specialty eye and ear, special surgery, orthopedic, joint
43 disease, cancer, chronic care or rehabilitative services.

44 (s) "Adjustment amount" means an amount determined for each teaching
45 hospital for periods prior to January first, two thousand nine by:

46 (i) determining the difference between (A) a calculation of what each
47 teaching general hospital would have been paid if payments made pursuant
48 to paragraph (a-3) of subdivision one of section twenty-eight hundred
49 seven-c of this article between January first, nineteen hundred ninety-
50 six and December thirty-first, two thousand three were based solely on
51 the case mix of persons eligible for medical assistance under the
52 medical assistance program pursuant to title eleven of article five of
53 the social services law who are enrolled in health maintenance organiza-
54 tions and persons paid for under the family health plus program enrolled
55 in approved organizations pursuant to title eleven-D of article five of
56 the social services law during those years, and (B) the actual payments



1 to each such hospital pursuant to paragraph (a-3) of subdivision one of
2 section twenty-eight hundred seven-c of this article between January
3 first, nineteen hundred ninety-six and December thirty-first, two thou-
4 sand three.

5 (ii) reducing proportionally each of the amounts determined in subpar-
6 agraph (i) of this paragraph so that the sum of all such amounts totals
7 no more than one hundred million dollars;

8 (iii) further reducing each of the amounts determined in subparagraph
9 (ii) of this paragraph by the amount received by each hospital as a
10 distribution from funds designated in paragraph (a) of subdivision five
11 of this section attributable to the period January first, two thousand
12 three through December thirty-first, two thousand three, except that if
13 such amount was provided to a consortium then the amount of the
14 reduction for each hospital in the consortium shall be determined by
15 applying the proportion of each hospital's amount determined under
16 subparagraph (i) of this paragraph to the total of such amounts of all
17 hospitals in such consortium to the consortium award;

18 (iv) further reducing each of the amounts determined in subparagraph
19 (iii) of this paragraph by the amounts specified in paragraph (t) of
20 this subdivision; and

21 (v) dividing each of the amounts determined in subparagraph (iii) of
22 this paragraph by seven.

23 (t) "Extra reduction amount" shall mean an amount determined for a
24 teaching hospital for which an adjustment amount is calculated pursuant
25 to paragraph (s) of this subdivision that is the hospital's propor-
26 tionate share of the sum of the amounts specified in paragraph (u) of
27 this subdivision determined based upon a comparison of the hospital's
28 remaining liability calculated pursuant to paragraph (s) of this subdi-
29 vision to the sum of all such hospital's remaining liabilities.

30 (u) "Allotment amount" shall mean an amount determined for teaching
31 hospitals as follows:

32 (i) for a hospital for which an adjustment amount pursuant to para-
33 graph (s) of this subdivision does not apply, the amount received by the
34 hospital pursuant to paragraph (a) of subdivision five of this section
35 attributable to the period January first, two thousand three through
36 December thirty-first, two thousand three, or

37 (ii) for a hospital for which an adjustment amount pursuant to para-
38 graph (s) of this subdivision applies and which received a distribution
39 pursuant to paragraph (a) of subdivision five of this section attribut-
40 able to the period January first, two thousand three through December
41 thirty-first, two thousand three that is greater than the hospital's
42 adjustment amount, the difference between the distribution amount and
43 the adjustment amount.

44 (f) Effective January first, two thousand five through December thir-
45 ty-first, two thousand eight, each teaching general hospital shall
46 receive a distribution from the applicable regional pool based on its
47 distribution amount determined under paragraphs (c), (d) and (e) of this
48 subdivision and reduced by its adjustment amount calculated pursuant to
49 paragraph (s) of subdivision one of this section and, for distributions
50 for the period January first, two thousand five through December thir-
51 ty-first, two thousand five, further reduced by its extra reduction
52 amount calculated pursuant to paragraph (t) of subdivision one of this
53 section.

54 (a) Up to thirty-one million dollars annually for the periods January
55 first, two thousand through December thirty-first, two thousand three,
56 and up to twenty-five million dollars plus the sum of the amounts speci-



1 fied in paragraph (n) of subdivision one of this section for the period
2 January first, two thousand five through December thirty-first, two
3 thousand five, and up to thirty-one million dollars annually for the
4 period January first, two thousand six through December thirty-first,
5 two thousand seven, shall be set aside and reserved by the commissioner
6 from the regional pools established pursuant to subdivision two of this
7 section for supplemental distributions in each such region to be made by
8 the commissioner to consortia and teaching general hospitals in accord-
9 ance with a distribution methodology developed in consultation with the
10 council and specified in rules and regulations adopted by the commis-
11 sioner.

12 (d) Notwithstanding any other provision of law or regulation, for the
13 period January first, two thousand five through December thirty-first,
14 two thousand five, the commissioner shall distribute as supplemental
15 payments the allotment specified in paragraph (n) of subdivision one of
16 this section.

17 5-a. Graduate medical education innovations pool. (a) Supplemental
18 distributions. (i) Thirty-one million dollars for the period January
19 first, two thousand eight through December thirty-first, two thousand
20 eight, shall be set aside and reserved by the commissioner from the
21 regional pools established pursuant to subdivision two of this section
22 and shall be available for distributions pursuant to subdivision five of
23 this section and in accordance with section 86-1.89 of title 10 of the
24 codes, rules and regulations of the state of New York as in effect on
25 January first, two thousand eight; provided, however, for purposes of
26 funding the empire clinical research investigation program (ECRIP) in
27 accordance with paragraph eight of subdivision (e) and paragraph two of
28 subdivision (f) of section 86-1.89 of title 10 of the codes, rules and
29 regulations of the state of New York, distributions shall be made using
30 two regions defined as New York city and the rest of the state and the
31 dollar amount set forth in subparagraph (i) of paragraph two of subdivi-
32 sion (f) of section 86-1.89 of title 10 of the codes, rules and regu-
33 lations of the state of New York shall be increased from sixty thousand
34 dollars to seventy-five thousand dollars.

35 (ii) For periods on and after January first, two thousand nine,
36 supplemental distributions pursuant to subdivision five of this section
37 and in accordance with section 86-1.89 of title 10 of the codes, rules
38 and regulations of the state of New York shall no longer be made and the
39 provisions of section 86-1.89 of title 10 of the codes, rules and regu-
40 lations of the state of New York shall be null and void.

41 (b) Empire clinical research investigator program (ECRIP). Nine
42 million one hundred twenty thousand dollars annually for the period
43 January first, two thousand nine through December thirty-first, two
44 thousand ten, and two million two hundred eighty thousand dollars for
45 the period January first, two thousand eleven, through March thirty-
46 first, two thousand eleven, nine million one hundred twenty thousand
47 dollars each state fiscal year for the period April first, two thousand
48 eleven through March thirty-first, two thousand fourteen, up to eight
49 million six hundred twelve thousand dollars each state fiscal year for
50 the period April first, two thousand fourteen through March thirty-
51 first, two thousand seventeen, [and] up to eight million six hundred
52 twelve thousand dollars each state fiscal year for the period April
53 first, two thousand seventeen through March thirty-first, two thousand
54 twenty, and up to eight million six hundred twelve thousand dollars each
55 state fiscal year for the period April first, two thousand twenty
56 through March thirty-first, two thousand twenty-three, shall be set

1 aside and reserved by the commissioner from the regional pools estab-
2 lished pursuant to subdivision two of this section to be allocated
3 regionally with two-thirds of the available funding going to New York
4 city and one-third of the available funding going to the rest of the
5 state and shall be available for distribution as follows:

6 Distributions shall first be made to consortia and teaching general
7 hospitals for the empire clinical research investigator program (ECRIP)
8 to help secure federal funding for biomedical research, train clinical
9 researchers, recruit national leaders as faculty to act as mentors, and
10 train residents and fellows in biomedical research skills based on
11 hospital-specific data submitted to the commissioner by consortia and
12 teaching general hospitals in accordance with clause (G) of this subpar-
13 agraph. Such distributions shall be made in accordance with the follow-
14 ing methodology:

15 (A) The greatest number of clinical research positions for which a
16 consortium or teaching general hospital may be funded pursuant to this
17 subparagraph shall be one percent of the total number of residents
18 training at the consortium or teaching general hospital on July first,
19 two thousand eight for the period January first, two thousand nine
20 through December thirty-first, two thousand nine rounded up to the near-
21 est one position.

22 (B) Distributions made to a consortium or teaching general hospital
23 shall equal the product of the total number of clinical research posi-
24 tions submitted by a consortium or teaching general hospital and
25 accepted by the commissioner as meeting the criteria set forth in para-
26 graph (b) of subdivision one of this section, subject to the reduction
27 calculation set forth in clause (C) of this subparagraph, times one
28 hundred ten thousand dollars.

29 (C) If the dollar amount for the total number of clinical research
30 positions in the region calculated pursuant to clause (B) of this
31 subparagraph exceeds the total amount appropriated for purposes of this
32 paragraph, including clinical research positions that continue from and
33 were funded in prior distribution periods, the commissioner shall elimi-
34 nate one-half of the clinical research positions submitted by each
35 consortium or teaching general hospital rounded down to the nearest one
36 position. Such reduction shall be repeated until the dollar amount for
37 the total number of clinical research positions in the region does not
38 exceed the total amount appropriated for purposes of this paragraph. If
39 the repeated reduction of the total number of clinical research posi-
40 tions in the region by one-half does not render a total funding amount
41 that is equal to or less than the total amount reserved for that region
42 within the appropriation, the funding for each clinical research posi-
43 tion in that region shall be reduced proportionally in one thousand
44 dollar increments until the total dollar amount for the total number of
45 clinical research positions in that region does not exceed the total
46 amount reserved for that region within the appropriation. Any reduction
47 in funding will be effective for the duration of the award. No clinical
48 research positions that continue from and were funded in prior distrib-
49 ution periods shall be eliminated or reduced by such methodology.

50 (D) Each consortium or teaching general hospital shall receive its
51 annual distribution amount in accordance with the following:

52 (I) Each consortium or teaching general hospital with a one-year ECRIP
53 award shall receive its annual distribution amount in full upon
54 completion of the requirements set forth in items (I) and (II) of clause
55 (G) of this subparagraph. The requirements set forth in items (IV) and
56 (V) of clause (G) of this subparagraph must be completed by the consor-



1 tium or teaching general hospital in order for the consortium or teach-
2 ing general hospital to be eligible to apply for ECRIP funding in any
3 subsequent funding cycle.

4 (II) Each consortium or teaching general hospital with a two-year
5 ECRIP award shall receive its first annual distribution amount in full
6 upon completion of the requirements set forth in items (I) and (II) of
7 clause (G) of this subparagraph. Each consortium or teaching general
8 hospital will receive its second annual distribution amount in full upon
9 completion of the requirements set forth in item (III) of clause (G) of
10 this subparagraph. The requirements set forth in items (IV) and (V) of
11 clause (G) of this subparagraph must be completed by the consortium or
12 teaching general hospital in order for the consortium or teaching gener-
13 al hospital to be eligible to apply for ECRIP funding in any subsequent
14 funding cycle.

15 (E) Each consortium or teaching general hospital receiving distrib-
16 utions pursuant to this subparagraph shall reserve seventy-five thousand
17 dollars to primarily fund salary and fringe benefits of the clinical
18 research position with the remainder going to fund the development of
19 faculty who are involved in biomedical research, training and clinical
20 care.

21 (F) Undistributed or returned funds available to fund clinical
22 research positions pursuant to this paragraph for a distribution period
23 shall be available to fund clinical research positions in a subsequent
24 distribution period.

25 (G) In order to be eligible for distributions pursuant to this subpar-
26 agraph, each consortium and teaching general hospital shall provide to
27 the commissioner by July first of each distribution period, the follow-
28 ing data and information on a hospital-specific basis. Such data and
29 information shall be certified as to accuracy and completeness by the
30 chief executive officer, chief financial officer or chair of the consor-
31 tium governing body of each consortium or teaching general hospital and
32 shall be maintained by each consortium and teaching general hospital for
33 five years from the date of submission:

34 (I) For each clinical research position, information on the type,
35 scope, training objectives, institutional support, clinical research
36 experience of the sponsor-mentor, plans for submitting research outcomes
37 to peer reviewed journals and at scientific meetings, including a meet-
38 ing sponsored by the department, the name of a principal contact person
39 responsible for tracking the career development of researchers placed in
40 clinical research positions, as defined in paragraph (c) of subdivision
41 one of this section, and who is authorized to certify to the commission-
42 er that all the requirements of the clinical research training objec-
43 tives set forth in this subparagraph shall be met. Such certification
44 shall be provided by July first of each distribution period;

45 (II) For each clinical research position, information on the name,
46 citizenship status, medical education and training, and medical license
47 number of the researcher, if applicable, shall be provided by December
48 thirty-first of the calendar year following the distribution period;

49 (III) Information on the status of the clinical research plan, accom-
50 plishments, changes in research activities, progress, and performance of
51 the researcher shall be provided upon completion of one-half of the
52 award term;

53 (IV) A final report detailing training experiences, accomplishments,
54 activities and performance of the clinical researcher, and data, meth-
55 ods, results and analyses of the clinical research plan shall be
56 provided three months after the clinical research position ends; and



1 (V) Tracking information concerning past researchers, including but
2 not limited to (A) background information, (B) employment history, (C)
3 research status, (D) current research activities, (E) publications and
4 presentations, (F) research support, and (G) any other information
5 necessary to track the researcher; and

6 (VI) Any other data or information required by the commissioner to
7 implement this subparagraph.

8 (H) Notwithstanding any inconsistent provision of this subdivision,
9 for periods on and after April first, two thousand thirteen, ECRIP grant
10 awards shall be made in accordance with rules and regulations promulgat-
11 ed by the commissioner. Such regulations shall, at a minimum:

12 (1) provide that ECRIP grant awards shall be made with the objective
13 of securing federal funding for biomedical research, training clinical
14 researchers, recruiting national leaders as faculty to act as mentors,
15 and training residents and fellows in biomedical research skills;

16 (2) provide that ECRIP grant applicants may include interdisciplinary
17 research teams comprised of teaching general hospitals acting in collab-
18 oration with entities including but not limited to medical centers,
19 hospitals, universities and local health departments;

20 (3) provide that applications for ECRIP grant awards shall be based on
21 such information requested by the commissioner, which shall include but
22 not be limited to hospital-specific data;

23 (4) establish the qualifications for investigators and other staff
24 required for grant projects eligible for ECRIP grant awards; and

25 (5) establish a methodology for the distribution of funds under ECRIP
26 grant awards.

27 [(c) Ambulatory care training. Four million nine hundred thousand
28 dollars for the period January first, two thousand eight through Decem-
29 ber thirty-first, two thousand eight, four million nine hundred thousand
30 dollars for the period January first, two thousand nine through December
31 thirty-first, two thousand nine, four million nine hundred thousand
32 dollars for the period January first, two thousand ten through December
33 thirty-first, two thousand ten, one million two hundred twenty-five
34 thousand dollars for the period January first, two thousand eleven
35 through March thirty-first, two thousand eleven, four million three
36 hundred thousand dollars each state fiscal year for the period April
37 first, two thousand eleven through March thirty-first, two thousand
38 fourteen, up to four million sixty thousand dollars each state fiscal
39 year for the period April first, two thousand fourteen through March
40 thirty-first, two thousand seventeen, and up to four million sixty thou-
41 sand dollars each fiscal year for the period April first, two thousand
42 seventeen through March thirty-first, two thousand twenty, shall be set
43 aside and reserved by the commissioner from the regional pools estab-
44 lished pursuant to subdivision two of this section and shall be avail-
45 able for distributions to sponsoring institutions to be directed to
46 support clinical training of medical students and residents in free-
47 standing ambulatory care settings, including community health centers
48 and private practices. Such funding shall be allocated regionally with
49 two-thirds of the available funding going to New York city and one-third
50 of the available funding going to the rest of the state and shall be
51 distributed to sponsoring institutions in each region pursuant to a
52 request for application or request for proposal process with preference
53 being given to sponsoring institutions which provide training in sites
54 located in underserved rural or inner-city areas and those that include
55 medical students in such training.]



1 [(d)] (c) Physician loan repayment program. One million nine hundred
2 sixty thousand dollars for the period January first, two thousand eight
3 through December thirty-first, two thousand eight, one million nine
4 hundred sixty thousand dollars for the period January first, two thou-
5 sand nine through December thirty-first, two thousand nine, one million
6 nine hundred sixty thousand dollars for the period January first, two
7 thousand ten through December thirty-first, two thousand ten, four
8 hundred ninety thousand dollars for the period January first, two thou-
9 sand eleven through March thirty-first, two thousand eleven, one million
10 seven hundred thousand dollars each state fiscal year for the period
11 April first, two thousand eleven through March thirty-first, two thou-
12 sand fourteen, up to one million seven hundred five thousand dollars
13 each state fiscal year for the period April first, two thousand fourteen
14 through March thirty-first, two thousand seventeen, [and] up to one
15 million seven hundred five thousand dollars each state fiscal year for
16 the period April first, two thousand seventeen through March thirty-
17 first, two thousand twenty, and up to one million seven hundred five
18 thousand dollars each state fiscal year for the period April first, two
19 thousand twenty through March thirty-first, two thousand twenty-three,
20 shall be set aside and reserved by the commissioner from the regional
21 pools established pursuant to subdivision two of this section and shall
22 be available for purposes of physician loan repayment in accordance with
23 subdivision ten of this section. Notwithstanding any contrary provision
24 of this section, sections one hundred twelve and one hundred sixty-three
25 of the state finance law, or any other contrary provision of law, such
26 funding shall be allocated regionally with one-third of available funds
27 going to New York city and two-thirds of available funds going to the
28 rest of the state and shall be distributed in a manner to be determined
29 by the commissioner without a competitive bid or request for proposal
30 process as follows:

31 (i) Funding shall first be awarded to repay loans of up to twenty-five
32 physicians who train in primary care or specialty tracks in teaching
33 general hospitals, and who enter and remain in primary care or specialty
34 practices in underserved communities, as determined by the commissioner.

35 (ii) After distributions in accordance with subparagraph (i) of this
36 paragraph, all remaining funds shall be awarded to repay loans of physi-
37 cians who enter and remain in primary care or specialty practices in
38 underserved communities, as determined by the commissioner, including
39 but not limited to physicians working in general hospitals, or other
40 health care facilities.

41 (iii) In no case shall less than fifty percent of the funds available
42 pursuant to this paragraph be distributed in accordance with subpara-
43 graphs (i) and (ii) of this paragraph to physicians identified by gener-
44 al hospitals.

45 (iv) In addition to the funds allocated under this paragraph, for the
46 period April first, two thousand fifteen through March thirty-first, two
47 thousand sixteen, two million dollars shall be available for the
48 purposes described in subdivision ten of this section;

49 (v) In addition to the funds allocated under this paragraph, for the
50 period April first, two thousand sixteen through March thirty-first, two
51 thousand seventeen, two million dollars shall be available for the
52 purposes described in subdivision ten of this section;

53 (vi) Notwithstanding any provision of law to the contrary, and subject
54 to the extension of the Health Care Reform Act of 1996, sufficient funds
55 shall be available for the purposes described in subdivision ten of this

1 section in amounts necessary to fund the remaining year commitments for
2 awards made pursuant to subparagraphs (iv) and (v) of this paragraph.

3 [(e)] (d) Physician practice support. Four million nine hundred thou-
4 sand dollars for the period January first, two thousand eight through
5 December thirty-first, two thousand eight, four million nine hundred
6 thousand dollars annually for the period January first, two thousand
7 nine through December thirty-first, two thousand ten, one million two
8 hundred twenty-five thousand dollars for the period January first, two
9 thousand eleven through March thirty-first, two thousand eleven, four
10 million three hundred thousand dollars each state fiscal year for the
11 period April first, two thousand eleven through March thirty-first, two
12 thousand fourteen, up to four million three hundred sixty thousand
13 dollars each state fiscal year for the period April first, two thousand
14 fourteen through March thirty-first, two thousand seventeen, [and] up to
15 four million three hundred sixty thousand dollars for each state fiscal
16 year for the period April first, two thousand seventeen through March
17 thirty-first, two thousand twenty, and up to four million three hundred
18 sixty thousand dollars for each fiscal year for the period April first,
19 two thousand twenty through March thirty-first, two thousand twenty-
20 three, shall be set aside and reserved by the commissioner from the
21 regional pools established pursuant to subdivision two of this section
22 and shall be available for purposes of physician practice support.
23 Notwithstanding any contrary provision of this section, sections one
24 hundred twelve and one hundred sixty-three of the state finance law, or
25 any other contrary provision of law, such funding shall be allocated
26 regionally with one-third of available funds going to New York city and
27 two-thirds of available funds going to the rest of the state and shall
28 be distributed in a manner to be determined by the commissioner without
29 a competitive bid or request for proposal process as follows:

30 (i) Preference in funding shall first be accorded to teaching general
31 hospitals for up to twenty-five awards, to support costs incurred by
32 physicians trained in primary or specialty tracks who thereafter estab-
33 lish or join practices in underserved communities, as determined by the
34 commissioner.

35 (ii) After distributions in accordance with subparagraph (i) of this
36 paragraph, all remaining funds shall be awarded to physicians to support
37 the cost of establishing or joining practices in underserved communi-
38 ties, as determined by the commissioner, and to hospitals and other
39 health care providers to recruit new physicians to provide services in
40 underserved communities, as determined by the commissioner.

41 (iii) In no case shall less than fifty percent of the funds available
42 pursuant to this paragraph be distributed to general hospitals in
43 accordance with subparagraphs (i) and (ii) of this paragraph.

44 [(e-1)] (e) Work group. For funding available pursuant to paragraphs
45 (c) and (d) (e) of this subdivision:

46 (i) The department shall appoint a work group from recommendations
47 made by associations representing physicians, general hospitals and
48 other health care facilities to develop a streamlined application proc-
49 ess by June first, two thousand twelve.

50 (ii) Subject to available funding, applications shall be accepted on a
51 continuous basis. The department shall provide technical assistance to
52 applicants to facilitate their completion of applications. An applicant
53 shall be notified in writing by the department within ten days of
54 receipt of an application as to whether the application is complete and
55 if the application is incomplete, what information is outstanding. The



1 department shall act on an application within thirty days of receipt of
2 a complete application.

3 (f) Study on physician workforce. Five hundred ninety thousand dollars
4 annually for the period January first, two thousand eight through Decem-
5 ber thirty-first, two thousand ten, one hundred forty-eight thousand
6 dollars for the period January first, two thousand eleven through March
7 thirty-first, two thousand eleven, five hundred sixteen thousand dollars
8 each state fiscal year for the period April first, two thousand eleven
9 through March thirty-first, two thousand fourteen, up to four hundred
10 eighty-seven thousand dollars each state fiscal year for the period
11 April first, two thousand fourteen through March thirty-first, two thou-
12 sand seventeen, [and] up to four hundred eighty-seven thousand dollars
13 for each state fiscal year for the period April first, two thousand
14 seventeen through March thirty-first, two thousand twenty, and up to
15 four hundred eighty-seven thousand dollars each state fiscal year for
16 the period April first, two thousand twenty through March thirty-first,
17 two thousand twenty-three, shall be set aside and reserved by the
18 commissioner from the regional pools established pursuant to subdivision
19 two of this section and shall be available to fund a study of physician
20 workforce needs and solutions including, but not limited to, an analysis
21 of residency programs and projected physician workforce and community
22 needs. The commissioner shall enter into agreements with one or more
23 organizations to conduct such study based on a request for proposal
24 process.

25 (g) Diversity in medicine/post-baccalaureate program. Notwithstanding
26 any inconsistent provision of section one hundred twelve or one hundred
27 sixty-three of the state finance law or any other law, one million nine
28 hundred sixty thousand dollars annually for the period January first,
29 two thousand eight through December thirty-first, two thousand ten, four
30 hundred ninety thousand dollars for the period January first, two thou-
31 sand eleven through March thirty-first, two thousand eleven, one million
32 seven hundred thousand dollars each state fiscal year for the period
33 April first, two thousand eleven through March thirty-first, two thou-
34 sand fourteen, up to one million six hundred five thousand dollars each
35 state fiscal year for the period April first, two thousand fourteen
36 through March thirty-first, two thousand seventeen, up to one million
37 six hundred five thousand dollars each state fiscal year for the period
38 April first, two thousand seventeen through March thirty-first, two
39 thousand twenty, and up to one million six hundred five thousand dollars
40 each state fiscal year for the period April first, two thousand twenty
41 through March thirty-first, two thousand twenty-three, shall be set
42 aside and reserved by the commissioner from the regional pools estab-
43 lished pursuant to subdivision two of this section and shall be avail-
44 able for distributions to the Associated Medical Schools of New York to
45 fund its diversity program including existing and new post-baccalaureate
46 programs for minority and economically disadvantaged students and
47 encourage participation from all medical schools in New York. The asso-
48 ciated medical schools of New York shall report to the commissioner on
49 an annual basis regarding the use of funds for such purpose in such form
50 and manner as specified by the commissioner.

51 (h) In the event there are undistributed funds within amounts made
52 available for distributions pursuant to this subdivision, such funds may
53 be reallocated and distributed in current or subsequent distribution
54 periods in a manner determined by the commissioner for any purpose set
55 forth in this subdivision.



12. Notwithstanding any provision of law to the contrary, applications submitted on or after April first, two thousand sixteen, for the physician loan repayment program pursuant to paragraph [(d)] (c) of subdivision five-a of this section and subdivision ten of this section or the physician practice support program pursuant to paragraph [(e)] (d) of subdivision five-a of this section, shall be subject to the following changes:

(a) Awards shall be made from the total funding available for new awards under the physician loan repayment program and the physician practice support program, with neither program limited to a specific funding amount within such total funding available;

(b) An applicant may apply for an award for either physician loan repayment or physician practice support, but not both;

(c) An applicant shall agree to practice for three years in an underserved area and each award shall provide up to forty thousand dollars for each of the three years; and

(d) To the extent practicable, awards shall be timed to be of use for job offers made to applicants.

§ 7. Subdivision 7 of section 2807-m of the public health law is REPEALED.

§ 8. Subparagraph (xvi) of paragraph (a) of subdivision 7 of section 2807-s of the public health law, as amended by section 30 of part H of chapter 59 of the laws of 2011, is amended to read as follows:

(xvi) provided further, however, for periods prior to July first, two thousand nine, amounts set forth in this paragraph shall be reduced by an amount equal to the actual distribution reductions for all facilities pursuant to paragraph (s) of subdivision one of section twenty-eight hundred seven-m of this article.

§ 9. Subdivision (c) of section 92-dd of the state finance law, as amended by section 75-f of part C of chapter 58 of the laws of 2008, is amended to read as follows:

(c) The pool administrator shall, from appropriated funds transferred to the pool administrator from the comptroller, continue to make payments as required pursuant to sections twenty-eight hundred seven-k, twenty-eight hundred seven-m (not including payments made pursuant to [subparagraph (ii) of paragraph (b) and] paragraphs (c), (d), [(e)], (f) and (g) of subdivision five-a [and subdivision seven] of section twenty-eight hundred seven-m), and twenty-eight hundred seven-w of the public health law, paragraph (e) of subdivision twenty-five of section twenty-eight hundred seven-c of the public health law, paragraphs (b) and (c) of subdivision thirty of section twenty-eight hundred seven-c of the public health law, paragraph (b) of subdivision eighteen of section twenty-eight hundred eight of the public health law, subdivision seven of section twenty-five hundred-d of the public health law and section eighty-eight of chapter one of the laws of nineteen hundred ninety-nine.

§ 10. Subdivision 4-c of section 2807-p of the public health law, as amended by section 13 of part H of chapter 57 of the laws of 2017, is amended to read as follows:

4-c. Notwithstanding any provision of law to the contrary, the commissioner shall make additional payments for uncompensated care to voluntary non-profit diagnostic and treatment centers that are eligible for distributions under subdivision four of this section in the following amounts: for the period June first, two thousand six through December thirty-first, two thousand six, in the amount of seven million five hundred thousand dollars, for the period January first, two thousand seven through December thirty-first, two thousand seven, seven million



1 five hundred thousand dollars, for the period January first, two thou-
2 sand eight through December thirty-first, two thousand eight, seven
3 million five hundred thousand dollars, for the period January first, two
4 thousand nine through December thirty-first, two thousand nine, fifteen
5 million five hundred thousand dollars, for the period January first, two
6 thousand ten through December thirty-first, two thousand ten, seven
7 million five hundred thousand dollars, for the period January first, two
8 thousand eleven through December thirty-first, two thousand eleven, seven
9 million five hundred thousand dollars, for the period January first, two
10 thousand twelve through December thirty-first, two thousand twelve,
11 seven million five hundred thousand dollars, for the period January
12 first, two thousand thirteen through December thirty-first, two thousand
13 thirteen, seven million five hundred thousand dollars, for the period
14 January first, two thousand fourteen through December thirty-first, two
15 thousand fourteen, seven million five hundred thousand dollars, for the
16 period January first, two thousand fifteen through December thirty-
17 first, two thousand fifteen, seven million five hundred thousand
18 dollars, for the period January first two thousand sixteen through
19 December thirty-first, two thousand sixteen, seven million five hundred
20 thousand dollars, for the period January first, two thousand seventeen
21 through December thirty-first, two thousand seventeen, seven million
22 five hundred thousand dollars, for the period January first, two thou-
23 sand eighteen through December thirty-first, two thousand eighteen,
24 seven million five hundred thousand dollars, for the period January
25 first, two thousand nineteen through December thirty-first, two thousand
26 nineteen, seven million five hundred thousand dollars, for the period
27 January first, two thousand twenty through December thirty-first, two
28 thousand twenty, seven million five hundred thousand dollars, for the
29 period January first, two thousand twenty-one through December thirty-
30 first, two thousand twenty-one, seven million five hundred thousand
31 dollars, for the period January first, two thousand twenty-two through
32 December thirty-first, two thousand twenty-two, seven million five
33 hundred thousand dollars, and for the period January first, two thousand
34 [twenty] twenty-three through March thirty-first, two thousand [twenty]
35 twenty-three, in the amount of one million six hundred thousand dollars,
36 provided, however, that for periods on and after January first, two
37 thousand eight, such additional payments shall be distributed to volun-
38 tary, non-profit diagnostic and treatment centers and to public diagnos-
39 tic and treatment centers in accordance with paragraph (g) of subdivi-
40 sion four of this section. In the event that federal financial
41 participation is available for rate adjustments pursuant to this
42 section, the commissioner shall make such payments as additional adjust-
43 ments to rates of payment for voluntary non-profit diagnostic and treat-
44 ment centers that are eligible for distributions under subdivision
45 four-a of this section in the following amounts: for the period June
46 first, two thousand six through December thirty-first, two thousand six,
47 fifteen million dollars in the aggregate, and for the period January
48 first, two thousand seven through June thirtieth, two thousand seven,
49 seven million five hundred thousand dollars in the aggregate. The
50 amounts allocated pursuant to this paragraph shall be aggregated with
51 and distributed pursuant to the same methodology applicable to the
52 amounts allocated to such diagnostic and treatment centers for such
53 periods pursuant to subdivision four of this section if federal finan-
54 cial participation is not available, or pursuant to subdivision four-a
55 of this section if federal financial participation is available.
56 Notwithstanding section three hundred sixty-eight-a of the social



1 services law, there shall be no local share in a medical assistance
2 payment adjustment under this subdivision.

3 § 11. Subparagraph (xv) of paragraph (a) of subdivision 6 of section
4 2807-s of the public health law, as amended by section 3 of part H of
5 chapter 57 of the laws of 2017, is amended to read as follows:

6 (xv) A gross annual statewide amount for the period January first, two
7 thousand fifteen through December thirty-first, two thousand [twenty]
8 twenty-three, shall be one billion forty-five million dollars.

9 § 12. Subparagraph (xiii) of paragraph (a) of subdivision 7 of section
10 2807-s of the public health law, as amended by section 4 of part H of
11 chapter 57 of the laws of 2017, is amended to read as follows:

12 (xiii) twenty-three million eight hundred thirty-six thousand dollars
13 each state fiscal year for the period April first, two thousand twelve
14 through March thirty-first, two thousand [twenty] twenty-three;

15 § 13. Subdivision 6 of section 2807-t of the public health law, as
16 amended by section 8 of part H of chapter 57 of the laws of 2017, is
17 amended to read as follows:

18 6. Prospective adjustments. (a) The commissioner shall annually recon-
19 cile the sum of the actual payments made to the commissioner or the
20 commissioner's designee for each region pursuant to section twenty-eight
21 hundred seven-s of this article and pursuant to this section for the
22 prior year with the regional allocation of the gross annual statewide
23 amount specified in subdivision six of section twenty-eight hundred
24 seven-s of this article for such prior year. The difference between the
25 actual amount raised for a region and the regional allocation of the
26 specified gross annual amount for such prior year shall be applied as a
27 prospective adjustment to the regional allocation of the specified gross
28 annual payment amount for such region for the year next following the
29 calculation of the reconciliation. The authorized dollar value of the
30 adjustments shall be the same as if calculated retrospectively.

31 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
32 sion, for covered lives assessment rate periods on and after January
33 first, two thousand fifteen through December thirty-first, two thousand
34 [twenty] twenty-three, for amounts collected in the aggregate in excess
35 of one billion forty-five million dollars on an annual basis, prospec-
36 tive adjustments shall be suspended if the annual reconciliation calcu-
37 lation from the prior year would otherwise result in a decrease to the
38 regional allocation of the specified gross annual payment amount for
39 that region, provided, however, that such suspension shall be lifted
40 upon a determination by the commissioner, in consultation with the
41 director of the budget, that sixty-five million dollars in aggregate
42 collections on an annual basis over and above one billion forty-five
43 million dollars on an annual basis have been reserved and set aside for
44 deposit in the HCRA resources fund. Any amounts collected in the aggre-
45 gate at or below one billion forty-five million dollars on an annual
46 basis, shall be subject to regional adjustments reconciling any
47 decreases or increases to the regional allocation in accordance with
48 paragraph (a) of this subdivision.

49 § 14. Section 2807-v of the public health law, as amended by section
50 22 of part H of chapter 57 of the laws of 2017, is amended to read as
51 follows:

52 § 2807-v. Tobacco control and insurance initiatives pool distrib-
53 utions. 1. Funds accumulated in the tobacco control and insurance
54 initiatives pool or in the health care reform act (HCRA) resources fund
55 established pursuant to section ninety-two-dd of the state finance law,
56 whichever is applicable, including income from invested funds, shall be

1 distributed or retained by the commissioner or by the state comptroller,
2 as applicable, in accordance with the following:

3 (a) Funds shall be deposited by the commissioner, within amounts
4 appropriated, and the state comptroller is hereby authorized and
5 directed to receive for deposit to the credit of the state special
6 revenue funds - other, HCRA transfer fund, medicaid fraud hotline and
7 medicaid administration account, or any successor fund or account, for
8 purposes of services and expenses related to the toll-free medicaid
9 fraud hotline established pursuant to section one hundred eight of chap-
10 ter one of the laws of nineteen hundred ninety-nine from the tobacco
11 control and insurance initiatives pool established for the following
12 periods in the following amounts: four hundred thousand dollars annually
13 for the periods January first, two thousand through December thirty-
14 first, two thousand two, up to four hundred thousand dollars for the
15 period January first, two thousand three through December thirty-first,
16 two thousand three, up to four hundred thousand dollars for the period
17 January first, two thousand four through December thirty-first, two
18 thousand four, up to four hundred thousand dollars for the period Janu-
19 ary first, two thousand five through December thirty-first, two thousand
20 five, up to four hundred thousand dollars for the period January first,
21 two thousand six through December thirty-first, two thousand six, up to
22 four hundred thousand dollars for the period January first, two thousand
23 seven through December thirty-first, two thousand seven, up to four
24 hundred thousand dollars for the period January first, two thousand
25 eight through December thirty-first, two thousand eight, up to four
26 hundred thousand dollars for the period January first, two thousand nine
27 through December thirty-first, two thousand nine, up to four hundred
28 thousand dollars for the period January first, two thousand ten through
29 December thirty-first, two thousand ten, up to one hundred thousand
30 dollars for the period January first, two thousand eleven through March
31 thirty-first, two thousand eleven and within amounts appropriated on and
32 after April first, two thousand eleven.

33 (b) Funds shall be reserved and accumulated from year to year and
34 shall be available, including income from invested funds, for purposes
35 of payment of audits or audit contracts necessary to determine payor and
36 provider compliance with requirements set forth in sections twenty-eight
37 hundred seven-j, twenty-eight hundred seven-s and twenty-eight hundred
38 seven-t of this article from the tobacco control and insurance initi-
39 atives pool established for the following periods in the following
40 amounts: five million six hundred thousand dollars annually for the
41 periods January first, two thousand through December thirty-first, two
42 thousand two, up to five million dollars for the period January first,
43 two thousand three through December thirty-first, two thousand three, up
44 to five million dollars for the period January first, two thousand four
45 through December thirty-first, two thousand four, up to five million
46 dollars for the period January first, two thousand five through December
47 [thirty first] ~~thirty-first~~, two thousand five, up to five million
48 dollars for the period January first, two thousand six through December
49 thirty-first, two thousand six, up to seven million eight hundred thou-
50 sand dollars for the period January first, two thousand seven through
51 December thirty-first, two thousand seven, and up to eight million three
52 hundred twenty-five thousand dollars for the period January first, two
53 thousand eight through December thirty-first, two thousand eight, up to
54 eight million five hundred thousand dollars for the period January
55 first, two thousand nine through December thirty-first, two thousand
56 nine, up to eight million five hundred thousand dollars for the period



1 January first, two thousand ten through December thirty-first, two thou-
2 sand ten, up to two million one hundred twenty-five thousand dollars for
3 the period January first, two thousand eleven through March thirty-
4 first, two thousand eleven, up to fourteen million seven hundred thou-
5 sand dollars each state fiscal year for the period April first, two
6 thousand eleven through March thirty-first, two thousand fourteen, up to
7 eleven million one hundred thousand dollars each state fiscal year for
8 the period April first, two thousand fourteen through March thirty-
9 first, two thousand seventeen, [and] up to eleven million one hundred
10 thousand dollars each state fiscal year for the period April first, two
11 thousand seventeen through March thirty-first, two thousand twenty, and
12 up to eleven million one hundred thousand dollars each state fiscal year
13 for the period April first, two thousand twenty through March thirty-
14 first, two thousand twenty-three.

15 (c) Funds shall be deposited by the commissioner, within amounts
16 appropriated, and the state comptroller is hereby authorized and
17 directed to receive for deposit to the credit of the state special
18 revenue funds - other, HCRA transfer fund, enhanced community services
19 account, or any successor fund or account, for mental health services
20 programs for case management services for adults and children; supported
21 housing; home and community based waiver services; family based treat-
22 ment; family support services; mobile mental health teams; transitional
23 housing; and community oversight, established pursuant to articles seven
24 and forty-one of the mental hygiene law and subdivision nine of section
25 three hundred sixty-six of the social services law; and for comprehen-
26 sive care centers for eating disorders pursuant to the former section
27 twenty-seven hundred ninety-nine-1 of this chapter, provided however
28 that, for such centers, funds in the amount of five hundred thousand
29 dollars on an annualized basis shall be transferred from the enhanced
30 community services account, or any successor fund or account, and depos-
31 ited into the fund established by section ninety-five-e of the state
32 finance law; from the tobacco control and insurance initiatives pool
33 established for the following periods in the following amounts:

34 (i) forty-eight million dollars to be reserved, to be retained or for
35 distribution pursuant to a chapter of the laws of two thousand, for the
36 period January first, two thousand through December thirty-first, two
37 thousand;

38 (ii) eighty-seven million dollars to be reserved, to be retained or
39 for distribution pursuant to a chapter of the laws of two thousand one,
40 for the period January first, two thousand one through December thirty-
41 first, two thousand one;

42 (iii) eighty-seven million dollars to be reserved, to be retained or
43 for distribution pursuant to a chapter of the laws of two thousand two,
44 for the period January first, two thousand two through December thirty-
45 first, two thousand two;

46 (iv) eighty-eight million dollars to be reserved, to be retained or
47 for distribution pursuant to a chapter of the laws of two thousand
48 three, for the period January first, two thousand three through December
49 thirty-first, two thousand three;

50 (v) eighty-eight million dollars, plus five hundred thousand dollars,
51 to be reserved, to be retained or for distribution pursuant to a chapter
52 of the laws of two thousand four, and pursuant to the former section
53 twenty-seven hundred ninety-nine-1 of this chapter, for the period Janu-
54 ary first, two thousand four through December thirty-first, two thousand
55 four;

(vi) eighty-eight million dollars, plus five hundred thousand dollars, to be reserved, to be retained or for distribution pursuant to a chapter of the laws of two thousand five, and pursuant to the former section twenty-seven hundred ninety-nine-1 of this chapter, for the period January first, two thousand five through December thirty-first, two thousand five;

(vii) eighty-eight million dollars, plus five hundred thousand dollars, to be reserved, to be retained or for distribution pursuant to a chapter of the laws of two thousand six, and pursuant to former section twenty-seven hundred ninety-nine-1 of this chapter, for the period January first, two thousand six through December thirty-first, two thousand six;

(viii) eighty-six million four hundred thousand dollars, plus five hundred thousand dollars, to be reserved, to be retained or for distribution pursuant to a chapter of the laws of two thousand seven and pursuant to the former section twenty-seven hundred ninety-nine-1 of this chapter, for the period January first, two thousand seven through December thirty-first, two thousand seven; and

(ix) twenty-two million nine hundred thirteen thousand dollars, plus one hundred twenty-five thousand dollars, to be reserved, to be retained or for distribution pursuant to a chapter of the laws of two thousand eight and pursuant to the former section twenty-seven hundred ninety-nine-1 of this chapter, for the period January first, two thousand eight through March thirty-first, two thousand eight.

(d) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue funds - other, HCRA transfer fund, medical assistance account, or any successor fund or account, for purposes of funding the state share of services and expenses related to the family health plus program including up to two and one-half million dollars annually for the period January first, two thousand through December thirty-first, two thousand two, for administration and marketing costs associated with such program established pursuant to clause (A) of subparagraph (v) of paragraph (a) of subdivision two of section three hundred sixty-nine-ee of the social services law from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:

(i) three million five hundred thousand dollars for the period January first, two thousand through December thirty-first, two thousand;

(ii) twenty-seven million dollars for the period January first, two thousand one through December thirty-first, two thousand one; and

(iii) fifty-seven million dollars for the period January first, two thousand two through December thirty-first, two thousand two.

(e) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue funds - other, HCRA transfer fund, medical assistance account, or any successor fund or account, for purposes of funding the state share of services and expenses related to the family health plus program including up to two and one-half million dollars annually for the period January first, two thousand through December thirty-first, two thousand two for administration and marketing costs associated with such program established pursuant to clause (B) of subparagraph (v) of paragraph (a) of subdivision two of section three hundred sixty-nine-ee of the social services law from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:



1 (i) two million five hundred thousand dollars for the period January
2 first, two thousand through December thirty-first, two thousand;

3 (ii) thirty million five hundred thousand dollars for the period Janu-
4 ary first, two thousand one through December thirty-first, two thousand
5 one; and

6 (iii) sixty-six million dollars for the period January first, two
7 thousand two through December thirty-first, two thousand two.

8 (f) Funds shall be deposited by the commissioner, within amounts
9 appropriated, and the state comptroller is hereby authorized and
10 directed to receive for deposit to the credit of the state special
11 revenue funds - other, HCRA transfer fund, medicaid fraud hotline and
12 medicaid administration account, or any successor fund or account, for
13 purposes of payment of administrative expenses of the department related
14 to the family health plus program established pursuant to section three
15 hundred sixty-nine-ee of the social services law from the tobacco
16 control and insurance initiatives pool established for the following
17 periods in the following amounts: five hundred thousand dollars on an
18 annual basis for the periods January first, two thousand through Decem-
19 ber thirty-first, two thousand six, five hundred thousand dollars for
20 the period January first, two thousand seven through December thirty-
21 first, two thousand seven, and five hundred thousand dollars for the
22 period January first, two thousand eight through December thirty-first,
23 two thousand eight, five hundred thousand dollars for the period January
24 first, two thousand nine through December thirty-first, two thousand
25 nine, five hundred thousand dollars for the period January first, two
26 thousand ten through December thirty-first, two thousand ten, one
27 hundred twenty-five thousand dollars for the period January first, two
28 thousand eleven through March thirty-first, two thousand eleven and
29 within amounts appropriated on and after April first, two thousand elev-
30 en.

31 (g) Funds shall be reserved and accumulated from year to year and
32 shall be available, including income from invested funds, for purposes
33 of services and expenses related to the health maintenance organization
34 direct pay market program established pursuant to sections forty-three
35 hundred twenty-one-a and forty-three hundred twenty-two-a of the insur-
36 ance law from the tobacco control and insurance initiatives pool estab-
37 lished for the following periods in the following amounts:

38 (i) up to thirty-five million dollars for the period January first,
39 two thousand through December thirty-first, two thousand of which fifty
40 percentum shall be allocated to the program pursuant to section four
41 thousand three hundred twenty-one-a of the insurance law and fifty
42 percentum to the program pursuant to section four thousand three hundred
43 twenty-two-a of the insurance law;

44 (ii) up to thirty-six million dollars for the period January first,
45 two thousand one through December thirty-first, two thousand one of
46 which fifty percentum shall be allocated to the program pursuant to
47 section four thousand three hundred twenty-one-a of the insurance law
48 and fifty percentum to the program pursuant to section four thousand
49 three hundred twenty-two-a of the insurance law;

50 (iii) up to thirty-nine million dollars for the period January first,
51 two thousand two through December thirty-first, two thousand two of
52 which fifty percentum shall be allocated to the program pursuant to
53 section four thousand three hundred twenty-one-a of the insurance law
54 and fifty percentum to the program pursuant to section four thousand
55 three hundred twenty-two-a of the insurance law;



1 (iv) up to forty million dollars for the period January first, two
2 thousand three through December thirty-first, two thousand three of
3 which fifty percentum shall be allocated to the program pursuant to
4 section four thousand three hundred twenty-one-a of the insurance law
5 and fifty percentum to the program pursuant to section four thousand
6 three hundred twenty-two-a of the insurance law;

7 (v) up to forty million dollars for the period January first, two
8 thousand four through December thirty-first, two thousand four of which
9 fifty percentum shall be allocated to the program pursuant to section
10 four thousand three hundred twenty-one-a of the insurance law and fifty
11 percentum to the program pursuant to section four thousand three hundred
12 twenty-two-a of the insurance law;

13 (vi) up to forty million dollars for the period January first, two
14 thousand five through December thirty-first, two thousand five of which
15 fifty percentum shall be allocated to the program pursuant to section
16 four thousand three hundred twenty-one-a of the insurance law and fifty
17 percentum to the program pursuant to section four thousand three hundred
18 twenty-two-a of the insurance law;

19 (vii) up to forty million dollars for the period January first, two
20 thousand six through December thirty-first, two thousand six of which
21 fifty percentum shall be allocated to the program pursuant to section
22 four thousand three hundred twenty-one-a of the insurance law and fifty
23 percentum shall be allocated to the program pursuant to section four
24 thousand three hundred twenty-two-a of the insurance law;

25 (viii) up to forty million dollars for the period January first, two
26 thousand seven through December thirty-first, two thousand seven of
27 which fifty percentum shall be allocated to the program pursuant to
28 section four thousand three hundred twenty-one-a of the insurance law
29 and fifty percentum shall be allocated to the program pursuant to
30 section four thousand three hundred twenty-two-a of the insurance law;
31 and

32 (ix) up to forty million dollars for the period January first, two
33 thousand eight through December thirty-first, two thousand eight of
34 which fifty per centum shall be allocated to the program pursuant to
35 section four thousand three hundred twenty-one-a of the insurance law
36 and fifty per centum shall be allocated to the program pursuant to
37 section four thousand three hundred twenty-two-a of the insurance law.

38 (h) Funds shall be reserved and accumulated from year to year and
39 shall be available, including income from invested funds, for purposes
40 of services and expenses related to the healthy New York individual
41 program established pursuant to sections four thousand three hundred
42 twenty-six and four thousand three hundred twenty-seven of the insurance
43 law from the tobacco control and insurance initiatives pool established
44 for the following periods in the following amounts:

45 (i) up to six million dollars for the period January first, two thou-
46 sand one through December thirty-first, two thousand one;

47 (ii) up to twenty-nine million dollars for the period January first,
48 two thousand two through December thirty-first, two thousand two;

49 (iii) up to five million one hundred thousand dollars for the period
50 January first, two thousand three through December thirty-first, two
51 thousand three;

52 (iv) up to twenty-four million six hundred thousand dollars for the
53 period January first, two thousand four through December thirty-first,
54 two thousand four;



1 (v) up to thirty-four million six hundred thousand dollars for the
2 period January first, two thousand five through December thirty-first,
3 two thousand five;

4 (vi) up to fifty-four million eight hundred thousand dollars for the
5 period January first, two thousand six through December thirty-first,
6 two thousand six;

7 (vii) up to sixty-one million seven hundred thousand dollars for the
8 period January first, two thousand seven through December thirty-first,
9 two thousand seven; and

10 (viii) up to one hundred three million seven hundred fifty thousand
11 dollars for the period January first, two thousand eight through Decem-
12 ber thirty-first, two thousand eight.

13 (i) Funds shall be reserved and accumulated from year to year and
14 shall be available, including income from invested funds, for purposes
15 of services and expenses related to the healthy New York group program
16 established pursuant to sections four thousand three hundred twenty-six
17 and four thousand three hundred twenty-seven of the insurance law from
18 the tobacco control and insurance initiatives pool established for the
19 following periods in the following amounts:

20 (i) up to thirty-four million dollars for the period January first,
21 two thousand one through December thirty-first, two thousand one;

22 (ii) up to seventy-seven million dollars for the period January first,
23 two thousand two through December thirty-first, two thousand two;

24 (iii) up to ten million five hundred thousand dollars for the period
25 January first, two thousand three through December thirty-first, two
26 thousand three;

27 (iv) up to twenty-four million six hundred thousand dollars for the
28 period January first, two thousand four through December thirty-first,
29 two thousand four;

30 (v) up to thirty-four million six hundred thousand dollars for the
31 period January first, two thousand five through December thirty-first,
32 two thousand five;

33 (vi) up to fifty-four million eight hundred thousand dollars for the
34 period January first, two thousand six through December thirty-first,
35 two thousand six;

36 (vii) up to sixty-one million seven hundred thousand dollars for the
37 period January first, two thousand seven through December thirty-first,
38 two thousand seven; and

39 (viii) up to one hundred three million seven hundred fifty thousand
40 dollars for the period January first, two thousand eight through Decem-
41 ber thirty-first, two thousand eight.

42 (i-1) Notwithstanding the provisions of paragraphs (h) and (i) of this
43 subdivision, the commissioner shall reserve and accumulate up to two
44 million five hundred thousand dollars annually for the periods January
45 first, two thousand four through December thirty-first, two thousand
46 six, one million four hundred thousand dollars for the period January
47 first, two thousand seven through December thirty-first, two thousand
48 seven, two million dollars for the period January first, two thousand
49 eight through December thirty-first, two thousand eight, from funds
50 otherwise available for distribution under such paragraphs for the
51 services and expenses related to the pilot program for entertainment
52 industry employees included in subsection (b) of section one thousand
53 one hundred twenty-two of the insurance law, and an additional seven
54 hundred thousand dollars annually for the periods January first, two
55 thousand four through December thirty-first, two thousand six, an addi-
56 tional three hundred thousand dollars for the period January first, two



1 thousand seven through June thirtieth, two thousand seven for services
2 and expenses related to the pilot program for displaced workers included
3 in subsection (c) of section one thousand one hundred twenty-two of the
4 insurance law.

5 (j) Funds shall be reserved and accumulated from year to year and
6 shall be available, including income from invested funds, for purposes
7 of services and expenses related to the tobacco use prevention and
8 control program established pursuant to sections thirteen hundred nine-
9 ty-nine-ii and thirteen hundred ninety-nine-jj of this chapter, from the
10 tobacco control and insurance initiatives pool established for the
11 following periods in the following amounts:

12 (i) up to thirty million dollars for the period January first, two
13 thousand through December thirty-first, two thousand;

14 (ii) up to forty million dollars for the period January first, two
15 thousand one through December thirty-first, two thousand one;

16 (iii) up to forty million dollars for the period January first, two
17 thousand two through December thirty-first, two thousand two;

18 (iv) up to thirty-six million nine hundred fifty thousand dollars for
19 the period January first, two thousand three through December thirty-
20 first, two thousand three;

21 (v) up to thirty-six million nine hundred fifty thousand dollars for
22 the period January first, two thousand four through December thirty-
23 first, two thousand four;

24 (vi) up to forty million six hundred thousand dollars for the period
25 January first, two thousand five through December thirty-first, two
26 thousand five;

27 (vii) up to eighty-one million nine hundred thousand dollars for the
28 period January first, two thousand six through December thirty-first,
29 two thousand six, provided, however, that within amounts appropriated, a
30 portion of such funds may be transferred to the Roswell Park Cancer
31 Institute Corporation to support costs associated with cancer research;

32 (viii) up to ninety-four million one hundred fifty thousand dollars
33 for the period January first, two thousand seven through December thir-
34 ty-first, two thousand seven, provided, however, that within amounts
35 appropriated, a portion of such funds may be transferred to the Roswell
36 Park Cancer Institute Corporation to support costs associated with
37 cancer research;

38 (ix) up to ninety-four million one hundred fifty thousand dollars for
39 the period January first, two thousand eight through December thirty-
40 first, two thousand eight;

41 (x) up to ninety-four million one hundred fifty thousand dollars for
42 the period January first, two thousand nine through December thirty-
43 first, two thousand nine;

44 (xi) up to eighty-seven million seven hundred seventy-five thousand
45 dollars for the period January first, two thousand ten through December
46 thirty-first, two thousand ten;

47 (xii) up to twenty-one million four hundred twelve thousand dollars
48 for the period January first, two thousand eleven through March thirty-
49 first, two thousand eleven;

50 (xiii) up to fifty-two million one hundred thousand dollars each state
51 fiscal year for the period April first, two thousand eleven through
52 March thirty-first, two thousand fourteen;

53 (xiv) up to six million dollars each state fiscal year for the period
54 April first, two thousand fourteen through March thirty-first, two thou-
55 sand seventeen; [and]



1 (xv) up to six million dollars each state fiscal year for the period
2 April first, two thousand seventeen through March thirty-first, two
3 thousand twenty; and

4 (xvi) up to six million dollars each state fiscal year for the period
5 April first, two thousand twenty through March thirty-first, two thou-
6 sand twenty-three.

7 (k) Funds shall be deposited by the commissioner, within amounts
8 appropriated, and the state comptroller is hereby authorized and
9 directed to receive for deposit to the credit of the state special
10 revenue fund - other, HCRA transfer fund, health care services account,
11 or any successor fund or account, for purposes of services and expenses
12 related to public health programs, including comprehensive care centers
13 for eating disorders pursuant to the former section twenty-seven hundred
14 ninety-nine-1 of this chapter, provided however that, for such centers,
15 funds in the amount of five hundred thousand dollars on an annualized
16 basis shall be transferred from the health care services account, or any
17 successor fund or account, and deposited into the fund established by
18 section ninety-five-e of the state finance law for periods prior to
19 March thirty-first, two thousand eleven, from the tobacco control and
20 insurance initiatives pool established for the following periods in the
21 following amounts:

22 (i) up to thirty-one million dollars for the period January first, two
23 thousand through December thirty-first, two thousand;

24 (ii) up to forty-one million dollars for the period January first, two
25 thousand one through December thirty-first, two thousand one;

26 (iii) up to eighty-one million dollars for the period January first,
27 two thousand two through December thirty-first, two thousand two;

28 (iv) one hundred twenty-two million five hundred thousand dollars for
29 the period January first, two thousand three through December thirty-
30 first, two thousand three;

31 (v) one hundred eight million five hundred seventy-five thousand
32 dollars, plus an additional five hundred thousand dollars, for the peri-
33 od January first, two thousand four through December thirty-first, two
34 thousand four;

35 (vi) ninety-one million eight hundred thousand dollars, plus an addi-
36 tional five hundred thousand dollars, for the period January first, two
37 thousand five through December thirty-first, two thousand five;

38 (vii) one hundred fifty-six million six hundred thousand dollars, plus
39 an additional five hundred thousand dollars, for the period January
40 first, two thousand six through December thirty-first, two thousand six;

41 (viii) one hundred fifty-one million four hundred thousand dollars,
42 plus an additional five hundred thousand dollars, for the period January
43 first, two thousand seven through December thirty-first, two thousand
44 seven;

45 (ix) one hundred sixteen million nine hundred forty-nine thousand
46 dollars, plus an additional five hundred thousand dollars, for the peri-
47 od January first, two thousand eight through December thirty-first, two
48 thousand eight;

49 (x) one hundred sixteen million nine hundred forty-nine thousand
50 dollars, plus an additional five hundred thousand dollars, for the peri-
51 od January first, two thousand nine through December thirty-first, two
52 thousand nine;

53 (xi) one hundred sixteen million nine hundred forty-nine thousand
54 dollars, plus an additional five hundred thousand dollars, for the peri-
55 od January first, two thousand ten through December thirty-first, two
56 thousand ten;



(xii) twenty-nine million two hundred thirty-seven thousand two hundred fifty dollars, plus an additional one hundred twenty-five thousand dollars, for the period January first, two thousand eleven through March thirty-first, two thousand eleven;

(xiii) one hundred twenty million thirty-eight thousand dollars for the period April first, two thousand eleven through March thirty-first, two thousand twelve; and

(xiv) one hundred nineteen million four hundred seven thousand dollars each state fiscal year for the period April first, two thousand twelve through March thirty-first, two thousand fourteen.

(l) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue funds - other, HCRA transfer fund, medical assistance account, or any successor fund or account, for purposes of funding the state share of the personal care and certified home health agency rate or fee increases established pursuant to subdivision three of section three hundred sixty-seven-o of the social services law from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:

(i) twenty-three million two hundred thousand dollars for the period January first, two thousand through December thirty-first, two thousand;

(ii) twenty-three million two hundred thousand dollars for the period January first, two thousand one through December thirty-first, two thousand one;

(iii) twenty-three million two hundred thousand dollars for the period January first, two thousand two through December thirty-first, two thousand two;

(iv) up to sixty-five million two hundred thousand dollars for the period January first, two thousand three through December thirty-first, two thousand three;

(v) up to sixty-five million two hundred thousand dollars for the period January first, two thousand four through December thirty-first, two thousand four;

(vi) up to sixty-five million two hundred thousand dollars for the period January first, two thousand five through December thirty-first, two thousand five;

(vii) up to sixty-five million two hundred thousand dollars for the period January first, two thousand six through December thirty-first, two thousand six;

(viii) up to sixty-five million two hundred thousand dollars for the period January first, two thousand seven through December thirty-first, two thousand seven; and

(ix) up to sixteen million three hundred thousand dollars for the period January first, two thousand eight through March thirty-first, two thousand eight.

(m) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue funds - other, HCRA transfer fund, medical assistance account, or any successor fund or account, for purposes of funding the state share of services and expenses related to home care workers insurance pilot demonstration programs established pursuant to subdivision two of section three hundred sixty-seven-o of the social services law from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:



1 (i) three million eight hundred thousand dollars for the period Janu-
2 ary first, two thousand through December thirty-first, two thousand;

3 (ii) three million eight hundred thousand dollars for the period Janu-
4 ary first, two thousand one through December thirty-first, two thousand
5 one;

6 (iii) three million eight hundred thousand dollars for the period
7 January first, two thousand two through December thirty-first, two thou-
8 sand two;

9 (iv) up to three million eight hundred thousand dollars for the period
10 January first, two thousand three through December thirty-first, two
11 thousand three;

12 (v) up to three million eight hundred thousand dollars for the period
13 January first, two thousand four through December thirty-first, two
14 thousand four;

15 (vi) up to three million eight hundred thousand dollars for the period
16 January first, two thousand five through December thirty-first, two
17 thousand five;

18 (vii) up to three million eight hundred thousand dollars for the peri-
19 od January first, two thousand six through December thirty-first, two
20 thousand six;

21 (viii) up to three million eight hundred thousand dollars for the
22 period January first, two thousand seven through December thirty-first,
23 two thousand seven; and

24 (ix) up to nine hundred fifty thousand dollars for the period January
25 first, two thousand eight through March thirty-first, two thousand
26 eight.

27 (n) Funds shall be transferred by the commissioner and shall be depos-
28 ited to the credit of the special revenue funds - other, miscellaneous
29 special revenue fund - 339, elderly pharmaceutical insurance coverage
30 program premium account authorized pursuant to the provisions of title
31 three of article two of the elder law, or any successor fund or account,
32 for funding state expenses relating to the program from the tobacco
33 control and insurance initiatives pool established for the following
34 periods in the following amounts:

35 (i) one hundred seven million dollars for the period January first,
36 two thousand through December thirty-first, two thousand;

37 (ii) one hundred sixty-four million dollars for the period January
38 first, two thousand one through December thirty-first, two thousand one;

39 (iii) three hundred twenty-two million seven hundred thousand dollars
40 for the period January first, two thousand two through December thirty-
41 first, two thousand two;

42 (iv) four hundred thirty-three million three hundred thousand dollars
43 for the period January first, two thousand three through December thir-
44 ty-first, two thousand three;

45 (v) five hundred four million one hundred fifty thousand dollars for
46 the period January first, two thousand four through December thirty-
47 first, two thousand four;

48 (vi) five hundred sixty-six million eight hundred thousand dollars for
49 the period January first, two thousand five through December thirty-
50 first, two thousand five;

51 (vii) six hundred three million one hundred fifty thousand dollars for
52 the period January first, two thousand six through December thirty-
53 first, two thousand six;

54 (viii) six hundred sixty million eight hundred thousand dollars for
55 the period January first, two thousand seven through December thirty-
56 first, two thousand seven;



1 (ix) three hundred sixty-seven million four hundred sixty-three thou-
2 sand dollars for the period January first, two thousand eight through
3 December thirty-first, two thousand eight;

4 (x) three hundred thirty-four million eight hundred twenty-five thou-
5 sand dollars for the period January first, two thousand nine through
6 December thirty-first, two thousand nine;

7 (xi) three hundred forty-four million nine hundred thousand dollars
8 for the period January first, two thousand ten through December thirty-
9 first, two thousand ten;

10 (xii) eighty-seven million seven hundred eighty-eight thousand dollars
11 for the period January first, two thousand eleven through March thirty-
12 first, two thousand eleven;

13 (xiii) one hundred forty-three million one hundred fifty thousand
14 dollars for the period April first, two thousand eleven through March
15 thirty-first, two thousand twelve;

16 (xiv) one hundred twenty million nine hundred fifty thousand dollars
17 for the period April first, two thousand twelve through March thirty-
18 first, two thousand thirteen;

19 (xv) one hundred twenty-eight million eight hundred fifty thousand
20 dollars for the period April first, two thousand thirteen through March
21 thirty-first, two thousand fourteen;

22 (xvi) one hundred twenty-seven million four hundred sixteen thousand
23 dollars each state fiscal year for the period April first, two thousand
24 fourteen through March thirty-first, two thousand seventeen; [and]

25 (xvii) one hundred twenty-seven million four hundred sixteen thousand
26 dollars each state fiscal year for the period April first, two thousand
27 seventeen through March thirty-first, two thousand twenty; and

28 (xviii) one hundred twenty-seven million four hundred sixteen thousand
29 dollars each state fiscal year for the period April first, two thousand
30 twenty through March thirty-first, two thousand twenty-three.

31 (o) Funds shall be reserved and accumulated and shall be transferred
32 to the Roswell Park Cancer Institute Corporation, from the tobacco
33 control and insurance initiatives pool established for the following
34 periods in the following amounts:

35 (i) up to ninety million dollars for the period January first, two
36 thousand through December thirty-first, two thousand;

37 (ii) up to sixty million dollars for the period January first, two
38 thousand one through December thirty-first, two thousand one;

39 (iii) up to eighty-five million dollars for the period January first,
40 two thousand two through December thirty-first, two thousand two;

41 (iv) eighty-five million two hundred fifty thousand dollars for the
42 period January first, two thousand three through December thirty-first,
43 two thousand three;

44 (v) seventy-eight million dollars for the period January first, two
45 thousand four through December thirty-first, two thousand four;

46 (vi) seventy-eight million dollars for the period January first, two
47 thousand five through December thirty-first, two thousand five;

48 (vii) ninety-one million dollars for the period January first, two
49 thousand six through December thirty-first, two thousand six;

50 (viii) seventy-eight million dollars for the period January first, two
51 thousand seven through December thirty-first, two thousand seven;

52 (ix) seventy-eight million dollars for the period January first, two
53 thousand eight through December thirty-first, two thousand eight;

54 (x) seventy-eight million dollars for the period January first, two
55 thousand nine through December thirty-first, two thousand nine;



1 (xi) seventy-eight million dollars for the period January first, two
2 thousand ten through December thirty-first, two thousand ten;

3 (xii) nineteen million five hundred thousand dollars for the period
4 January first, two thousand eleven through March thirty-first, two thou-
5 sand eleven;

6 (xiii) sixty-nine million eight hundred forty thousand dollars each
7 state fiscal year for the period April first, two thousand eleven
8 through March thirty-first, two thousand fourteen;

9 (xiv) up to ninety-six million six hundred thousand dollars each state
10 fiscal year for the period April first, two thousand fourteen through
11 March thirty-first, two thousand seventeen; [and]

12 (xv) up to ninety-six million six hundred thousand dollars each state
13 fiscal year for the period April first, two thousand seventeen through
14 March thirty-first, two thousand twenty; and

15 (xvi) up to ninety-six million six hundred thousand dollars each state
16 fiscal year for the period April first, two thousand twenty through
17 March thirty-first, two thousand twenty-three.

18 (p) Funds shall be deposited by the commissioner, within amounts
19 appropriated, and the state comptroller is hereby authorized and
20 directed to receive for deposit to the credit of the state special
21 revenue funds - other, indigent care fund - 068, indigent care account,
22 or any successor fund or account, for purposes of providing a medicaid
23 disproportionate share payment from the high need indigent care adjust-
24 ment pool established pursuant to section twenty-eight hundred seven-w
25 of this article, from the tobacco control and insurance initiatives pool
26 established for the following periods in the following amounts:

27 (i) eighty-two million dollars annually for the periods January first,
28 two thousand through December thirty-first, two thousand two;

29 (ii) up to eighty-two million dollars for the period January first,
30 two thousand three through December thirty-first, two thousand three;

31 (iii) up to eighty-two million dollars for the period January first,
32 two thousand four through December thirty-first, two thousand four;

33 (iv) up to eighty-two million dollars for the period January first,
34 two thousand five through December thirty-first, two thousand five;

35 (v) up to eighty-two million dollars for the period January first, two
36 thousand six through December thirty-first, two thousand six;

37 (vi) up to eighty-two million dollars for the period January first,
38 two thousand seven through December thirty-first, two thousand seven;

39 (vii) up to eighty-two million dollars for the period January first,
40 two thousand eight through December thirty-first, two thousand eight;

41 (viii) up to eighty-two million dollars for the period January first,
42 two thousand nine through December thirty-first, two thousand nine;

43 (ix) up to eighty-two million dollars for the period January first,
44 two thousand ten through December thirty-first, two thousand ten;

45 (x) up to twenty million five hundred thousand dollars for the period
46 January first, two thousand eleven through March thirty-first, two thou-
47 sand eleven; and

48 (xi) up to eighty-two million dollars each state fiscal year for the
49 period April first, two thousand eleven through March thirty-first, two
50 thousand fourteen.

51 (q) Funds shall be reserved and accumulated from year to year and
52 shall be available, including income from invested funds, for purposes
53 of providing distributions to eligible school based health centers
54 established pursuant to section eighty-eight of chapter one of the laws
55 of nineteen hundred ninety-nine, from the tobacco control and insurance



1 initiatives pool established for the following periods in the following
2 amounts:

3 (i) seven million dollars annually for the period January first, two
4 thousand through December thirty-first, two thousand two;

5 (ii) up to seven million dollars for the period January first, two
6 thousand three through December thirty-first, two thousand three;

7 (iii) up to seven million dollars for the period January first, two
8 thousand four through December thirty-first, two thousand four;

9 (iv) up to seven million dollars for the period January first, two
10 thousand five through December thirty-first, two thousand five;

11 (v) up to seven million dollars for the period January first, two
12 thousand six through December thirty-first, two thousand six;

13 (vi) up to seven million dollars for the period January first, two
14 thousand seven through December thirty-first, two thousand seven;

15 (vii) up to seven million dollars for the period January first, two
16 thousand eight through December thirty-first, two thousand eight;

17 (viii) up to seven million dollars for the period January first, two
18 thousand nine through December thirty-first, two thousand nine;

19 (ix) up to seven million dollars for the period January first, two
20 thousand ten through December thirty-first, two thousand ten;

21 (x) up to one million seven hundred fifty thousand dollars for the
22 period January first, two thousand eleven through March thirty-first,
23 two thousand eleven;

24 (xi) up to five million six hundred thousand dollars each state fiscal
25 year for the period April first, two thousand eleven through March thir-
26 ty-first, two thousand fourteen;

27 (xii) up to five million two hundred [eighty-eighty] eighty-eight
28 thousand dollars each state fiscal year for the period April first, two
29 thousand fourteen through March thirty-first, two thousand seventeen;
30 [and]

31 (xiii) up to five million two hundred eighty-eight thousand dollars
32 each state fiscal year for the period April first, two thousand seven-
33 teen through March thirty-first, two thousand twenty; and

34 (xiv) up to five million two hundred eighty-eight thousand dollars
35 each state fiscal year for the period April first, two thousand twenty
36 through March thirty-first, two thousand twenty-three.

37 (r) Funds shall be deposited by the commissioner within amounts appro-
38 priated, and the state comptroller is hereby authorized and directed to
39 receive for deposit to the credit of the state special revenue funds -
40 other, HCRA transfer fund, medical assistance account, or any successor
41 fund or account, for purposes of providing distributions for supplemen-
42 tary medical insurance for Medicare part B premiums, physicians
43 services, outpatient services, medical equipment, supplies and other
44 health services, from the tobacco control and insurance initiatives pool
45 established for the following periods in the following amounts:

46 (i) forty-three million dollars for the period January first, two
47 thousand through December thirty-first, two thousand;

48 (ii) sixty-one million dollars for the period January first, two thou-
49 sand one through December thirty-first, two thousand one;

50 (iii) sixty-five million dollars for the period January first, two
51 thousand two through December thirty-first, two thousand two;

52 (iv) sixty-seven million five hundred thousand dollars for the period
53 January first, two thousand three through December thirty-first, two
54 thousand three;

55 (v) sixty-eight million dollars for the period January first, two
56 thousand four through December thirty-first, two thousand four;



1 (vi) sixty-eight million dollars for the period January first, two
2 thousand five through December thirty-first, two thousand five;

3 (vii) sixty-eight million dollars for the period January first, two
4 thousand six through December thirty-first, two thousand six;

5 (viii) seventeen million five hundred thousand dollars for the period
6 January first, two thousand seven through December thirty-first, two
7 thousand seven;

8 (ix) sixty-eight million dollars for the period January first, two
9 thousand eight through December thirty-first, two thousand eight;

10 (x) sixty-eight million dollars for the period January first, two
11 thousand nine through December thirty-first, two thousand nine;

12 (xi) sixty-eight million dollars for the period January first, two
13 thousand ten through December thirty-first, two thousand ten;

14 (xii) seventeen million dollars for the period January first, two
15 thousand eleven through March thirty-first, two thousand eleven; and

16 (xiii) sixty-eight million dollars each state fiscal year for the
17 period April first, two thousand eleven through March thirty-first, two
18 thousand fourteen.

19 (s) Funds shall be deposited by the commissioner within amounts appro-
20 priated, and the state comptroller is hereby authorized and directed to
21 receive for deposit to the credit of the state special revenue funds -
22 other, HCRA transfer fund, medical assistance account, or any successor
23 fund or account, for purposes of providing distributions pursuant to
24 paragraphs (s-5), (s-6), (s-7) and (s-8) of subdivision eleven of
25 section twenty-eight hundred seven-c of this article from the tobacco
26 control and insurance initiatives pool established for the following
27 periods in the following amounts:

28 (i) eighteen million dollars for the period January first, two thou-
29 sand through December thirty-first, two thousand;

30 (ii) twenty-four million dollars annually for the periods January
31 first, two thousand one through December thirty-first, two thousand two;

32 (iii) up to twenty-four million dollars for the period January first,
33 two thousand three through December thirty-first, two thousand three;

34 (iv) up to twenty-four million dollars for the period January first,
35 two thousand four through December thirty-first, two thousand four;

36 (v) up to twenty-four million dollars for the period January first,
37 two thousand five through December thirty-first, two thousand five;

38 (vi) up to twenty-four million dollars for the period January first,
39 two thousand six through December thirty-first, two thousand six;

40 (vii) up to twenty-four million dollars for the period January first,
41 two thousand seven through December thirty-first, two thousand seven;

42 (viii) up to twenty-four million dollars for the period January first,
43 two thousand eight through December thirty-first, two thousand eight;

44 and

45 (ix) up to twenty-two million dollars for the period January first,
46 two thousand nine through November thirtieth, two thousand nine.

47 (t) Funds shall be reserved and accumulated from year to year by the
48 commissioner and shall be made available, including income from invested
49 funds:

50 (i) For the purpose of making grants to a state owned and operated
51 medical school which does not have a state owned and operated hospital
52 on site and available for teaching purposes. Notwithstanding sections
53 one hundred twelve and one hundred sixty-three of the state finance law,
54 such grants shall be made in the amount of up to five hundred thousand
55 dollars for the period January first, two thousand through December
56 thirty-first, two thousand;

(ii) For the purpose of making grants to medical schools pursuant to section eighty-six-a of chapter one of the laws of nineteen hundred ninety-nine in the sum of up to four million dollars for the period January first, two thousand through December thirty-first, two thousand; and

(iii) The funds disbursed pursuant to subparagraphs (i) and (ii) of this paragraph from the tobacco control and insurance initiatives pool are contingent upon meeting all funding amounts established pursuant to paragraphs (a), (b), (c), (d), (e), (f), (l), (m), (n), (p), (q), (r) and (s) of this subdivision, paragraph (a) of subdivision nine of section twenty-eight hundred seven-j of this article, and paragraphs (a), (i) and (k) of subdivision one of section twenty-eight hundred seven-l of this article.

(u) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue funds - other, HCRA transfer fund, medical assistance account, or any successor fund or account, for purposes of funding the state share of services and expenses related to the nursing home quality improvement demonstration program established pursuant to section twenty-eight hundred eight-d of this article from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:

(i) up to twenty-five million dollars for the period beginning April first, two thousand two and ending December thirty-first, two thousand two, and on an annualized basis, for each annual period thereafter beginning January first, two thousand three and ending December thirty-first, two thousand four;

(ii) up to eighteen million seven hundred fifty thousand dollars for the period January first, two thousand five through December thirty-first, two thousand five; and

(iii) up to fifty-six million five hundred thousand dollars for the period January first, two thousand six through December thirty-first, two thousand six.

(v) Funds shall be transferred by the commissioner and shall be deposited to the credit of the hospital excess liability pool created pursuant to section eighteen of chapter two hundred sixty-six of the laws of nineteen hundred eighty-six, or any successor fund or account, for purposes of expenses related to the purchase of excess medical malpractice insurance and the cost of administering the pool, including costs associated with the risk management program established pursuant to section forty-two of part A of chapter one of the laws of two thousand two required by paragraph (a) of subdivision one of section eighteen of chapter two hundred sixty-six of the laws of nineteen hundred eighty-six as may be amended from time to time, from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:

(i) up to fifty million dollars or so much as is needed for the period January first, two thousand two through December thirty-first, two thousand two;

(ii) up to seventy-six million seven hundred thousand dollars for the period January first, two thousand three through December thirty-first, two thousand three;

(iii) up to sixty-five million dollars for the period January first, two thousand four through December thirty-first, two thousand four;



1 (iv) up to sixty-five million dollars for the period January first,
2 two thousand five through December thirty-first, two thousand five;

3 (v) up to one hundred thirteen million eight hundred thousand dollars
4 for the period January first, two thousand six through December thirty-
5 first, two thousand six;

6 (vi) up to one hundred thirty million dollars for the period January
7 first, two thousand seven through December thirty-first, two thousand
8 seven;

9 (vii) up to one hundred thirty million dollars for the period January
10 first, two thousand eight through December thirty-first, two thousand
11 eight;

12 (viii) up to one hundred thirty million dollars for the period January
13 first, two thousand nine through December thirty-first, two thousand
14 nine;

15 (ix) up to one hundred thirty million dollars for the period January
16 first, two thousand ten through December thirty-first, two thousand ten;

17 (x) up to thirty-two million five hundred thousand dollars for the
18 period January first, two thousand eleven through March thirty-first,
19 two thousand eleven;

20 (xi) up to one hundred twenty-seven million four hundred thousand
21 dollars each state fiscal year for the period April first, two thousand
22 eleven through March thirty-first, two thousand fourteen;

23 (xii) up to one hundred twenty-seven million four hundred thousand
24 dollars each state fiscal year for the period April first, two thousand
25 fourteen through March thirty-first, two thousand seventeen; [and]

26 (xiii) up to one hundred twenty-seven million four hundred thousand
27 dollars each state fiscal year for the period April first, two thousand
28 seventeen through March thirty-first, two thousand twenty; and

29 (xiv) up to one hundred twenty-seven million four hundred thousand
30 dollars each state fiscal year for the period April first, two thousand
31 twenty through March thirty-first, two thousand twenty-three.

32 (w) Funds shall be deposited by the commissioner, within amounts
33 appropriated, and the state comptroller is hereby authorized and
34 directed to receive for deposit to the credit of the state special
35 revenue funds - other, HCRA transfer fund, medical assistance account,
36 or any successor fund or account, for purposes of funding the state
37 share of the treatment of breast and cervical cancer pursuant to para-
38 graph [(v)] (d) of subdivision four of section three hundred sixty-six
39 of the social services law, from the tobacco control and insurance
40 initiatives pool established for the following periods in the following
41 amounts:

42 (i) up to four hundred fifty thousand dollars for the period January
43 first, two thousand two through December thirty-first, two thousand two;

44 (ii) up to two million one hundred thousand dollars for the period
45 January first, two thousand three through December thirty-first, two
46 thousand three;

47 (iii) up to two million one hundred thousand dollars for the period
48 January first, two thousand four through December thirty-first, two
49 thousand four;

50 (iv) up to two million one hundred thousand dollars for the period
51 January first, two thousand five through December thirty-first, two
52 thousand five;

53 (v) up to two million one hundred thousand dollars for the period
54 January first, two thousand six through December thirty-first, two thou-
55 sand six;



1 (vi) up to two million one hundred thousand dollars for the period
2 January first, two thousand seven through December thirty-first, two
3 thousand seven;

4 (vii) up to two million one hundred thousand dollars for the period
5 January first, two thousand eight through December thirty-first, two
6 thousand eight;

7 (viii) up to two million one hundred thousand dollars for the period
8 January first, two thousand nine through December thirty-first, two
9 thousand nine;

10 (ix) up to two million one hundred thousand dollars for the period
11 January first, two thousand ten through December thirty-first, two thou-
12 sand ten;

13 (x) up to five hundred twenty-five thousand dollars for the period
14 January first, two thousand eleven through March thirty-first, two thou-
15 sand eleven;

16 (xi) up to two million one hundred thousand dollars each state fiscal
17 year for the period April first, two thousand eleven through March thir-
18 ty-first, two thousand fourteen;

19 (xii) up to two million one hundred thousand dollars each state fiscal
20 year for the period April first, two thousand fourteen through March
21 thirty-first, two thousand seventeen; [and]

22 (xiii) up to two million one hundred thousand dollars each state
23 fiscal year for the period April first, two thousand seventeen through
24 March thirty-first, two thousand twenty; and

25 (xiv) up to two million one hundred thousand dollars each state fiscal
26 year for the period April first, two thousand twenty through March thir-
27 ty-first, two thousand twenty-three.

28 (x) Funds shall be deposited by the commissioner, within amounts
29 appropriated, and the state comptroller is hereby authorized and
30 directed to receive for deposit to the credit of the state special
31 revenue funds - other, HCRA transfer fund, medical assistance account,
32 or any successor fund or account, for purposes of funding the state
33 share of the non-public general hospital rates increases for recruitment
34 and retention of health care workers from the tobacco control and insur-
35 ance initiatives pool established for the following periods in the
36 following amounts:

37 (i) twenty-seven million one hundred thousand dollars on an annualized
38 basis for the period January first, two thousand two through December
39 thirty-first, two thousand two;

40 (ii) fifty million eight hundred thousand dollars on an annualized
41 basis for the period January first, two thousand three through December
42 thirty-first, two thousand three;

43 (iii) sixty-nine million three hundred thousand dollars on an annual-
44 ized basis for the period January first, two thousand four through
45 December thirty-first, two thousand four;

46 (iv) sixty-nine million three hundred thousand dollars for the period
47 January first, two thousand five through December thirty-first, two
48 thousand five;

49 (v) sixty-nine million three hundred thousand dollars for the period
50 January first, two thousand six through December thirty-first, two thou-
51 sand six;

52 (vi) sixty-five million three hundred thousand dollars for the period
53 January first, two thousand seven through December thirty-first, two
54 thousand seven;



(vii) sixty-one million one hundred fifty thousand dollars for the period January first, two thousand eight through December thirty-first, two thousand eight; and

(viii) forty-eight million seven hundred twenty-one thousand dollars for the period January first, two thousand nine through November thirtieth, two thousand nine.

(y) Funds shall be reserved and accumulated from year to year and shall be available, including income from invested funds, for purposes of grants to public general hospitals for recruitment and retention of health care workers pursuant to paragraph (b) of subdivision thirty of section twenty-eight hundred seven-c of this article from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:

(i) eighteen million five hundred thousand dollars on an annualized basis for the period January first, two thousand two through December thirty-first, two thousand two;

(ii) thirty-seven million four hundred thousand dollars on an annualized basis for the period January first, two thousand three through December thirty-first, two thousand three;

(iii) fifty-two million two hundred thousand dollars on an annualized basis for the period January first, two thousand four through December thirty-first, two thousand four;

(iv) fifty-two million two hundred thousand dollars for the period January first, two thousand five through December thirty-first, two thousand five;

(v) fifty-two million two hundred thousand dollars for the period January first, two thousand six through December thirty-first, two thousand six;

(vi) forty-nine million dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;

(vii) forty-nine million dollars for the period January first, two thousand eight through December thirty-first, two thousand eight; and

(viii) twelve million two hundred fifty thousand dollars for the period January first, two thousand nine through March thirty-first, two thousand nine.

Provided, however, amounts pursuant to this paragraph may be reduced in an amount to be approved by the director of the budget to reflect amounts received from the federal government under the state's 1115 waiver which are directed under its terms and conditions to the health workforce recruitment and retention program.

(z) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue funds - other, HCRA transfer fund, medical assistance account, or any successor fund or account, for purposes of funding the state share of the non-public residential health care facility rate increases for recruitment and retention of health care workers pursuant to paragraph (a) of subdivision eighteen of section twenty-eight hundred eight of this article from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:

(i) twenty-one million five hundred thousand dollars on an annualized basis for the period January first, two thousand two through December thirty-first, two thousand two;

(ii) thirty-three million three hundred thousand dollars on an annualized basis for the period January first, two thousand three through December thirty-first, two thousand three;



1 (iii) forty-six million three hundred thousand dollars on an annual-
2 ized basis for the period January first, two thousand four through
3 December thirty-first, two thousand four;

4 (iv) forty-six million three hundred thousand dollars for the period
5 January first, two thousand five through December thirty-first, two
6 thousand five;

7 (v) forty-six million three hundred thousand dollars for the period
8 January first, two thousand six through December thirty-first, two thou-
9 sand six;

10 (vi) thirty million nine hundred thousand dollars for the period Janu-
11 ary first, two thousand seven through December thirty-first, two thou-
12 sand seven;

13 (vii) twenty-four million seven hundred thousand dollars for the peri-
14 od January first, two thousand eight through December thirty-first, two
15 thousand eight;

16 (viii) twelve million three hundred seventy-five thousand dollars for
17 the period January first, two thousand nine through December thirty-
18 first, two thousand nine;

19 (ix) nine million three hundred thousand dollars for the period Janu-
20 ary first, two thousand ten through December thirty-first, two thousand
21 ten; and

22 (x) two million three hundred twenty-five thousand dollars for the
23 period January first, two thousand eleven through March thirty-first,
24 two thousand eleven.

25 (aa) Funds shall be reserved and accumulated from year to year and
26 shall be available, including income from invested funds, for purposes
27 of grants to public residential health care facilities for recruitment
28 and retention of health care workers pursuant to paragraph (b) of subdi-
29 vision eighteen of section twenty-eight hundred eight of this article
30 from the tobacco control and insurance initiatives pool established for
31 the following periods in the following amounts:

32 (i) seven million five hundred thousand dollars on an annualized basis
33 for the period January first, two thousand two through December thirty-
34 first, two thousand two;

35 (ii) eleven million seven hundred thousand dollars on an annualized
36 basis for the period January first, two thousand three through December
37 thirty-first, two thousand three;

38 (iii) sixteen million two hundred thousand dollars on an annualized
39 basis for the period January first, two thousand four through December
40 thirty-first, two thousand four;

41 (iv) sixteen million two hundred thousand dollars for the period Janu-
42 ary first, two thousand five through December thirty-first, two thousand
43 five;

44 (v) sixteen million two hundred thousand dollars for the period Janu-
45 ary first, two thousand six through December thirty-first, two thousand
46 six;

47 (vi) ten million eight hundred thousand dollars for the period January
48 first, two thousand seven through December thirty-first, two thousand
49 seven;

50 (vii) six million seven hundred fifty thousand dollars for the period
51 January first, two thousand eight through December thirty-first, two
52 thousand eight; and

53 (viii) one million three hundred fifty thousand dollars for the period
54 January first, two thousand nine through December thirty-first, two
55 thousand nine.



(bb)(i) Funds shall be deposited by the commissioner, within amounts appropriated, and subject to the availability of federal financial participation, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue funds - other, HCRA transfer fund, medical assistance account, or any successor fund or account, for the purpose of supporting the state share of adjustments to Medicaid rates of payment for personal care services provided pursuant to paragraph (e) of subdivision two of section three hundred sixty-five-a of the social services law, for local social service districts which include a city with a population of over one million persons and computed and distributed in accordance with memorandums of understanding to be entered into between the state of New York and such local social service districts for the purpose of supporting the recruitment and retention of personal care service workers or any worker with direct patient care responsibility, from the tobacco control and insurance initiatives pool established for the following periods and the following amounts:

(A) forty-four million dollars, on an annualized basis, for the period April first, two thousand two through December thirty-first, two thousand two;

(B) seventy-four million dollars, on an annualized basis, for the period January first, two thousand three through December thirty-first, two thousand three;

(C) one hundred four million dollars, on an annualized basis, for the period January first, two thousand four through December thirty-first, two thousand four;

(D) one hundred thirty-six million dollars, on an annualized basis, for the period January first, two thousand five through December thirty-first, two thousand five;

(E) one hundred thirty-six million dollars, on an annualized basis, for the period January first, two thousand six through December thirty-first, two thousand six;

(F) one hundred thirty-six million dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;

(G) one hundred thirty-six million dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;

(H) one hundred thirty-six million dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;

(I) one hundred thirty-six million dollars for the period January first, two thousand ten through December thirty-first, two thousand ten;

(J) thirty-four million dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven;

(K) up to one hundred thirty-six million dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen;

(L) up to one hundred thirty-six million dollars each state fiscal year for the period March thirty-first, two thousand fourteen through April first, two thousand seventeen; [and]

(M) up to one hundred thirty-six million dollars each state fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand twenty; and



1 (N) up to one hundred thirty-six million dollars each state fiscal
2 year for the period April first, two thousand twenty through March thir-
3 ty-first, two thousand twenty-three.

4 (ii) Adjustments to Medicaid rates made pursuant to this paragraph
5 shall not, in aggregate, exceed the following amounts for the following
6 periods:

7 (A) for the period April first, two thousand two through December
8 thirty-first, two thousand two, one hundred ten million dollars;

9 (B) for the period January first, two thousand three through December
10 thirty-first, two thousand three, one hundred eighty-five million
11 dollars;

12 (C) for the period January first, two thousand four through December
13 thirty-first, two thousand four, two hundred sixty million dollars;

14 (D) for the period January first, two thousand five through December
15 thirty-first, two thousand five, three hundred forty million dollars;

16 (E) for the period January first, two thousand six through December
17 thirty-first, two thousand six, three hundred forty million dollars;

18 (F) for the period January first, two thousand seven through December
19 thirty-first, two thousand seven, three hundred forty million dollars;

20 (G) for the period January first, two thousand eight through December
21 thirty-first, two thousand eight, three hundred forty million dollars;

22 (H) for the period January first, two thousand nine through December
23 thirty-first, two thousand nine, three hundred forty million dollars;

24 (I) for the period January first, two thousand ten through December
25 thirty-first, two thousand ten, three hundred forty million dollars;

26 (J) for the period January first, two thousand eleven through March
27 thirty-first, two thousand eleven, eighty-five million dollars;

28 (K) for each state fiscal year within the period April first, two
29 thousand eleven through March thirty-first, two thousand fourteen, three
30 hundred forty million dollars;

31 (L) for each state fiscal year within the period April first, two
32 thousand fourteen through March thirty-first, two thousand seventeen,
33 three hundred forty million dollars; [and]

34 (M) for each state fiscal year within the period April first, two
35 thousand seventeen through March thirty-first, two thousand twenty,
36 three hundred forty million dollars; and

37 (N) for each state fiscal year within the period April first, two
38 thousand twenty through March thirty-first, two thousand twenty-three,
39 three hundred forty million dollars.

40 (iii) Personal care service providers which have their rates adjusted
41 pursuant to this paragraph shall use such funds for the purpose of
42 recruitment and retention of non-supervisory personal care services
43 workers or any worker with direct patient care responsibility only and
44 are prohibited from using such funds for any other purpose. Each such
45 personal care services provider shall submit, at a time and in a manner
46 to be determined by the commissioner, a written certification attesting
47 that such funds will be used solely for the purpose of recruitment and
48 retention of non-supervisory personal care services workers or any work-
49 er with direct patient care responsibility. The commissioner is author-
50 ized to audit each such provider to ensure compliance with the written
51 certification required by this subdivision and shall recoup any funds
52 determined to have been used for purposes other than recruitment and
53 retention of non-supervisory personal care services workers or any work-
54 er with direct patient care responsibility. Such recoupment shall be in
55 addition to any other penalties provided by law.

1 (cc) Funds shall be deposited by the commissioner, within amounts
2 appropriated, and the state comptroller is hereby authorized and
3 directed to receive for deposit to the credit of the state special
4 revenue funds - other, HCRA transfer fund, medical assistance account,
5 or any successor fund or account, for the purpose of supporting the
6 state share of adjustments to Medicaid rates of payment for personal
7 care services provided pursuant to paragraph (e) of subdivision two of
8 section three hundred sixty-five-a of the social services law, for local
9 social service districts which shall not include a city with a popu-
10 lation of over one million persons for the purpose of supporting the
11 personal care services worker recruitment and retention program as
12 established pursuant to section three hundred sixty-seven-q of the
13 social services law, from the tobacco control and insurance initiatives
14 pool established for the following periods and the following amounts:
15 (i) two million eight hundred thousand dollars for the period April
16 first, two thousand two through December thirty-first, two thousand two;
17 (ii) five million six hundred thousand dollars, on an annualized
18 basis, for the period January first, two thousand three through December
19 thirty-first, two thousand three;
20 (iii) eight million four hundred thousand dollars, on an annualized
21 basis, for the period January first, two thousand four through December
22 thirty-first, two thousand four;
23 (iv) ten million eight hundred thousand dollars, on an annualized
24 basis, for the period January first, two thousand five through December
25 thirty-first, two thousand five;
26 (v) ten million eight hundred thousand dollars, on an annualized
27 basis, for the period January first, two thousand six through December
28 thirty-first, two thousand six;
29 (vi) eleven million two hundred thousand dollars for the period Janu-
30 ary first, two thousand seven through December thirty-first, two thou-
31 sand seven;
32 (vii) eleven million two hundred thousand dollars for the period Janu-
33 ary first, two thousand eight through December thirty-first, two thou-
34 sand eight;
35 (viii) eleven million two hundred thousand dollars for the period
36 January first, two thousand nine through December thirty-first, two
37 thousand nine;
38 (ix) eleven million two hundred thousand dollars for the period Janu-
39 ary first, two thousand ten through December thirty-first, two thousand
40 ten;
41 (x) two million eight hundred thousand dollars for the period January
42 first, two thousand eleven through March thirty-first, two thousand
43 eleven;
44 (xi) up to eleven million two hundred thousand dollars each state
45 fiscal year for the period April first, two thousand eleven through
46 March thirty-first, two thousand fourteen;
47 (xii) up to eleven million two hundred thousand dollars each state
48 fiscal year for the period April first, two thousand fourteen through
49 March thirty-first, two thousand seventeen; [and]
50 (xiii) up to eleven million two hundred thousand dollars each state
51 fiscal year for the period April first, two thousand seventeen through
52 March thirty-first, two thousand twenty; and
53 (xiv) up to eleven million two hundred thousand dollars each state
54 fiscal year for the period April first, two thousand twenty through
55 March thirty-first, two thousand twenty-three.



(dd) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue fund - other, HCRA transfer fund, medical assistance account, or any successor fund or account, for purposes of funding the state share of Medicaid expenditures for physician services from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:

(i) up to fifty-two million dollars for the period January first, two thousand two through December thirty-first, two thousand two;

(ii) eighty-one million two hundred thousand dollars for the period January first, two thousand three through December thirty-first, two thousand three;

(iii) eighty-five million two hundred thousand dollars for the period January first, two thousand four through December thirty-first, two thousand four;

(iv) eighty-five million two hundred thousand dollars for the period January first, two thousand five through December thirty-first, two thousand five;

(v) eighty-five million two hundred thousand dollars for the period January first, two thousand six through December thirty-first, two thousand six;

(vi) eighty-five million two hundred thousand dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;

(vii) eighty-five million two hundred thousand dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;

(viii) eighty-five million two hundred thousand dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;

(ix) eighty-five million two hundred thousand dollars for the period January first, two thousand ten through December thirty-first, two thousand ten;

(x) twenty-one million three hundred thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven; and

(xi) eighty-five million two hundred thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen.

(ee) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue fund - other, HCRA transfer fund, medical assistance account, or any successor fund or account, for purposes of funding the state share of the free-standing diagnostic and treatment center rate increases for recruitment and retention of health care workers pursuant to subdivision seventeen of section twenty-eight hundred seven of this article from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:

(i) three million two hundred fifty thousand dollars for the period April first, two thousand two through December thirty-first, two thousand two;

(ii) three million two hundred fifty thousand dollars on an annualized basis for the period January first, two thousand three through December thirty-first, two thousand three;



1 (iii) three million two hundred fifty thousand dollars on an annual-
2 ized basis for the period January first, two thousand four through
3 December thirty-first, two thousand four;

4 (iv) three million two hundred fifty thousand dollars for the period
5 January first, two thousand five through December thirty-first, two
6 thousand five;

7 (v) three million two hundred fifty thousand dollars for the period
8 January first, two thousand six through December thirty-first, two thou-
9 sand six;

10 (vi) three million two hundred fifty thousand dollars for the period
11 January first, two thousand seven through December thirty-first, two
12 thousand seven;

13 (vii) three million four hundred thirty-eight thousand dollars for the
14 period January first, two thousand eight through December thirty-first,
15 two thousand eight;

16 (viii) two million four hundred fifty thousand dollars for the period
17 January first, two thousand nine through December thirty-first, two
18 thousand nine;

19 (ix) one million five hundred thousand dollars for the period January
20 first, two thousand ten through December thirty-first, two thousand ten;
21 and

22 (x) three hundred twenty-five thousand dollars for the period January
23 first, two thousand eleven through March thirty-first, two thousand
24 eleven.

25 (ff) Funds shall be deposited by the commissioner, within amounts
26 appropriated, and the state comptroller is hereby authorized and
27 directed to receive for deposit to the credit of the state special
28 revenue fund - other, HCRA transfer fund, medical assistance account, or
29 any successor fund or account, for purposes of funding the state share
30 of Medicaid expenditures for disabled persons as authorized pursuant to
31 former subparagraphs twelve and thirteen of paragraph (a) of subdivision
32 one of section three hundred sixty-six of the social services law from
33 the tobacco control and insurance initiatives pool established for the
34 following periods in the following amounts:

35 (i) one million eight hundred thousand dollars for the period April
36 first, two thousand two through December thirty-first, two thousand two;

37 (ii) sixteen million four hundred thousand dollars on an annualized
38 basis for the period January first, two thousand three through December
39 thirty-first, two thousand three;

40 (iii) eighteen million seven hundred thousand dollars on an annualized
41 basis for the period January first, two thousand four through December
42 thirty-first, two thousand four;

43 (iv) thirty million six hundred thousand dollars for the period Janu-
44 ary first, two thousand five through December thirty-first, two thousand
45 five;

46 (v) thirty million six hundred thousand dollars for the period January
47 first, two thousand six through December thirty-first, two thousand six;

48 (vi) thirty million six hundred thousand dollars for the period Janu-
49 ary first, two thousand seven through December thirty-first, two thou-
50 sand seven;

51 (vii) fifteen million dollars for the period January first, two thou-
52 sand eight through December thirty-first, two thousand eight;

53 (viii) fifteen million dollars for the period January first, two thou-
54 sand nine through December thirty-first, two thousand nine;

55 (ix) fifteen million dollars for the period January first, two thou-
56 sand ten through December thirty-first, two thousand ten;



1 (x) three million seven hundred fifty thousand dollars for the period
2 January first, two thousand eleven through March thirty-first, two thou-
3 sand eleven;

4 (xi) fifteen million dollars each state fiscal year for the period
5 April first, two thousand eleven through March thirty-first, two thou-
6 sand fourteen;

7 (xii) fifteen million dollars each state fiscal year for the period
8 April first, two thousand fourteen through March thirty-first, two thou-
9 sand seventeen; [and]

10 (xiii) fifteen million dollars each state fiscal year for the period
11 April first, two thousand seventeen through March thirty-first, two
12 thousand twenty; and

13 (xiv) fifteen million dollars each state fiscal year for the period
14 April first, two thousand twenty through March thirty-first, two thou-
15 sand twenty-three.

16 (gg) Funds shall be reserved and accumulated from year to year and
17 shall be available, including income from invested funds, for purposes
18 of grants to non-public general hospitals pursuant to paragraph (c) of
19 subdivision thirty of section twenty-eight hundred seven-c of this arti-
20 cle from the tobacco control and insurance initiatives pool established
21 for the following periods in the following amounts:

22 (i) up to one million three hundred thousand dollars on an annualized
23 basis for the period January first, two thousand two through December
24 thirty-first, two thousand two;

25 (ii) up to three million two hundred thousand dollars on an annualized
26 basis for the period January first, two thousand three through December
27 thirty-first, two thousand three;

28 (iii) up to five million six hundred thousand dollars on an annualized
29 basis for the period January first, two thousand four through December
30 thirty-first, two thousand four;

31 (iv) up to eight million six hundred thousand dollars for the period
32 January first, two thousand five through December thirty-first, two
33 thousand five;

34 (v) up to eight million six hundred thousand dollars on an annualized
35 basis for the period January first, two thousand six through December
36 thirty-first, two thousand six;

37 (vi) up to two million six hundred thousand dollars for the period
38 January first, two thousand seven through December thirty-first, two
39 thousand seven;

40 (vii) up to two million six hundred thousand dollars for the period
41 January first, two thousand eight through December thirty-first, two
42 thousand eight;

43 (viii) up to two million six hundred thousand dollars for the period
44 January first, two thousand nine through December thirty-first, two
45 thousand nine;

46 (ix) up to two million six hundred thousand dollars for the period
47 January first, two thousand ten through December thirty-first, two thou-
48 sand ten; and

49 (x) up to six hundred fifty thousand dollars for the period January
50 first, two thousand eleven through March thirty-first, two thousand
51 eleven.

52 (hh) Funds shall be deposited by the commissioner, within amounts
53 appropriated, and the state comptroller is hereby authorized and
54 directed to receive for deposit to the credit of the special revenue
55 fund - other, HCRA transfer fund, medical assistance account for
56 purposes of providing financial assistance to residential health care



1 facilities pursuant to subdivisions nineteen and twenty-one of section
2 twenty-eight hundred eight of this article, from the tobacco control and
3 insurance initiatives pool established for the following periods in the
4 following amounts:

5 (i) for the period April first, two thousand two through December
6 thirty-first, two thousand two, ten million dollars;

7 (ii) for the period January first, two thousand three through December
8 thirty-first, two thousand three, nine million four hundred fifty thou-
9 sand dollars;

10 (iii) for the period January first, two thousand four through December
11 thirty-first, two thousand four, nine million three hundred fifty thou-
12 sand dollars;

13 (iv) up to fifteen million dollars for the period January first, two
14 thousand five through December thirty-first, two thousand five;

15 (v) up to fifteen million dollars for the period January first, two
16 thousand six through December thirty-first, two thousand six;

17 (vi) up to fifteen million dollars for the period January first, two
18 thousand seven through December thirty-first, two thousand seven;

19 (vii) up to fifteen million dollars for the period January first, two
20 thousand eight through December thirty-first, two thousand eight;

21 (viii) up to fifteen million dollars for the period January first, two
22 thousand nine through December thirty-first, two thousand nine;

23 (ix) up to fifteen million dollars for the period January first, two
24 thousand ten through December thirty-first, two thousand ten;

25 (x) up to three million seven hundred fifty thousand dollars for the
26 period January first, two thousand eleven through March thirty-first,
27 two thousand eleven; and

28 (xi) fifteen million dollars each state fiscal year for the period
29 April first, two thousand eleven through March thirty-first, two thou-
30 sand fourteen.

31 (ii) Funds shall be deposited by the commissioner, within amounts
32 appropriated, and the state comptroller is hereby authorized and
33 directed to receive for deposit to the credit of the state special
34 revenue funds - other, HCRA transfer fund, medical assistance account,
35 or any successor fund or account, for the purpose of supporting the
36 state share of Medicaid expenditures for disabled persons as authorized
37 by sections 1619 (a) and (b) of the federal social security act pursuant
38 to the tobacco control and insurance initiatives pool established for
39 the following periods in the following amounts:

40 (i) six million four hundred thousand dollars for the period April
41 first, two thousand two through December thirty-first, two thousand two;

42 (ii) eight million five hundred thousand dollars, for the period Janu-
43 ary first, two thousand three through December thirty-first, two thou-
44 sand three;

45 (iii) eight million five hundred thousand dollars for the period Janu-
46 ary first, two thousand four through December thirty-first, two thousand
47 four;

48 (iv) eight million five hundred thousand dollars for the period Janu-
49 ary first, two thousand five through December thirty-first, two thousand
50 five;

51 (v) eight million five hundred thousand dollars for the period January
52 first, two thousand six through December thirty-first, two thousand six;

53 (vi) eight million six hundred thousand dollars for the period January
54 first, two thousand seven through December thirty-first, two thousand
55 seven;



1 (vii) eight million five hundred thousand dollars for the period Janu-
2 ary first, two thousand eight through December thirty-first, two thou-
3 sand eight;

4 (viii) eight million five hundred thousand dollars for the period
5 January first, two thousand nine through December thirty-first, two
6 thousand nine;

7 (ix) eight million five hundred thousand dollars for the period Janu-
8 ary first, two thousand ten through December thirty-first, two thousand
9 ten;

10 (x) two million one hundred twenty-five thousand dollars for the peri-
11 od January first, two thousand eleven through March thirty-first, two
12 thousand eleven;

13 (xi) eight million five hundred thousand dollars each state fiscal
14 year for the period April first, two thousand eleven through March thir-
15 ty-first, two thousand fourteen;

16 (xii) eight million five hundred thousand dollars each state fiscal
17 year for the period April first, two thousand fourteen through March
18 thirty-first, two thousand seventeen; [and]

19 (xiii) eight million five hundred thousand dollars each state fiscal
20 year for the period April first, two thousand seventeen through March
21 thirty-first, two thousand twenty; and

22 (xiv) eight million five hundred thousand dollars each state fiscal
23 year for the period April first, two thousand twenty through March thir-
24 ty-first, two thousand twenty-three.

25 (jj) Funds shall be reserved and accumulated from year to year and
26 shall be available, including income from invested funds, for the
27 purposes of a grant program to improve access to infertility services,
28 treatments and procedures, from the tobacco control and insurance initi-
29 atives pool established for the period January first, two thousand two
30 through December thirty-first, two thousand two in the amount of nine
31 million one hundred seventy-five thousand dollars, for the period April
32 first, two thousand six through March thirty-first, two thousand seven
33 in the amount of five million dollars, for the period April first, two
34 thousand seven through March thirty-first, two thousand eight in the
35 amount of five million dollars, for the period April first, two thousand
36 eight through March thirty-first, two thousand nine in the amount of
37 five million dollars, and for the period April first, two thousand nine
38 through March thirty-first, two thousand ten in the amount of five
39 million dollars, for the period April first, two thousand ten through
40 March thirty-first, two thousand eleven in the amount of two million two
41 hundred thousand dollars, and for the period April first, two thousand
42 eleven through March thirty-first, two thousand twelve up to one million
43 one hundred thousand dollars.

44 (kk) Funds shall be deposited by the commissioner, within amounts
45 appropriated, and the state comptroller is hereby authorized and
46 directed to receive for deposit to the credit of the state special
47 revenue funds -- other, HCRA transfer fund, medical assistance account,
48 or any successor fund or account, for purposes of funding the state
49 share of Medical Assistance Program expenditures from the tobacco
50 control and insurance initiatives pool established for the following
51 periods in the following amounts:

52 (i) thirty-eight million eight hundred thousand dollars for the period
53 January first, two thousand two through December thirty-first, two thou-
54 sand two;



1 (ii) up to two hundred ninety-five million dollars for the period
2 January first, two thousand three through December thirty-first, two
3 thousand three;
4 (iii) up to four hundred seventy-two million dollars for the period
5 January first, two thousand four through December thirty-first, two
6 thousand four;
7 (iv) up to nine hundred million dollars for the period January first,
8 two thousand five through December thirty-first, two thousand five;
9 (v) up to eight hundred sixty-six million three hundred thousand
10 dollars for the period January first, two thousand six through December
11 thirty-first, two thousand six;
12 (vi) up to six hundred sixteen million seven hundred thousand dollars
13 for the period January first, two thousand seven through December thir-
14 ty-first, two thousand seven;
15 (vii) up to five hundred seventy-eight million nine hundred twenty-
16 five thousand dollars for the period January first, two thousand eight
17 through December thirty-first, two thousand eight; and
18 (viii) within amounts appropriated on and after January first, two
19 thousand nine.
20 (11) Funds shall be deposited by the commissioner, within amounts
21 appropriated, and the state comptroller is hereby authorized and
22 directed to receive for deposit to the credit of the state special
23 revenue funds -- other, HCRA transfer fund, medical assistance account,
24 or any successor fund or account, for purposes of funding the state
25 share of Medicaid expenditures related to the city of New York from the
26 tobacco control and insurance initiatives pool established for the
27 following periods in the following amounts:
28 (i) eighty-two million seven hundred thousand dollars for the period
29 January first, two thousand two through December thirty-first, two thou-
30 sand two;
31 (ii) one hundred twenty-four million six hundred thousand dollars for
32 the period January first, two thousand three through December thirty-
33 first, two thousand three;
34 (iii) one hundred twenty-four million seven hundred thousand dollars
35 for the period January first, two thousand four through December thir-
36 ty-first, two thousand four;
37 (iv) one hundred twenty-four million seven hundred thousand dollars
38 for the period January first, two thousand five through December thir-
39 ty-first, two thousand five;
40 (v) one hundred twenty-four million seven hundred thousand dollars for
41 the period January first, two thousand six through December thirty-
42 first, two thousand six;
43 (vi) one hundred twenty-four million seven hundred thousand dollars
44 for the period January first, two thousand seven through December thir-
45 ty-first, two thousand seven;
46 (vii) one hundred twenty-four million seven hundred thousand dollars
47 for the period January first, two thousand eight through December thir-
48 ty-first, two thousand eight;
49 (viii) one hundred twenty-four million seven hundred thousand dollars
50 for the period January first, two thousand nine through December thir-
51 ty-first, two thousand nine;
52 (ix) one hundred twenty-four million seven hundred thousand dollars
53 for the period January first, two thousand ten through December thirty-
54 first, two thousand ten;



1 (x) thirty-one million one hundred seventy-five thousand dollars for
2 the period January first, two thousand eleven through March thirty-
3 first, two thousand eleven; and

4 (xi) one hundred twenty-four million seven hundred thousand dollars
5 each state fiscal year for the period April first, two thousand eleven
6 through March thirty-first, two thousand fourteen.

7 (mm) Funds shall be deposited by the commissioner, within amounts
8 appropriated, and the state comptroller is hereby authorized and
9 directed to receive for deposit to the credit of the state special
10 revenue funds - other, HCRA transfer fund, medical assistance account,
11 or any successor fund or account, for purposes of funding specified
12 percentages of the state share of services and expenses related to the
13 family health plus program in accordance with the following schedule:

14 (i) (A) for the period January first, two thousand three through
15 December thirty-first, two thousand four, one hundred percent of the
16 state share;

17 (B) for the period January first, two thousand five through December
18 thirty-first, two thousand five, seventy-five percent of the state
19 share; and

20 (C) for periods beginning on and after January first, two thousand
21 six, fifty percent of the state share.

22 (ii) Funding for the family health plus program will include up to
23 five million dollars annually for the period January first, two thousand
24 three through December thirty-first, two thousand six, up to five
25 million dollars for the period January first, two thousand seven through
26 December thirty-first, two thousand seven, up to seven million two
27 hundred thousand dollars for the period January first, two thousand
28 eight through December thirty-first, two thousand eight, up to seven
29 million two hundred thousand dollars for the period January first, two
30 thousand nine through December thirty-first, two thousand nine, up to
31 seven million two hundred thousand dollars for the period January first,
32 two thousand ten through December thirty-first, two thousand ten, up to
33 one million eight hundred thousand dollars for the period January first,
34 two thousand eleven through March thirty-first, two thousand eleven, up
35 to six million forty-nine thousand dollars for the period April first,
36 two thousand eleven through March thirty-first, two thousand twelve, up
37 to six million two hundred eighty-nine thousand dollars for the period
38 April first, two thousand twelve through March thirty-first, two thou-
39 sand thirteen, and up to six million four hundred sixty-one thousand
40 dollars for the period April first, two thousand thirteen through March
41 thirty-first, two thousand fourteen, for administration and marketing
42 costs associated with such program established pursuant to clauses (A)
43 and (B) of subparagraph (v) of paragraph (a) of subdivision two of
44 section three hundred sixty-nine-ee of the social services law from the
45 tobacco control and insurance initiatives pool established for the
46 following periods in the following amounts:

47 (A) one hundred ninety million six hundred thousand dollars for the
48 period January first, two thousand three through December thirty-first,
49 two thousand three;

50 (B) three hundred seventy-four million dollars for the period January
51 first, two thousand four through December thirty-first, two thousand
52 four;

53 (C) five hundred thirty-eight million four hundred thousand dollars
54 for the period January first, two thousand five through December thir-
55 ty-first, two thousand five;



1 (D) three hundred eighteen million seven hundred seventy-five thousand
2 dollars for the period January first, two thousand six through December
3 thirty-first, two thousand six;

4 (E) four hundred eighty-two million eight hundred thousand dollars for
5 the period January first, two thousand seven through December thirty-
6 first, two thousand seven;

7 (F) five hundred seventy million twenty-five thousand dollars for the
8 period January first, two thousand eight through December thirty-first,
9 two thousand eight;

10 (G) six hundred ten million seven hundred twenty-five thousand dollars
11 for the period January first, two thousand nine through December thir-
12 ty-first, two thousand nine;

13 (H) six hundred twenty-seven million two hundred seventy-five thousand
14 dollars for the period January first, two thousand ten through December
15 thirty-first, two thousand ten;

16 (I) one hundred fifty-seven million eight hundred seventy-five thou-
17 sand dollars for the period January first, two thousand eleven through
18 March thirty-first, two thousand eleven;

19 (J) six hundred twenty-eight million four hundred thousand dollars for
20 the period April first, two thousand eleven through March thirty-first,
21 two thousand twelve;

22 (K) six hundred fifty million four hundred thousand dollars for the
23 period April first, two thousand twelve through March thirty-first, two
24 thousand thirteen;

25 (L) six hundred fifty million four hundred thousand dollars for the
26 period April first, two thousand thirteen through March thirty-first,
27 two thousand fourteen; and

28 (M) up to three hundred ten million five hundred ninety-five thousand
29 dollars for the period April first, two thousand fourteen through March
30 thirty-first, two thousand fifteen.

31 (nn) Funds shall be deposited by the commissioner, within amounts
32 appropriated, and the state comptroller is hereby authorized and
33 directed to receive for deposit to the credit of the state special
34 revenue fund - other, HCRA transfer fund, health care services account,
35 or any successor fund or account, for purposes related to adult home
36 initiatives for medicaid eligible residents of residential facilities
37 licensed pursuant to section four hundred sixty-b of the social services
38 law from the tobacco control and insurance initiatives pool established
39 for the following periods in the following amounts:

40 (i) up to four million dollars for the period January first, two thou-
41 sand three through December thirty-first, two thousand three;

42 (ii) up to six million dollars for the period January first, two thou-
43 sand four through December thirty-first, two thousand four;

44 (iii) up to eight million dollars for the period January first, two
45 thousand five through December thirty-first, two thousand five,
46 provided, however, that up to five million two hundred fifty thousand
47 dollars of such funds shall be received by the comptroller and deposited
48 to the credit of the special revenue fund - other / aid to localities,
49 HCRA transfer fund - 061, enhanced community services account - 05, or
50 any successor fund or account, for the purposes set forth in this para-
51 graph;

52 (iv) up to eight million dollars for the period January first, two
53 thousand six through December thirty-first, two thousand six, provided,
54 however, that up to five million two hundred fifty thousand dollars of
55 such funds shall be received by the comptroller and deposited to the
56 credit of the special revenue fund - other / aid to localities, HCRA



1 transfer fund - 061, enhanced community services account - 05, or any
2 successor fund or account, for the purposes set forth in this paragraph;
3 (v) up to eight million dollars for the period January first, two
4 thousand seven through December thirty-first, two thousand seven,
5 provided, however, that up to five million two hundred fifty thousand
6 dollars of such funds shall be received by the comptroller and deposited
7 to the credit of the special revenue fund - other / aid to localities,
8 HCRA transfer fund - 061, enhanced community services account - 05, or
9 any successor fund or account, for the purposes set forth in this para-
10 graph;
11 (vi) up to two million seven hundred fifty thousand dollars for the
12 period January first, two thousand eight through December thirty-first,
13 two thousand eight;
14 (vii) up to two million seven hundred fifty thousand dollars for the
15 period January first, two thousand nine through December thirty-first,
16 two thousand nine;
17 (viii) up to two million seven hundred fifty thousand dollars for the
18 period January first, two thousand ten through December thirty-first,
19 two thousand ten; and
20 (ix) up to six hundred eighty-eight thousand dollars for the period
21 January first, two thousand eleven through March thirty-first, two thou-
22 sand eleven.
23 (oo) Funds shall be reserved and accumulated from year to year and
24 shall be available, including income from invested funds, for purposes
25 of grants to non-public general hospitals pursuant to paragraph (e) of
26 subdivision twenty-five of section twenty-eight hundred seven-c of this
27 article from the tobacco control and insurance initiatives pool estab-
28 lished for the following periods in the following amounts:
29 (i) up to five million dollars on an annualized basis for the period
30 January first, two thousand four through December thirty-first, two
31 thousand four;
32 (ii) up to five million dollars for the period January first, two
33 thousand five through December thirty-first, two thousand five;
34 (iii) up to five million dollars for the period January first, two
35 thousand six through December thirty-first, two thousand six;
36 (iv) up to five million dollars for the period January first, two
37 thousand seven through December thirty-first, two thousand seven;
38 (v) up to five million dollars for the period January first, two thou-
39 sand eight through December thirty-first, two thousand eight;
40 (vi) up to five million dollars for the period January first, two
41 thousand nine through December thirty-first, two thousand nine;
42 (vii) up to five million dollars for the period January first, two
43 thousand ten through December thirty-first, two thousand ten; and
44 (viii) up to one million two hundred fifty thousand dollars for the
45 period January first, two thousand eleven through March thirty-first,
46 two thousand eleven.
47 (pp) Funds shall be reserved and accumulated from year to year and
48 shall be available, including income from invested funds, for the
49 purpose of supporting the provision of tax credits for long term care
50 insurance pursuant to subdivision one of section one hundred ninety of
51 the tax law, paragraph (a) of subdivision [twenty-five-a] fourteen of
52 section two hundred [ten] ten-B of such law, subsection (aa) of section
53 six hundred six of such law[, paragraph one of subsection (k) of section
54 fourteen hundred fifty-six of such law] and paragraph one of subdivision
55 (m) of section fifteen hundred eleven of such law, in the following
56 amounts:



1 (i) ten million dollars for the period January first, two thousand
2 four through December thirty-first, two thousand four;

3 (ii) ten million dollars for the period January first, two thousand
4 five through December thirty-first, two thousand five;

5 (iii) ten million dollars for the period January first, two thousand
6 six through December thirty-first, two thousand six; and

7 (iv) five million dollars for the period January first, two thousand
8 seven through June thirtieth, two thousand seven.

9 (qq) Funds shall be reserved and accumulated from year to year and
10 shall be available, including income from invested funds, for the
11 purpose of supporting the long-term care insurance education and
12 outreach program established pursuant to section two hundred seventeen-a
13 of the elder law for the following periods in the following amounts:

14 (i) up to five million dollars for the period January first, two thou-
15 sand four through December thirty-first, two thousand four; of such
16 funds one million nine hundred fifty thousand dollars shall be made
17 available to the department for the purpose of developing, implementing
18 and administering the long-term care insurance education and outreach
19 program and three million fifty thousand dollars shall be deposited by
20 the commissioner, within amounts appropriated, and the comptroller is
21 hereby authorized and directed to receive for deposit to the credit of
22 the special revenue funds - other, HCRA transfer fund, long term care
23 insurance resource center account of the state office for the aging or
24 any future account designated for the purpose of implementing the long
25 term care insurance education and outreach program and providing the
26 long term care insurance resource centers with the necessary resources
27 to carry out their operations;

28 (ii) up to five million dollars for the period January first, two
29 thousand five through December thirty-first, two thousand five; of such
30 funds one million nine hundred fifty thousand dollars shall be made
31 available to the department for the purpose of developing, implementing
32 and administering the long-term care insurance education and outreach
33 program and three million fifty thousand dollars shall be deposited by
34 the commissioner, within amounts appropriated, and the comptroller is
35 hereby authorized and directed to receive for deposit to the credit of
36 the special revenue funds - other, HCRA transfer fund, long term care
37 insurance resource center account of the state office for the aging or
38 any future account designated for the purpose of implementing the long
39 term care insurance education and outreach program and providing the
40 long term care insurance resource centers with the necessary resources
41 to carry out their operations;

42 (iii) up to five million dollars for the period January first, two
43 thousand six through December thirty-first, two thousand six; of such
44 funds one million nine hundred fifty thousand dollars shall be made
45 available to the department for the purpose of developing, implementing
46 and administering the long-term care insurance education and outreach
47 program and three million fifty thousand dollars shall be made available
48 to the office for the aging for the purpose of providing the long term
49 care insurance resource centers with the necessary resources to carry
50 out their operations;

51 (iv) up to five million dollars for the period January first, two
52 thousand seven through December thirty-first, two thousand seven; of
53 such funds one million nine hundred fifty thousand dollars shall be made
54 available to the department for the purpose of developing, implementing
55 and administering the long-term care insurance education and outreach
56 program and three million fifty thousand dollars shall be made available



1 to the office for the aging for the purpose of providing the long term
2 care insurance resource centers with the necessary resources to carry
3 out their operations;

4 (v) up to five million dollars for the period January first, two thou-
5 sand eight through December thirty-first, two thousand eight; of such
6 funds one million nine hundred fifty thousand dollars shall be made
7 available to the department for the purpose of developing, implementing
8 and administering the long term care insurance education and outreach
9 program and three million fifty thousand dollars shall be made available
10 to the office for the aging for the purpose of providing the long term
11 care insurance resource centers with the necessary resources to carry
12 out their operations;

13 (vi) up to five million dollars for the period January first, two
14 thousand nine through December thirty-first, two thousand nine; of such
15 funds one million nine hundred fifty thousand dollars shall be made
16 available to the department for the purpose of developing, implementing
17 and administering the long-term care insurance education and outreach
18 program and three million fifty thousand dollars shall be made available
19 to the office for the aging for the purpose of providing the long-term
20 care insurance resource centers with the necessary resources to carry
21 out their operations;

22 (vii) up to four hundred eighty-eight thousand dollars for the period
23 January first, two thousand ten through March thirty-first, two thousand
24 ten; of such funds four hundred eighty-eight thousand dollars shall be
25 made available to the department for the purpose of developing, imple-
26 menting and administering the long-term care insurance education and
27 outreach program.

28 (rr) Funds shall be reserved and accumulated from the tobacco control
29 and insurance initiatives pool and shall be available, including income
30 from invested funds, for the purpose of supporting expenses related to
31 implementation of the provisions of title [III] three of article twen-
32 ty-nine-D of this chapter, for the following periods and in the follow-
33 ing amounts:

34 (i) up to ten million dollars for the period January first, two thou-
35 sand six through December thirty-first, two thousand six;

36 (ii) up to ten million dollars for the period January first, two thou-
37 sand seven through December thirty-first, two thousand seven;

38 (iii) up to ten million dollars for the period January first, two
39 thousand eight through December thirty-first, two thousand eight;

40 (iv) up to ten million dollars for the period January first, two thou-
41 sand nine through December thirty-first, two thousand nine;

42 (v) up to ten million dollars for the period January first, two thou-
43 sand ten through December thirty-first, two thousand ten; and

44 (vi) up to two million five hundred thousand dollars for the period
45 January first, two thousand eleven through March thirty-first, two thou-
46 sand eleven.

47 (ss) Funds shall be reserved and accumulated from the tobacco control
48 and insurance initiatives pool and used for a health care stabilization
49 program established by the commissioner for the purposes of stabilizing
50 critical health care providers and health care programs whose ability to
51 continue to provide appropriate services are threatened by financial or
52 other challenges, in the amount of up to twenty-eight million dollars
53 for the period July first, two thousand four through June thirtieth, two
54 thousand five. Notwithstanding the provisions of section one hundred
55 twelve of the state finance law or any other inconsistent provision of
56 the state finance law or any other law, funds available for distribution



1 pursuant to this paragraph may be allocated and distributed by the
2 commissioner, or the state comptroller as applicable without a compet-
3 itive bid or request for proposal process. Considerations relied upon by
4 the commissioner in determining the allocation and distribution of these
5 funds shall include, but not be limited to, the following: (i) the
6 importance of the provider or program in meeting critical health care
7 needs in the community in which it operates; (ii) the provider or
8 program provision of care to under-served populations; (iii) the quality
9 of the care or services the provider or program delivers; (iv) the abil-
10 ity of the provider or program to continue to deliver an appropriate
11 level of care or services if additional funding is made available; (v)
12 the ability of the provider or program to access, in a timely manner,
13 alternative sources of funding, including other sources of government
14 funding; (vi) the ability of other providers or programs in the communi-
15 ty to meet the community health care needs; (vii) whether the provider
16 or program has an appropriate plan to improve its financial condition;
17 and (viii) whether additional funding would permit the provider or
18 program to consolidate, relocate, or close programs or services where
19 such actions would result in greater stability and efficiency in the
20 delivery of needed health care services or programs.

21 (tt) Funds shall be reserved and accumulated from year to year and
22 shall be available, including income from invested funds, for purposes
23 of providing grants for two long term care demonstration projects
24 designed to test new models for the delivery of long term care services
25 established pursuant to section twenty-eight hundred seven-x of this
26 chapter, for the following periods and in the following amounts:

27 (i) up to five hundred thousand dollars for the period January first,
28 two thousand four through December thirty-first, two thousand four;

29 (ii) up to five hundred thousand dollars for the period January first,
30 two thousand five through December thirty-first, two thousand five;

31 (iii) up to five hundred thousand dollars for the period January
32 first, two thousand six through December thirty-first, two thousand six;

33 (iv) up to one million dollars for the period January first, two thou-
34 sand seven through December thirty-first, two thousand seven; and

35 (v) up to two hundred fifty thousand dollars for the period January
36 first, two thousand eight through March thirty-first, two thousand
37 eight.

38 (uu) Funds shall be reserved and accumulated from year to year and
39 shall be available, including income from invested funds, for the
40 purpose of supporting disease management and telemedicine demonstration
41 programs authorized pursuant to section twenty-one hundred eleven of
42 this chapter for the following periods in the following amounts:

43 (i) five million dollars for the period January first, two thousand
44 four through December thirty-first, two thousand four, of which three
45 million dollars shall be available for disease management demonstration
46 programs and two million dollars shall be available for telemedicine
47 demonstration programs;

48 (ii) five million dollars for the period January first, two thousand
49 five through December thirty-first, two thousand five, of which three
50 million dollars shall be available for disease management demonstration
51 programs and two million dollars shall be available for telemedicine
52 demonstration programs;

53 (iii) nine million five hundred thousand dollars for the period Janu-
54 ary first, two thousand six through December thirty-first, two thousand
55 six, of which seven million five hundred thousand dollars shall be



1 available for disease management demonstration programs and two million
2 dollars shall be available for telemedicine demonstration programs;

3 (iv) nine million five hundred thousand dollars for the period January
4 first, two thousand seven through December thirty-first, two thousand
5 seven, of which seven million five hundred thousand dollars shall be
6 available for disease management demonstration programs and one million
7 dollars shall be available for telemedicine demonstration programs;

8 (v) nine million five hundred thousand dollars for the period January
9 first, two thousand eight through December thirty-first, two thousand
10 eight, of which seven million five hundred thousand dollars shall be
11 available for disease management demonstration programs and two million
12 dollars shall be available for telemedicine demonstration programs;

13 (vi) seven million eight hundred thirty-three thousand three hundred
14 thirty-three dollars for the period January first, two thousand nine
15 through December thirty-first, two thousand nine, of which seven million
16 five hundred thousand dollars shall be available for disease management
17 demonstration programs and three hundred thirty-three thousand three
18 hundred thirty-three dollars shall be available for telemedicine demon-
19 stration programs for the period January first, two thousand nine
20 through March first, two thousand nine;

21 (vii) one million eight hundred seventy-five thousand dollars for the
22 period January first, two thousand ten through March thirty-first, two
23 thousand ten shall be available for disease management demonstration
24 programs.

25 (ww) Funds shall be deposited by the commissioner, within amounts
26 appropriated, and the state comptroller is hereby authorized and
27 directed to receive for the deposit to the credit of the state special
28 revenue funds - other, HCRA transfer fund, medical assistance account,
29 or any successor fund or account, for purposes of funding the state
30 share of the general hospital rates increases for recruitment and
31 retention of health care workers pursuant to paragraph (e) of subdivi-
32 sion thirty of section twenty-eight hundred seven-c of this article from
33 the tobacco control and insurance initiatives pool established for the
34 following periods in the following amounts:

35 (i) sixty million five hundred thousand dollars for the period January
36 first, two thousand five through December thirty-first, two thousand
37 five; and

38 (ii) sixty million five hundred thousand dollars for the period Janu-
39 ary first, two thousand six through December thirty-first, two thousand
40 six.

41 (xx) Funds shall be deposited by the commissioner, within amounts
42 appropriated, and the state comptroller is hereby authorized and
43 directed to receive for the deposit to the credit of the state special
44 revenue funds - other, HCRA transfer fund, medical assistance account,
45 or any successor fund or account, for purposes of funding the state
46 share of the general hospital rates increases for rural hospitals pursu-
47 ant to subdivision thirty-two of section twenty-eight hundred seven-c of
48 this article from the tobacco control and insurance initiatives pool
49 established for the following periods in the following amounts:

50 (i) three million five hundred thousand dollars for the period January
51 first, two thousand five through December thirty-first, two thousand
52 five;

53 (ii) three million five hundred thousand dollars for the period Janu-
54 ary first, two thousand six through December thirty-first, two thousand
55 six;



1 (iii) three million five hundred thousand dollars for the period Janu-
2 ary first, two thousand seven through December thirty-first, two thou-
3 sand seven;

4 (iv) three million five hundred thousand dollars for the period Janu-
5 ary first, two thousand eight through December thirty-first, two thou-
6 sand eight; and

7 (v) three million two hundred eight thousand dollars for the period
8 January first, two thousand nine through November thirtieth, two thou-
9 sand nine.

10 (yy) Funds shall be reserved and accumulated from year to year and
11 shall be available, within amounts appropriated and notwithstanding
12 section one hundred twelve of the state finance law and any other
13 contrary provision of law, for the purpose of supporting grants not to
14 exceed five million dollars to be made by the commissioner without a
15 competitive bid or request for proposal process, in support of the
16 delivery of critically needed health care services, to health care
17 providers located in the counties of Erie and Niagara which executed a
18 memorandum of closing and conducted a merger closing in escrow on Novem-
19 ber twenty-fourth, nineteen hundred ninety-seven and which entered into
20 a settlement dated December thirtieth, two thousand four for a loss on
21 disposal of assets under the provisions of title XVIII of the federal
22 social security act applicable to mergers occurring prior to December
23 first, nineteen hundred ninety-seven.

24 (zz) Funds shall be reserved and accumulated from year to year and
25 shall be available, within amounts appropriated, for the purpose of
26 supporting expenditures authorized pursuant to section twenty-eight
27 hundred eighteen of this article from the tobacco control and insurance
28 initiatives pool established for the following periods in the following
29 amounts:

30 (i) six million five hundred thousand dollars for the period January
31 first, two thousand five through December thirty-first, two thousand
32 five;

33 (ii) one hundred eight million three hundred thousand dollars for the
34 period January first, two thousand six through December thirty-first,
35 two thousand six, provided, however, that within amounts appropriated in
36 the two thousand six through two thousand seven state fiscal year, a
37 portion of such funds may be transferred to the Roswell Park Cancer
38 Institute Corporation to fund capital costs;

39 (iii) one hundred seventy-one million dollars for the period January
40 first, two thousand seven through December thirty-first, two thousand
41 seven, provided, however, that within amounts appropriated in the two
42 thousand six through two thousand seven state fiscal year, a portion of
43 such funds may be transferred to the Roswell Park Cancer Institute
44 Corporation to fund capital costs;

45 (iv) one hundred seventy-one million five hundred thousand dollars for
46 the period January first, two thousand eight through December thirty-
47 first, two thousand eight;

48 (v) one hundred twenty-eight million seven hundred fifty thousand
49 dollars for the period January first, two thousand nine through December
50 thirty-first, two thousand nine;

51 (vi) one hundred thirty-one million three hundred seventy-five thou-
52 sand dollars for the period January first, two thousand ten through
53 December thirty-first, two thousand ten;

54 (vii) thirty-four million two hundred fifty thousand dollars for the
55 period January first, two thousand eleven through March thirty-first,
56 two thousand eleven;



1 (viii) four hundred thirty-three million three hundred sixty-six thou-
2 sand dollars for the period April first, two thousand eleven through
3 March thirty-first, two thousand twelve;

4 (ix) one hundred fifty million eight hundred six thousand dollars for
5 the period April first, two thousand twelve through March thirty-first,
6 two thousand thirteen;

7 (x) seventy-eight million seventy-one thousand dollars for the period
8 April first, two thousand thirteen through March thirty-first, two thou-
9 sand fourteen.

10 (aaa) Funds shall be reserved and accumulated from year to year and
11 shall be available, including income from invested funds, for services
12 and expenses related to school based health centers, in an amount up to
13 three million five hundred thousand dollars for the period April first,
14 two thousand six through March thirty-first, two thousand seven, up to
15 three million five hundred thousand dollars for the period April first,
16 two thousand seven through March thirty-first, two thousand eight, up to
17 three million five hundred thousand dollars for the period April first,
18 two thousand eight through March thirty-first, two thousand nine, up to
19 three million five hundred thousand dollars for the period April first,
20 two thousand nine through March thirty-first, two thousand ten, up to
21 three million five hundred thousand dollars for the period April first,
22 two thousand ten through March thirty-first, two thousand eleven, up to
23 two million eight hundred thousand dollars each state fiscal year for
24 the period April first, two thousand eleven through March thirty-first,
25 two thousand fourteen, up to two million six hundred forty-four thousand
26 dollars each state fiscal year for the period April first, two thousand
27 fourteen through March thirty-first, two thousand seventeen, [and] up to
28 two million six hundred forty-four thousand dollars each state fiscal
29 year for the period April first, two thousand seventeen through March
30 thirty-first, two thousand twenty, and up to two million six hundred
31 forty-four thousand dollars each state fiscal year for the period April
32 first, two thousand twenty through March thirty-first, two thousand
33 twenty-three. The total amount of funds provided herein shall be
34 distributed as grants based on the ratio of each provider's total
35 enrollment for all sites to the total enrollment of all providers. This
36 formula shall be applied to the total amount provided herein.

37 (bbb) Funds shall be reserved and accumulated from year to year and
38 shall be available, including income from invested funds, for purposes
39 of awarding grants to operators of adult homes, enriched housing
40 programs and residences through the enhancing abilities and life experi-
41 ence (EnAbLe) program to provide for the installation, operation and
42 maintenance of air conditioning in resident rooms, consistent with this
43 paragraph, in an amount up to two million dollars for the period April
44 first, two thousand six through March thirty-first, two thousand seven,
45 up to three million eight hundred thousand dollars for the period April
46 first, two thousand seven through March thirty-first, two thousand
47 eight, up to three million eight hundred thousand dollars for the period
48 April first, two thousand eight through March thirty-first, two thousand
49 nine, up to three million eight hundred thousand dollars for the period
50 April first, two thousand nine through March thirty-first, two thousand
51 ten, and up to three million eight hundred thousand dollars for the
52 period April first, two thousand ten through March thirty-first, two
53 thousand eleven. Residents shall not be charged utility cost for the use
54 of air conditioners supplied under the EnAbLe program. All such air
55 conditioners must be operated in occupied resident rooms consistent with
56 requirements applicable to common areas.



(ccc) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for the deposit to the credit of the state special revenue funds - other, HCRA transfer fund, medical assistance account, or any successor fund or account, for purposes of funding the state share of increases in the rates for certified home health agencies, long term home health care programs, AIDS home care programs, hospice programs and managed long term care plans and approved managed long term care operating demonstrations as defined in section forty-four hundred three-f of this chapter for recruitment and retention of health care workers pursuant to subdivisions nine and ten of section thirty-six hundred fourteen of this chapter from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:

(i) twenty-five million dollars for the period June first, two thousand six through December thirty-first, two thousand six;

(ii) fifty million dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;

(iii) fifty million dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;

(iv) fifty million dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;

(v) fifty million dollars for the period January first, two thousand ten through December thirty-first, two thousand ten;

(vi) twelve million five hundred thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven;

(vii) up to fifty million dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen;

(viii) up to fifty million dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand seventeen; [and]

(ix) up to fifty million dollars each state fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand twenty; and

(x) up to fifty million dollars each state fiscal year for the period April first, two thousand twenty through March thirty-first, two thousand twenty-three.

(ddd) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for the deposit to the credit of the state special revenue funds - other, HCRA transfer fund, medical assistance account, or any successor fund or account, for purposes of funding the state share of increases in the medical assistance rates for providers for purposes of enhancing the provision, quality and/or efficiency of home care services pursuant to subdivision eleven of section thirty-six hundred fourteen of this chapter from the tobacco control and insurance initiatives pool established for the following period in the amount of eight million dollars for the period April first, two thousand six through December thirty-first, two thousand six.

(eee) Funds shall be reserved and accumulated from year to year and shall be available, including income from invested funds, to the Center for Functional Genomics at the State University of New York at Albany, for the purposes of the Adirondack network for cancer education and research in rural communities grant program to improve access to health

1 care and shall be made available from the tobacco control and insurance
2 initiatives pool established for the following period in the amount of
3 up to five million dollars for the period January first, two thousand
4 six through December thirty-first, two thousand six.

5 (fff) Funds shall be made available to the empire state stem cell
6 trust fund established by section ninety-nine-p of the state finance law
7 within amounts appropriated up to fifty million dollars annually and
8 shall not exceed five hundred million dollars in total.

9 (ggg) Funds shall be deposited by the commissioner, within amounts
10 appropriated, and the state comptroller is hereby authorized and
11 directed to receive for deposit to the credit of the state special
12 revenue fund - other, HCRA transfer fund, medical assistance account, or
13 any successor fund or account, for the purpose of supporting the state
14 share of Medicaid expenditures for hospital translation services as
15 authorized pursuant to paragraph (k) of subdivision one of section twen-
16 ty-eight hundred seven-c of this article from the tobacco control and
17 initiatives pool established for the following periods in the following
18 amounts:

19 (i) sixteen million dollars for the period July first, two thousand
20 eight through December thirty-first, two thousand eight; and

21 (ii) fourteen million seven hundred thousand dollars for the period
22 January first, two thousand nine through November thirtieth, two thou-
23 sand nine.

24 (hhh) Funds shall be deposited by the commissioner, within amounts
25 appropriated, and the state comptroller is hereby authorized and
26 directed to receive for deposit to the credit of the state special
27 revenue fund - other, HCRA transfer fund, medical assistance account, or
28 any successor fund or account, for the purpose of supporting the state
29 share of Medicaid expenditures for adjustments to inpatient rates of
30 payment for general hospitals located in the counties of Nassau and
31 Suffolk as authorized pursuant to paragraph (l) of subdivision one of
32 section twenty-eight hundred seven-c of this article from the tobacco
33 control and initiatives pool established for the following periods in
34 the following amounts:

35 (i) two million five hundred thousand dollars for the period April
36 first, two thousand eight through December thirty-first, two thousand
37 eight; and

38 (ii) two million two hundred ninety-two thousand dollars for the peri-
39 od January first, two thousand nine through November thirtieth, two
40 thousand nine.

41 (iii) Funds shall be reserved and set aside and accumulated from year
42 to year and shall be made available, including income from investment
43 funds, for the purpose of supporting the New York state medical indem-
44 nity fund as authorized pursuant to title four of article twenty-nine-D
45 of this chapter, for the following periods and in the following amounts,
46 provided, however, that the commissioner is authorized to seek waiver
47 authority from the federal centers for medicare and Medicaid for the
48 purpose of securing Medicaid federal financial participation for such
49 program, in which case the funding authorized pursuant to this paragraph
50 shall be utilized as the non-federal share for such payments:

51 Thirty million dollars for the period April first, two thousand eleven
52 through March thirty-first, two thousand twelve.

53 2. (a) For periods prior to January first, two thousand five, the
54 commissioner is authorized to contract with the article forty-three
55 insurance law plans, or such other contractors as the commissioner shall
56 designate, to receive and distribute funds from the tobacco control and



1 insurance initiatives pool established pursuant to this section. In the
2 event contracts with the article forty-three insurance law plans or
3 other commissioner's designees are effectuated, the commissioner shall
4 conduct annual audits of the receipt and distribution of such funds. The
5 reasonable costs and expenses of an administrator as approved by the
6 commissioner, not to exceed for personnel services on an annual basis
7 five hundred thousand dollars, for collection and distribution of funds
8 pursuant to this section shall be paid from such funds.

9 (b) Notwithstanding any inconsistent provision of section one hundred
10 twelve or one hundred sixty-three of the state finance law or any other
11 law, at the discretion of the commissioner without a competitive bid or
12 request for proposal process, contracts in effect for administration of
13 pools established pursuant to sections twenty-eight hundred seven-k,
14 twenty-eight hundred seven-l and twenty-eight hundred seven-m of this
15 article for the period January first, nineteen hundred ninety-nine
16 through December thirty-first, nineteen hundred ninety-nine may be
17 extended to provide for administration pursuant to this section and may
18 be amended as may be necessary.

19 § 15. Paragraph (a) of subdivision 12 of section 367-b of the social
20 services law, as amended by section 7 of part H of chapter 57 of the
21 laws of 2017, is amended to read as follows:

22 (a) For the purpose of regulating cash flow for general hospitals, the
23 department shall develop and implement a payment methodology to provide
24 for timely payments for inpatient hospital services eligible for case
25 based payments per discharge based on diagnosis-related groups provided
26 during the period January first, nineteen hundred eighty-eight through
27 March thirty-first two thousand [twenty] twenty-three, by such hospitals
28 which elect to participate in the system.

29 § 16. Paragraph (o) of subdivision 9 of section 3614 of the public
30 health law, as added by section 11 of part H of chapter 57 of the laws
31 of 2017, is amended and three new paragraphs (p), (q) and (r) are added
32 to read as follows:

33 (o) for the period April first, two thousand nineteen through March
34 thirty-first, two thousand twenty, up to one hundred million dollars[.];

35 (p) for the period April first, two thousand twenty through March
36 thirty-first, two thousand twenty-one, up to one hundred million
37 dollars;

38 (q) for the period April first, two thousand twenty-one through March
39 thirty-first, two thousand twenty-two, up to one hundred million
40 dollars;

41 (r) for the period April first, two thousand twenty-two through March
42 thirty-first, two thousand twenty-three, up to one hundred million
43 dollars.

44 § 17. Paragraph (s) of subdivision 1 of section 367-q of the social
45 services law, as added by section 12 of part H of chapter 57 of the laws
46 of 2017, is amended and three new paragraphs (t), (u) and (v) are added
47 to read as follows:

48 (s) for the period April first, two thousand nineteen through March
49 thirty-first, two thousand twenty, twenty-eight million five hundred
50 thousand dollars[.];

51 (t) for the period April first, two thousand twenty through March
52 thirty-first, two thousand twenty-one, up to twenty-eight million five
53 hundred thousand dollars;

54 (u) for the period April first, two thousand twenty-one through March
55 thirty-first, two thousand twenty-two, up to twenty-eight million five
56 hundred thousand dollars;



1 (v) for the period April first, two thousand twenty-two through March
2 thirty-first, two thousand twenty-three, up to twenty-eight million five
3 hundred thousand dollars.

4 § 18. Section 5 of chapter 517 of the laws of 2016, amending the
5 public health law relating to payments from the New York state medical
6 indemnity fund, as amended by section 4 of part K of chapter 57 of the
7 laws of 2019, is amended to read as follows:

8 § 5. This act shall take effect on the forty-fifth day after it shall
9 have become a law, provided that the amendments to subdivision 4 of
10 section 2999-j of the public health law made by section two of this act
11 shall take effect on June 30, 2017 and shall expire and be deemed
12 repealed December 31, [2020] 2021.

13 § 19. Section 2807-g and paragraph (e) of subdivision 1 of section
14 2807-1 of the public health law are REPEALED.

15 § 20. This act shall take effect April 1, 2020, provided, however, if
16 this act shall become a law after such date it shall take effect imme-
17 diately and shall be deemed to have been in full force and effect on and
18 after April 1, 2020, and further provided, that:

19 (a) the amendments to sections 2807-j and 2807-s of the public health
20 law made by sections two, eight, eleven and twelve of this act shall not
21 affect the expiration of such sections and shall expire therewith;

22 (b) the amendments to subdivision 6 of section 2807-t of the public
23 health law made by section thirteen of this act shall not affect the
24 expiration of such section and shall be deemed to expire therewith; and

25 (c) the amendments to paragraph (i-1) of subdivision 1 of section
26 2807-v of the public health law made by section fourteen of this act
27 shall not affect the repeal of such paragraph and shall be deemed
28 repealed therewith.

29 PART Z

30 Section 1. Subdivisions 1 and 3 of section 461-s of the social
31 services law, subdivision 1 as amended by section 4 of part R of chapter
32 59 of the laws of 2016 and subdivision 3 as amended by section 6 of part
33 A of chapter 57 of the laws of 2015, are amended to read as follows:

34 1. (a) The commissioner of health shall establish the enhanced quality
35 of adult living program (referred to in this section as the "EQUAL
36 program" or the "program") for adult care facilities. The program shall
37 be targeted at improving the quality of life for adult care facility
38 residents by means of grants to facilities for [specified] the purposes
39 set forth in subparagraphs (i) and (ii) of the paragraph. The depart-
40 ment of health, subject to the approval of the director of the budget,
41 shall develop an allocation methodology taking into account the finan-
42 cial status and size of the facility [as well as], resident needs and
43 the population of residents who receive supplemental security income,
44 state supplemental payments, Medicaid (with respect to residents in an
45 assisted living program), or safety net assistance. On or before June
46 first of each year, the department shall make available the application
47 for EQUAL program funds. Grants may be used to support the following
48 purposes:

49 (i) to improve the quality of life for adult care facility residents
50 by funding projects including, but not limited to, clothing allowances,
51 resident training to support independent living skills, improvements in
52 food quality, outdoor leisure projects, and culturally recreational and
53 other leisure events; and resident quality of life, pursuant to this
54 subparagraph, and



1 (ii) to improve the quality of life for adult care facility residents
2 by financing capital improvement projects that will enhance the physical
3 environment of the facility and promote a higher quality of life for
4 residents. Any capital related expense generated by such capital expend-
5 iture must receive approval by the department of health, provided howev-
6 er, that such expenditures shall not be used to supplant the obligations
7 of the facility operator to provide a safe, comfortable environment for
8 residents in a good state of repair and sanitation.

9 (b) On or before June first of each year, the department shall make
10 available the application for EQUAL program funds to eligible adult care
11 facilities, as set forth in this section.

12 3. Prior to applying for EQUAL program funds, a facility shall receive
13 approval of its expenditure plan from the residents' council for the
14 facility. The residents' council shall adopt a process to identify the
15 priorities of the residents for the use of the program funds and docu-
16 ment residents' top preferences by means that may include a vote or
17 survey. The plan shall detail how program funds will be used to improve
18 resident quality of life, pursuant to subparagraph (i) of paragraph (a)
19 of subdivision one of this section, and support sustainable enhancements
20 to the physical environment of the facility [or the quality of care and
21 services rendered to residents and may include, but not be limited to,
22 staff training, air conditioning in residents' areas, clothing, improve-
23 ments in food quality, furnishings, equipment, security, and maintenance
24 or repairs to the facility] pursuant to subparagraph (ii) of paragraph
25 (a) of this subdivision. The facility's application for EQUAL program
26 funds shall include a signed attestation from the president or chair-
27 person of the residents' council or, in the absence of a residents'
28 council, at least three residents of the facility, stating that the
29 application reflects the priorities of the residents of the facility.
30 The department shall investigate reports of resident abuse and retali-
31 ation related to program applications and expenditures.

32 § 2. This act shall take effect immediately and shall be deemed to
33 have been in full force and effect on and after April 1, 2020.

34 PART AA

35 Section 1. Section 2807-bbb of the public health law is REPEALED.

36 § 2. Subdivision 10 of section 2808 of the public health law is
37 REPEALED.

38 § 3. Subdivision 6 of section 3614 of the public health law, as added
39 by chapter 563 of the laws of 1991, is REPEALED.

40 § 4. Subdivision 4 of section 4012 of the public health law is
41 REPEALED.

42 § 5. Clause (B) of subparagraph (iii) of paragraph (e) of subdivision
43 one of section twenty-eight hundred seven-c of the public health law is
44 REPEALED.

45 § 6. Article 27-G of the public health law is REPEALED.

46 § 7. Section 95-e of the state finance law, as added by chapter 301 of
47 the laws of 2004, subdivision 2 as amended by chapter 483 of the laws of
48 2015, subdivision 2-a as added by section 27-i of part UU of chapter 54
49 of the laws of 2016, is amended to read as follows:

50 § 95-e. The New York state autism awareness and research fund. 1.
51 There is hereby established in the joint custody of the commissioner of
52 taxation and finance and the comptroller, a special fund to be known as
53 the New York state autism awareness and research fund.

1 2. Such fund shall consist of all revenues received pursuant to the
2 provisions of section four hundred four-v of the vehicle and traffic
3 law, as added by chapter three hundred one of the laws of two thousand
4 four, all revenues received pursuant to section six hundred thirty-d of
5 the tax law and all other moneys appropriated, credited, or transferred
6 thereto from any other fund or source pursuant to law. Nothing contained
7 in this section shall prevent the state from receiving grants, gifts or
8 bequests for the purposes of the fund as defined in this section and
9 depositing them into the fund according to law.

10 2-a. On or before the first day of February each year, the commission-
11 er of [health] the office for people with developmental disabilities
12 shall provide a written report to the temporary president of the senate,
13 speaker of the assembly, chair of the senate finance committee, chair of
14 the assembly ways and means committee, chair of the senate committee on
15 health, chair of the assembly health committee, the state comptroller
16 and the public. Such report shall include how the monies of the fund
17 were utilized during the preceding calendar year, and shall include:

18 (i) the amount of money disbursed from the fund and the award process
19 used for such disbursements;

20 (ii) recipients of awards from the fund;

21 (iii) the amount awarded to each;

22 (iv) the purposes for which such awards were granted; and

23 (v) a summary financial plan for such monies which shall include esti-
24 mates of all receipts and all disbursements for the current and succeed-
25 ing fiscal years, along with the actual results from the prior fiscal
26 year.

27 3. (a) Monies of the fund shall be expended only for autism awareness
28 projects or autism research projects approved by the [department of
29 health] office for people with developmental disabilities in New York
30 state provided, however, that no more than ten percent of monies from
31 such fund shall be expended on the aggregate number of autism research
32 projects approved in a fiscal year.

33 (b) As used in this section, the term "autism research project" means
34 scientific research approved by the [department of health] office for
35 people with developmental disabilities into the causes and/or treatment
36 of autism, and the term "autism awareness project" means a project
37 approved by the [department of health] office for people with develop-
38 mental disabilities aimed toward educating the general public about the
39 causes, symptoms, and treatments of autism.

40 4. Monies shall be payable from the fund on the audit and warrant of
41 the comptroller on vouchers approved and certified by the commissioner
42 of [health] the office for people with developmental disabilities.

43 5. To the extent practicable, the commissioner of [health] the office
44 for people with developmental disabilities shall ensure that all monies
45 received during a fiscal year are expended prior to the end of that
46 fiscal year.

47 § 8. Article 27-J of the public health law is REPEALED.

48 § 9. Title E of the mental hygiene law is amended by adding a new
49 article 30 to read as follows:

50 ARTICLE 30

51 COMPREHENSIVE CARE CENTERS FOR EATING DISORDERS

52 Section 30.01 Legislative findings.

53 30.02 Definitions.

54 30.03 Comprehensive care centers for eating disorders; estab-
55 lished.

56 30.04 Qualifying criteria.



1 30.05 State identification of comprehensive care centers for
2 eating disorders; commissioner's written notice.

3 30.06 Restricted use of title.

4 § 30.01 Legislative findings.

5 The legislature hereby finds that effective diagnosis and treatment
6 for citizens struggling with eating disorders, a complex and potentially
7 life-threatening condition, requires a continuum of interdisciplinary
8 providers and levels of care. Such effective diagnosis and treatment
9 further requires the coordination and comprehensive management of an
10 individualized plan of care specifically oriented to the distinct needs
11 of each individual.

12 The legislature further finds that, while there are numerous health
13 care providers in the state with expertise in eating disorder treatment,
14 there is no generally accessible, comprehensive system for responding to
15 these disorders. Due to the lack of such a system the legislature finds
16 that treatment, information/referral, prevention and research activities
17 are fragmented and incomplete. In addition, due to the broad, multifac-
18 eted needs of individuals with eating disorders, insurance payments for
19 the necessary plan of care and providers is usually fragmented as well,
20 leaving citizens with insufficient coverage for essential services and,
21 therefore, at risk of incomplete treatment, relapse, deterioration and
22 potential death.

23 The legislature therefore declares that the state take positive action
24 to facilitate the development and public identification of provider
25 networks and care centers of excellence to provide a coordinated,
26 comprehensive system for the treatment of such disorders, as well as to
27 conduct community education, prevention, information/referral and
28 research activities. The legislature further declares that health cover-
29 age by insurers and health maintenance organizations should include
30 covered services provided through such centers and that, to the extent
31 possible and practicable, health plan reimbursement should be structured
32 in a manner to facilitate the individualized, comprehensive and inte-
33 grated plans of care which such centers are required to provide.

34 § 30.02 Definitions.

35 For purposes of this article:

36 (a) "Eating disorder" is defined to include, but not be limited to,
37 conditions such as anorexia nervosa, bulimia and binge eating disorder,
38 identified as such in the ICD-9-CM International Classification of
39 Disease or the most current edition of the Diagnostic and Statistical
40 Manual of Mental Disorders, or other medical and mental health diagnos-
41 tic references generally accepted for standard use by the medical and
42 mental health fields.

43 (b) "Comprehensive care centers for eating disorders" or "comprehen-
44 sive care centers" means a provider-sponsored system of care, organized
45 by either corporate affiliation or clinical association for the common
46 purpose of providing a coordinated, individualized plan of care for an
47 individual with an eating disorder, across a continuum that includes all
48 necessary non-institutional, institutional and practitioner services and
49 treatments, from initial patient screening and evaluation, to treatment,
50 follow-up care and support.

51 § 30.03 Comprehensive care centers for eating disorders; established.

52 The commissioner shall provide for the public identification of
53 comprehensive care centers for persons with eating disorders for the
54 purposes of:

55 (a) Promoting the operation of a continuum of comprehensive, coordi-
56 nated care for persons with eating disorders;



1 (b) Promoting ready access to information, referral and treatment
2 services on eating disorders for consumers, health practitioners,
3 providers and insurers, with access in every region of the state;

4 (c) Promoting community education, prevention and patient entry into
5 care; and

6 (d) Promoting and coordinating regional and statewide research efforts
7 into effective methods of education, prevention and treatment, including
8 research on the various models of care.

9 § 30.04 Qualifying criteria.

10 (a) In order to qualify for state identification as a comprehensive
11 care center for eating disorders pursuant to this article, applicants
12 must demonstrate to the commissioner's satisfaction that, at a minimum:

13 1. The applicant can provide a continuum of care tailored to the
14 specialized needs of individuals with eating disorders, with such
15 continuum including at least the following levels of care:

16 (i) Individual health, psychosocial and case management services, in
17 both noninstitutional and institutional settings, from licensed and
18 certified practitioners with demonstrated experience and expertise in
19 providing services to individuals with eating disorders;

20 (ii) Medical/surgical, psychiatric and rehabilitation care in a gener-
21 al hospital or a hospital licensed under this chapter; provided that,
22 whenever practicable and appropriate, the service setting for any such
23 care shall be oriented to the specific needs, treatment and recovery of
24 persons with eating disorders;

25 (iii) Residential care and services in a residential health care
26 facility licensed under article twenty-eight of the public health law,
27 or a facility licensed under article thirty-one of this chapter which
28 will provide a program of care and service setting that is specifically
29 oriented to the needs of individuals with eating disorders;

30 2. The care of individuals will be managed and coordinated at each
31 level and throughout the continuum of care;

32 3. The applicant is able to conduct activities for community educa-
33 tion, prevention, information/referral and research; and

34 4. The applicant meets such additional criteria as are established by
35 the commissioner.

36 (b) Eligible applicants shall include but are not limited to providers
37 licensed under article twenty-eight of the public health law or article
38 thirty-one of this chapter or health or mental health practitioners
39 licensed under title eight of the education law.

40 (c) The commissioner shall seek the recommendation of the commissioner
41 of health prior to identifying an applicant as a comprehensive care
42 center under this article.

43 § 30.05 State identification of comprehensive care centers for eating
44 disorders; commissioner's written notice.

45 (a) The commissioner shall identify a sufficient number of comprehen-
46 sive centers to ensure adequate access to services in all regions of the
47 state, provided that, to the extent possible, the commissioner shall
48 identify such care centers geographically dispersed throughout the
49 state, and provided further, however, that the commissioner shall, to
50 the extent possible, initially identify at least three such centers.

51 (b) The commissioner's identification of a comprehensive care center
52 for eating disorders under this article shall be valid for not more than
53 a two year period from the date of issuance. The commissioner may reis-
54 sue such identifications for subsequent periods of up to five years,
55 provided that the comprehensive care center has notified the commission-
56 er of any material changes in structure or operation based on its

1 original application, or since its last written notice by the commis-
2 sioner, and that the commissioner is satisfied that the center continues
3 to meet the criteria required pursuant to this article.

4 (c) The commissioner may suspend or revoke his or her written notice
5 upon a determination that the comprehensive care center has not met, or
6 would not be able to meet, the criteria required pursuant to this arti-
7 cle, provided, however that the commissioner shall afford such center an
8 opportunity for a hearing, in accordance section 31.17 of this chapter,
9 to review the circumstances of and grounds for such suspension or revo-
10 cation and to appeal such determination.

11 § 30.06 Restricted use of title.

12 No person or entity shall claim, advertise or imply to consumers,
13 health plans or other health care providers that such provider or prac-
14 titioner is a state-identified comprehensive care center for eating
15 disorders unless it is qualified pursuant to section 30.04 of this arti-
16 cle.

17 § 10. Section 31.25 of the mental hygiene law, as added by chapter 24
18 of the laws of 2008, is amended to read as follows:

19 § 31.25 Residential services for treatment of eating disorders.

20 The commissioner shall establish, pursuant to regulation, licensed
21 residential providers of treatment and/or supportive services to chil-
22 dren, adolescents, and adults with eating disorders, as that term is
23 defined in section [twenty-seven hundred ninety-nine-e of the public
24 health law] 30.02 of this title. Such regulations shall be developed in
25 consultation with representatives from each of the comprehensive care
26 centers for eating disorders established pursuant to article
27 [twenty-seven-J of the public health law] thirty of this chapter and
28 licensed treatment professionals, such as physicians, psychiatrists,
29 psychologists and therapists, with demonstrated expertise in treating
30 patients with eating disorders.

31 § 11. Paragraph 14 of subsection (k) of section 3221 of the insurance
32 law, as added by chapter 114 of the laws of 2004, is amended to read as
33 follows:

34 (14) No group or blanket policy delivered or issued for delivery in
35 this state which provides medical, major medical or similar comprehen-
36 sive-type coverage shall exclude coverage for services covered under
37 such policy when provided by a comprehensive care center for eating
38 disorders pursuant to article [twenty-seven-J of the public health]
39 thirty of the mental hygiene law; provided, however, that reimbursement
40 under such policy for services provided through such comprehensive care
41 centers shall, to the extent possible and practicable, be structured in
42 a manner to facilitate the individualized, comprehensive and integrated
43 plans of care which such centers' network of practitioners and providers
44 are required to provide.

45 § 12. Subsection (dd) of section 4303 of the insurance law, as added
46 by chapter 114 of the laws of 2004, is amended to read as follows:

47 (dd) No health service corporation or medical service expense indem-
48 nity corporation which provides medical, major medical or similar
49 comprehensive-type coverage shall exclude coverage for services covered
50 under such policy when provided by a comprehensive care center for
51 eating disorders pursuant to article [twenty-seven-J of the public
52 health] thirty of the mental hygiene law; provided, however, that
53 reimbursement by such corporation for services provided through such
54 comprehensive care centers shall, to the extent possible and practica-
55 ble, be structured in a manner to facilitate the individualized, compre-

1 hensive and integrated plans of care which such centers' network of
2 practitioners and providers are required to provide.

3 § 13. Paragraph 27 of subsection (b) of section 4322 of the insurance
4 law, as added by chapter 114 of the laws of 2004, is amended to read as
5 follows:

6 (27) Services covered under such policy when provided by a comprehen-
7 sive care center for eating disorders pursuant to article [twenty-sev-
8 en-J of the public health] thirty of the mental hygiene law; provided,
9 however, that reimbursement under such policy for services provided
10 through such comprehensive care centers shall, to the extent possible
11 and practicable, be structured in a manner to facilitate the individual-
12 ized, comprehensive and integrated plans of care which such centers'
13 network of practitioners and providers are required to provide.

14 § 14. Subdivision 1 of section 154 of the labor law, as added by chap-
15 ter 675 of the laws of 2007, is amended to read as follows:

16 1. The commissioner, in consultation with the commissioner of health
17 and the commissioner of mental health, shall establish a child performer
18 advisory board for the purpose of recommending guidelines for the
19 employment of child performers and models under the age of eighteen and
20 preventing eating disorders such as anorexia nervosa and bulimia nervosa
21 amongst such persons. The advisory board shall consist of at least
22 sixteen but no more than twenty members appointed by the commissioner,
23 and shall include: representatives of professional organizations or
24 unions representing child performers or models; employers representing
25 child performers or models; physicians, nutritionists and mental health
26 professionals with demonstrated expertise in treating patients with
27 eating disorders; at least one representative from each of the compre-
28 hensive care centers for eating disorders established pursuant to arti-
29 cle [twenty-seven-J of the public health] thirty of the mental hygiene
30 law; advocacy organizations working to prevent and treat eating disor-
31 ders; and other members deemed necessary by the commissioner. In addi-
32 tion, the commissioner of health and the commissioner of mental health,
33 or their designees, shall serve on the advisory board. The members of
34 the advisory board shall receive no compensation for their services but
35 shall be reimbursed their actual and necessary expenses incurred in the
36 performance of their duties.

37 § 15. This act shall take effect immediately and shall be deemed to
38 have been in full force and effect on and after April 1, 2020.

39 PART BB

40 Section 1. Section 9 of part R of chapter 59 of the laws of 2016,
41 amending the public health law and other laws relating to electronic
42 prescriptions, is amended to read as follows:

43 § 9. This act shall take effect immediately; provided however, that
44 sections one and two of this act shall take effect on the first of June
45 next succeeding the date on which it shall have become a law and shall
46 expire and be deemed repealed [four years after such effective date]
47 June 1, 2023.

48 § 2. Section 4 of chapter 19 of the laws of 1998, amending the social
49 services law relating to limiting the method of payment for prescription
50 drugs under the medical assistance program, as amended by section 11 of
51 part I of chapter 57 of the laws of 2017, is amended to read as follows:

52 § 4. This act shall take effect 120 days after it shall have become a
53 law and shall expire and be deemed repealed March 31, [2020] 2023.



1 § 3. Paragraph (e-1) of subdivision 12 of section 2808 of the public
2 health law, as amended by section 12 of part I of chapter 57 of the laws
3 of 2017, is amended to read as follows:

4 (e-1) Notwithstanding any inconsistent provision of law or regulation,
5 the commissioner shall provide, in addition to payments established
6 pursuant to this article prior to application of this section, addi-
7 tional payments under the medical assistance program pursuant to title
8 eleven of article five of the social services law for non-state operated
9 public residential health care facilities, including public residential
10 health care facilities located in the county of Nassau, the county of
11 Westchester and the county of Erie, but excluding public residential
12 health care facilities operated by a town or city within a county, in
13 aggregate annual amounts of up to one hundred fifty million dollars in
14 additional payments for the state fiscal year beginning April first, two
15 thousand six and for the state fiscal year beginning April first, two
16 thousand seven and for the state fiscal year beginning April first, two
17 thousand eight and of up to three hundred million dollars in such aggre-
18 gate annual additional payments for the state fiscal year beginning
19 April first, two thousand nine, and for the state fiscal year beginning
20 April first, two thousand ten and for the state fiscal year beginning
21 April first, two thousand eleven, and for the state fiscal years begin-
22 ning April first, two thousand twelve and April first, two thousand
23 thirteen, and of up to five hundred million dollars in such aggregate
24 annual additional payments for the state fiscal years beginning April
25 first, two thousand fourteen, April first, two thousand fifteen and
26 April first, two thousand sixteen and of up to five hundred million
27 dollars in such aggregate annual additional payments for the state
28 fiscal years beginning April first, two thousand seventeen, April first,
29 two thousand eighteen, and April first, two thousand nineteen, and of up
30 to five hundred million dollars in such aggregate annual additional
31 payments for the state fiscal years beginning April first, two thousand
32 twenty, April first, two thousand twenty-one, and April first, two thou-
33 sand twenty-two. The amount allocated to each eligible public residen-
34 tial health care facility for this period shall be computed in accord-
35 ance with the provisions of paragraph (f) of this subdivision, provided,
36 however, that patient days shall be utilized for such computation
37 reflecting actual reported data for two thousand three and each repre-
38 sentative succeeding year as applicable, and provided further, however,
39 that, in consultation with impacted providers, of the funds allocated
40 for distribution in the state fiscal year beginning April first, two
41 thousand thirteen, up to thirty-two million dollars may be allocated in
42 accordance with paragraph (f-1) of this subdivision.

43 § 4. Section 18 of chapter 904 of the laws of 1984, amending the
44 public health law and the social services law relating to encouraging
45 comprehensive health services, as amended by section 13 of part I of
46 chapter 57 of the laws of 2017, is amended to read as follows:

47 § 18. This act shall take effect immediately, except that sections
48 six, nine, ten and eleven of this act shall take effect on the sixtieth
49 day after it shall have become a law, sections two, three, four and nine
50 of this act shall expire and be of no further force or effect on or
51 after March 31, [2020] 2023, section two of this act shall take effect
52 on April 1, 1985 or seventy-five days following the submission of the
53 report required by section one of this act, whichever is later, and
54 sections eleven and thirteen of this act shall expire and be of no
55 further force or effect on or after March 31, 1988.



1 § 5. Section 4 of part X2 of chapter 62 of the laws of 2003, amending
2 the public health law relating to allowing for the use of funds of the
3 office of professional medical conduct for activities of the patient
4 health information and quality improvement act of 2000, as amended by
5 section 14 of part I of chapter 57 of the laws of 2017, is amended to
6 read as follows:

7 § 4. This act shall take effect immediately; provided that the
8 provisions of section one of this act shall be deemed to have been in
9 full force and effect on and after April 1, 2003, and shall expire March
10 31, [2020] 2023 when upon such date the provisions of such section shall
11 be deemed repealed.

12 § 6. Subdivision (o) of section 111 of part H of chapter 59 of the
13 laws of 2011, amending the public health law relating to the statewide
14 health information network of New York and the statewide planning and
15 research cooperative system and general powers and duties, as amended by
16 section 15 of part I of chapter 57 of the laws of 2017, is amended to
17 read as follows:

18 (o) sections thirty-eight and thirty-eight-a of this act shall expire
19 and be deemed repealed March 31, [2020] 2023;

20 § 7. Section 32 of part A of chapter 58 of the laws of 2008, amending
21 the elder law and other laws relating to reimbursement to participating
22 provider pharmacies and prescription drug coverage, as amended by
23 section 16 of part I of chapter 57 of the laws of 2017, is amended to
24 read as follows:

25 § 32. This act shall take effect immediately and shall be deemed to
26 have been in full force and effect on and after April 1, 2008; provided
27 however, that sections one, six-a, nineteen, twenty, twenty-four, and
28 twenty-five of this act shall take effect July 1, 2008; provided however
29 that sections sixteen, seventeen and eighteen of this act shall expire
30 April 1, [2020] 2023; provided, however, that the amendments made by
31 section twenty-eight of this act shall take effect on the same date as
32 section 1 of chapter 281 of the laws of 2007 takes effect; provided
33 further, that sections twenty-nine, thirty, and thirty-one of this act
34 shall take effect October 1, 2008; provided further, that section twen-
35 ty-seven of this act shall take effect January 1, 2009; and provided
36 further, that section twenty-seven of this act shall expire and be
37 deemed repealed March 31, [2020] 2023; and provided, further, however,
38 that the amendments to subdivision 1 of section 241 of the education law
39 made by section twenty-nine of this act shall not affect the expiration
40 of such subdivision and shall be deemed to expire therewith and provided
41 that the amendments to section 272 of the public health law made by
42 section thirty of this act shall not affect the repeal of such section
43 and shall be deemed repealed therewith.

44 § 8. Subdivision 3 of section 2999-p of the public health law, as
45 amended by section 17 of part I of chapter 57 of the laws of 2017, is
46 amended to read as follows:

47 3. The commissioner may issue a certificate of authority to an entity
48 that meets conditions for ACO certification as set forth in regulations
49 made by the commissioner pursuant to section twenty-nine hundred nine-
50 ty-nine-q of this article. The commissioner shall not issue any new
51 certificate under this article after December thirty-first, two thousand
52 [twenty] twenty-four.

53 § 9. Subdivision (a) of section 31 of part B of chapter 59 of the laws
54 of 2016, amending the social services law and other laws relating to
55 authorizing the commissioner of health to apply federally established
56 consumer price index penalties for generic drugs, and authorizing the



1 commissioner of health to impose penalties on managed care plans for
2 reporting late or incorrect encounter data, as amended by section 1 of
3 part T of chapter 57 of the laws of 2018, is amended to read as follows:

4 (a) section eleven of this act shall expire and be deemed repealed
5 March 31, [2020] 2022;

6 § 10. Subdivision 1-a of section 60 of part B of chapter 57 of the
7 laws of 2015, amending the social services law and other laws relating
8 to supplemental rebates, as added by section 5-b of part T of chapter 57
9 of the laws of 2018, is amended to read as follows:

10 1-a. section fifty-two of this act shall expire and be deemed repealed
11 March 31, [2020] 2025;

12 § 11. Section 7 of part H of chapter 57 of the laws of 2019, amending
13 the public health law relating to waiver of certain regulations, is
14 amended to read as follows:

15 § 7. This act shall take effect immediately and shall be deemed to
16 have been in full force and effect on and after April 1, 2019, provided,
17 however, that section two of this act shall expire on April 1, [2020]
18 2021.

19 § 12. Section 228 of chapter 474 of the laws of 1996, amending the
20 education law and other laws relating to rates for residential health
21 care facilities, as amended by chapter 49 of the laws of 2017, is
22 amended to read as follows:

23 § 228. 1. Definitions. (a) Regions, for purposes of this section,
24 shall mean a downstate region to consist of Kings, New York, Richmond,
25 Queens, Bronx, Nassau and Suffolk counties and an upstate region to
26 consist of all other New York state counties. A certified home health
27 agency or long term home health care program shall be located in the
28 same county utilized by the commissioner of health for the establishment
29 of rates pursuant to article 36 of the public health law.

30 (b) Certified home health agency (CHHA) shall mean such term as
31 defined in section 3602 of the public health law.

32 (c) Long term home health care program (LTHHCP) shall mean such term
33 as defined in subdivision 8 of section 3602 of the public health law.

34 (d) Regional group shall mean all those CHHAs and LTHHCPs, respective-
35 ly, located within a region.

36 (e) Medicaid revenue percentage, for purposes of this section, shall
37 mean CHHA and LTHHCP revenues attributable to services provided to
38 persons eligible for payments pursuant to title 11 of article 5 of the
39 social services law divided by such revenues plus CHHA and LTHHCP reven-
40 ues attributable to services provided to beneficiaries of Title XVIII of
41 the federal social security act (medicare).

42 (f) Base period, for purposes of this section, shall mean calendar
43 year 1995.

44 (g) Target period. For purposes of this section, the 1996 target peri-
45 od shall mean August 1, 1996 through March 31, 1997, the 1997 target
46 period shall mean January 1, 1997 through November 30, 1997, the 1998
47 target period shall mean January 1, 1998 through November 30, 1998, the
48 1999 target period shall mean January 1, 1999 through November 30, 1999,
49 the 2000 target period shall mean January 1, 2000 through November 30,
50 2000, the 2001 target period shall mean January 1, 2001 through November
51 30, 2001, the 2002 target period shall mean January 1, 2002 through
52 November 30, 2002, the 2003 target period shall mean January 1, 2003
53 through November 30, 2003, the 2004 target period shall mean January 1,
54 2004 through November 30, 2004, and the 2005 target period shall mean
55 January 1, 2005 through November 30, 2005, the 2006 target period shall
56 mean January 1, 2006 through November 30, 2006, and the 2007 target



1 period shall mean January 1, 2007 through November 30, 2007 and the 2008
2 target period shall mean January 1, 2008 through November 30, 2008, and
3 the 2009 target period shall mean January 1, 2009 through November 30,
4 2009 and the 2010 target period shall mean January 1, 2010 through
5 November 30, 2010 and the 2011 target period shall mean January 1, 2011
6 through November 30, 2011 and the 2012 target period shall mean January
7 1, 2012 through November 30, 2012 and the 2013 target period shall mean
8 January 1, 2013 through November 30, 2013, and the 2014 target period
9 shall mean January 1, 2014 through November 30, 2014 and the 2015 target
10 period shall mean January 1, 2015 through November 30, 2015 and the 2016
11 target period shall mean January 1, 2016 through November 30, 2016 and
12 the 2017 target period shall mean January 1, 2017 through November 30,
13 2017 and the 2018 target period shall mean January 1, 2018 through
14 November 30, 2018 and the 2019 target period shall mean January 1, 2019
15 through November 30, 2019 and the 2020 target period shall mean January
16 1, 2020 through November 30, 2020, and the 2021 target period shall mean
17 January 1, 2021 through November 30, 2021 and the 2022 target period
18 shall mean January 1, 2022 through November 30, 2022 and the 2023 target
19 period shall mean January 1, 2023 through November 30, 2023.

20 2. (a) Prior to February 1, 1997, for each regional group the commis-
21 sioner of health shall calculate the 1996 medicaid revenue percentages
22 for the period commencing August 1, 1996 to the last date for which such
23 data is available and reasonably accurate.

24 (b) Prior to February 1, 1998, prior to February 1, 1999, prior to
25 February 1, 2000, prior to February 1, 2001, prior to February 1, 2002,
26 prior to February 1, 2003, prior to February 1, 2004, prior to February
27 1, 2005, prior to February 1, 2006, prior to February 1, 2007, prior to
28 February 1, 2008, prior to February 1, 2009, prior to February 1, 2010,
29 prior to February 1, 2011, prior to February 1, 2012, prior to February
30 1, 2013, prior to February 1, 2014, prior to February 1, 2015, prior to
31 February 1, 2016, prior to February 1, 2017, prior to February 1, 2018,
32 prior to February 1, 2019, [and] prior to February 1, 2020, prior to
33 February 1, 2021, prior to February 1, 2022, and prior to February 1,
34 2023 for each regional group the commissioner of health shall calculate
35 the prior year's medicaid revenue percentages for the period commencing
36 January 1 through November 30 of such prior year.

37 3. By September 15, 1996, for each regional group the commissioner of
38 health shall calculate the base period medicaid revenue percentage.

39 4. (a) For each regional group, the 1996 target medicaid revenue
40 percentage shall be calculated by subtracting the 1996 medicaid revenue
41 reduction percentages from the base period medicaid revenue percentages.
42 The 1996 medicaid revenue reduction percentage, taking into account
43 regional and program differences in utilization of medicaid and medicare
44 services, for the following regional groups shall be equal to:

45 (i) one and one-tenth percentage points for CHHAs located within the
46 downstate region;

47 (ii) six-tenths of one percentage point for CHHAs located within the
48 upstate region;

49 (iii) one and eight-tenths percentage points for LTHHCPS located with-
50 in the downstate region; and

51 (iv) one and seven-tenths percentage points for LTHHCPS located within
52 the upstate region.

53 (b) For 1997, 1998, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007,
54 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019
55 [and], 2020, 2021, 2022 and 2023 for each regional group, the target
56 medicaid revenue percentage for the respective year shall be calculated



1 by subtracting the respective year's medicaid revenue reduction percent-
2 age from the base period medicaid revenue percentage. The medicaid
3 revenue reduction percentages for 1997, 1998, 2000, 2001, 2002, 2003,
4 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015,
5 2016, 2017, 2018, 2019 [and], 2020, 2021, 2022 and 2023, taking into
6 account regional and program differences in utilization of medicaid and
7 medicare services, for the following regional groups shall be equal to
8 for each such year:

9 (i) one and one-tenth percentage points for CHHAs located within the
10 downstate region;

11 (ii) six-tenths of one percentage point for CHHAs located within the
12 upstate region;

13 (iii) one and eight-tenths percentage points for LTHHCPS located with-
14 in the downstate region; and

15 (iv) one and seven-tenths percentage points for LTHHCPS located within
16 the upstate region.

17 (c) For each regional group, the 1999 target medicaid revenue percent-
18 age shall be calculated by subtracting the 1999 medicaid revenue
19 reduction percentage from the base period medicaid revenue percentage.
20 The 1999 medicaid revenue reduction percentages, taking into account
21 regional and program differences in utilization of medicaid and medicare
22 services, for the following regional groups shall be equal to:

23 (i) eight hundred twenty-five thousandths (.825) of one percentage
24 point for CHHAs located within the downstate region;

25 (ii) forty-five hundredths (.45) of one percentage point for CHHAs
26 located within the upstate region;

27 (iii) one and thirty-five hundredths percentage points (1.35) for
28 LTHHCPS located within the downstate region; and

29 (iv) one and two hundred seventy-five thousandths percentage points
30 (1.275) for LTHHCPS located within the upstate region.

31 5. (a) For each regional group, if the 1996 medicaid revenue percent-
32 age is not equal to or less than the 1996 target medicaid revenue
33 percentage, the commissioner of health shall compare the 1996 medicaid
34 revenue percentage to the 1996 target medicaid revenue percentage to
35 determine the amount of the shortfall which, when divided by the 1996
36 medicaid revenue reduction percentage, shall be called the 1996
37 reduction factor. These amounts, expressed as a percentage, shall not
38 exceed one hundred percent. If the 1996 medicaid revenue percentage is
39 equal to or less than the 1996 target medicaid revenue percentage, the
40 1996 reduction factor shall be zero.

41 (b) For 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006,
42 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018
43 [and], 2019, 2020, 2021, 2022 and 2023, for each regional group, if the
44 medicaid revenue percentage for the respective year is not equal to or
45 less than the target medicaid revenue percentage for such respective
46 year, the commissioner of health shall compare such respective year's
47 medicaid revenue percentage to such respective year's target medicaid
48 revenue percentage to determine the amount of the shortfall which, when
49 divided by the respective year's medicaid revenue reduction percentage,
50 shall be called the reduction factor for such respective year. These
51 amounts, expressed as a percentage, shall not exceed one hundred
52 percent. If the medicaid revenue percentage for a particular year is
53 equal to or less than the target medicaid revenue percentage for that
54 year, the reduction factor for that year shall be zero.



1 6. (a) For each regional group, the 1996 reduction factor shall be
2 multiplied by the following amounts to determine each regional group's
3 applicable 1996 state share reduction amount:

4 (i) two million three hundred ninety thousand dollars (\$2,390,000) for
5 CHHAs located within the downstate region;

6 (ii) seven hundred fifty thousand dollars (\$750,000) for CHHAs located
7 within the upstate region;

8 (iii) one million two hundred seventy thousand dollars (\$1,270,000)
9 for LTHHCPs located within the downstate region; and

10 (iv) five hundred ninety thousand dollars (\$590,000) for LTHHCPs
11 located within the upstate region.

12 For each regional group reduction, if the 1996 reduction factor shall
13 be zero, there shall be no 1996 state share reduction amount.

14 (b) For 1997, 1998, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007,
15 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019
16 [and], 2020, 2021, 2022 and 2023, for each regional group, the reduction
17 factor for the respective year shall be multiplied by the following
18 amounts to determine each regional group's applicable state share
19 reduction amount for such respective year:

20 (i) two million three hundred ninety thousand dollars (\$2,390,000) for
21 CHHAs located within the downstate region;

22 (ii) seven hundred fifty thousand dollars (\$750,000) for CHHAs located
23 within the upstate region;

24 (iii) one million two hundred seventy thousand dollars (\$1,270,000)
25 for LTHHCPs located within the downstate region; and

26 (iv) five hundred ninety thousand dollars (\$590,000) for LTHHCPs
27 located within the upstate region.

28 For each regional group reduction, if the reduction factor for a
29 particular year shall be zero, there shall be no state share reduction
30 amount for such year.

31 (c) For each regional group, the 1999 reduction factor shall be multi-
32 plied by the following amounts to determine each regional group's appli-
33 cable 1999 state share reduction amount:

34 (i) one million seven hundred ninety-two thousand five hundred dollars
35 (\$1,792,500) for CHHAs located within the downstate region;

36 (ii) five hundred sixty-two thousand five hundred dollars (\$562,500)
37 for CHHAs located within the upstate region;

38 (iii) nine hundred fifty-two thousand five hundred dollars (\$952,500)
39 for LTHHCPs located within the downstate region; and

40 (iv) four hundred forty-two thousand five hundred dollars (\$442,500)
41 for LTHHCPs located within the upstate region.

42 For each regional group reduction, if the 1999 reduction factor shall
43 be zero, there shall be no 1999 state share reduction amount.

44 7. (a) For each regional group, the 1996 state share reduction amount
45 shall be allocated by the commissioner of health among CHHAs and LTHHCPs
46 on the basis of the extent of each CHHA's and LTHHCP's failure to
47 achieve the 1996 target medicaid revenue percentage, calculated on a
48 provider specific basis utilizing revenues for this purpose, expressed
49 as a proportion of the total of each CHHA's and LTHHCP's failure to
50 achieve the 1996 target medicaid revenue percentage within the applica-
51 ble regional group. This proportion shall be multiplied by the applica-
52 ble 1996 state share reduction amount calculation pursuant to paragraph
53 (a) of subdivision 6 of this section. This amount shall be called the
54 1996 provider specific state share reduction amount.

55 (b) For 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006,
56 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018,

1 2019 [and], 2020, 2021, 2022 and 2023 for each regional group, the state
2 share reduction amount for the respective year shall be allocated by the
3 commissioner of health among CHHAs and LTHHCPs on the basis of the
4 extent of each CHHA's and LTHHCP's failure to achieve the target medi-
5 caid revenue percentage for the applicable year, calculated on a provid-
6 er specific basis utilizing revenues for this purpose, expressed as a
7 proportion of the total of each CHHA's and LTHHCP's failure to achieve
8 the target medicaid revenue percentage for the applicable year within
9 the applicable regional group. This proportion shall be multiplied by
10 the applicable year's state share reduction amount calculation pursuant
11 to paragraph (b) or (c) of subdivision 6 of this section. This amount
12 shall be called the provider specific state share reduction amount for
13 the applicable year.

14 8. (a) The 1996 provider specific state share reduction amount shall
15 be due to the state from each CHHA and LTHHCP and may be recouped by the
16 state by March 31, 1997 in a lump sum amount or amounts from payments
17 due to the CHHA and LTHHCP pursuant to title 11 of article 5 of the
18 social services law.

19 (b) The provider specific state share reduction amount for 1997, 1998,
20 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010,
21 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 [and], 2020, 2021,
22 2022 and 2023 respectively, shall be due to the state from each CHHA and
23 LTHHCP and each year the amount due for such year may be recouped by the
24 state by March 31 of the following year in a lump sum amount or amounts
25 from payments due to the CHHA and LTHHCP pursuant to title 11 of article
26 5 of the social services law.

27 9. CHHAs and LTHHCPs shall submit such data and information at such
28 times as the commissioner of health may require for purposes of this
29 section. The commissioner of health may use data available from third-
30 party payors.

31 10. On or about June 1, 1997, for each regional group the commissioner
32 of health shall calculate for the period August 1, 1996 through March
33 31, 1997 a medicaid revenue percentage, a reduction factor, a state
34 share reduction amount, and a provider specific state share reduction
35 amount in accordance with the methodology provided in paragraph (a) of
36 subdivision 2, paragraph (a) of subdivision 5, paragraph (a) of subdivi-
37 sion 6 and paragraph (a) of subdivision 7 of this section. The provider
38 specific state share reduction amount calculated in accordance with this
39 subdivision shall be compared to the 1996 provider specific state share
40 reduction amount calculated in accordance with paragraph (a) of subdivi-
41 sion 7 of this section. Any amount in excess of the amount determined in
42 accordance with paragraph (a) of subdivision 7 of this section shall be
43 due to the state from each CHHA and LTHHCP and may be recouped in
44 accordance with paragraph (a) of subdivision 8 of this section. If the
45 amount is less than the amount determined in accordance with paragraph
46 (a) of subdivision 7 of this section, the difference shall be refunded
47 to the CHHA and LTHHCP by the state no later than July 15, 1997. CHHAs
48 and LTHHCPs shall submit data for the period August 1, 1996 through
49 March 31, 1997 to the commissioner of health by April 15, 1997.

50 11. If a CHHA or LTHHCP fails to submit data and information as
51 required for purposes of this section:

52 (a) such CHHA or LTHHCP shall be presumed to have no decrease in medi-
53 caid revenue percentage between the applicable base period and the
54 applicable target period for purposes of the calculations pursuant to
55 this section; and

1 (b) the commissioner of health shall reduce the current rate paid to
2 such CHHA and such LTHHCP by state governmental agencies pursuant to
3 article 36 of the public health law by one percent for a period begin-
4 ning on the first day of the calendar month following the applicable due
5 date as established by the commissioner of health and continuing until
6 the last day of the calendar month in which the required data and infor-
7 mation are submitted.

8 12. The commissioner of health shall inform in writing the director of
9 the budget and the chair of the senate finance committee and the chair
10 of the assembly ways and means committee of the results of the calcu-
11 lations pursuant to this section.

12 § 13. Paragraph (f) of subdivision 1 of section 64 of chapter 81 of
13 the laws of 1995, amending the public health law and other laws relating
14 to medical reimbursement and welfare reform, as amended by chapter 49 of
15 the laws of 2017, is amended to read as follows:

16 (f) Prior to February 1, 2001, February 1, 2002, February 1, 2003,
17 February 1, 2004, February 1, 2005, February 1, 2006, February 1, 2007,
18 February 1, 2008, February 1, 2009, February 1, 2010, February 1, 2011,
19 February 1, 2012, February 1, 2013, February 1, 2014, February 1, 2015,
20 February 1, 2016, February 1, 2017, February 1, 2018, February 1, 2019
21 [and], February 1, 2020, February 1, 2021, February 1, 2022 and February
22 1, 2023, the commissioner of health shall calculate the result of the
23 statewide total of residential health care facility days of care
24 provided to beneficiaries of title XVIII of the federal social security
25 act (medicare), divided by the sum of such days of care plus days of
26 care provided to residents eligible for payments pursuant to title 11 of
27 article 5 of the social services law minus the number of days provided
28 to residents receiving hospice care, expressed as a percentage, for the
29 period commencing January 1, through November 30, of the prior year
30 respectively, based on such data for such period. This value shall be
31 called the 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009,
32 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 [and], 2020,
33 2021, 2022 and 2023 statewide target percentage respectively.

34 § 14. Subparagraph (ii) of paragraph (b) of subdivision 3 of section
35 64 of chapter 81 of the laws of 1995, amending the public health law and
36 other laws relating to medical reimbursement and welfare reform, as
37 amended by chapter 49 of the laws of 2017, is amended to read as
38 follows:

39 (ii) If the 1997, 1998, 2000, 2001, 2002, 2003, 2004, 2005, 2006,
40 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018,
41 2019 [and], 2020, 2021, 2022 and 2023 statewide target percentages are
42 not for each year at least three percentage points higher than the
43 statewide base percentage, the commissioner of health shall determine
44 the percentage by which the statewide target percentage for each year is
45 not at least three percentage points higher than the statewide base
46 percentage. The percentage calculated pursuant to this paragraph shall
47 be called the 1997, 1998, 2000, 2001, 2002, 2003, 2004, 2005, 2006,
48 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018,
49 2019 [and], 2020, 2021, 2022 and 2023 statewide reduction percentage
50 respectively. If the 1997, 1998, 2000, 2001, 2002, 2003, 2004, 2005,
51 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017,
52 2018, 2019 [and], 2020, 2021, 2022 and 2023 statewide target percentage
53 for the respective year is at least three percentage points higher than
54 the statewide base percentage, the statewide reduction percentage for
55 the respective year shall be zero.



1 § 15. Subparagraph (iii) of paragraph (b) of subdivision 4 of section
2 64 of chapter 81 of the laws of 1995, amending the public health law and
3 other laws relating to medical reimbursement and welfare reform, as
4 amended by chapter 49 of the laws of 2017, is amended to read as
5 follows:

6 (iii) The 1998, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008,
7 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 [and],
8 2020, 2021, 2022 and 2023 statewide reduction percentage shall be multi-
9 plied by one hundred two million dollars respectively to determine the
10 1998, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010,
11 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 [and], 2020, 2021,
12 2022 and 2023 statewide aggregate reduction amount. If the 1998 and the
13 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011,
14 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 [and], 2020, 2021, 2022
15 and 2023 statewide reduction percentage shall be zero respectively,
16 there shall be no 1998, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007,
17 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019
18 [and] 2020, 2021, 2022 and 2023 reduction amount.

19 § 16. Subdivision (i-1) of section 79 of part C of chapter 58 of the
20 laws of 2008, amending the social services law and the public health law
21 relating to adjustments of rates, as amended by section 5 of chapter 49
22 of the laws of 2017, is amended to read as follows:

23 (i-1) section thirty-one-a of this act shall be deemed repealed July
24 1, [2020] 2023;

25 § 17. Section 4 of chapter 495 of the laws of 2004, amending the
26 insurance law and the public health law relating to the New York state
27 health insurance continuation assistance demonstration project, as
28 amended by section 1 of part FF of chapter 57 of the laws of 2019, is
29 amended to read as follows:

30 § 4. This act shall take effect on the sixtieth day after it shall
31 have become a law; provided, however, that this act shall remain in
32 effect until July 1, [2020] 2021 when upon such date the provisions of
33 this act shall expire and be deemed repealed; provided, further, that a
34 displaced worker shall be eligible for continuation assistance retroac-
35 tive to July 1, 2004.

36 § 18. Section 8 of chapter 563 of the laws of 2008, amending the
37 education law and the public health law relating to immunizing agents to
38 be administered to adults by pharmacists, as amended by section 3 of
39 part DD of chapter 57 of the laws of 2018, is amended to read as
40 follows:

41 § 8. This act shall take effect on the ninetieth day after it shall
42 have become a law and shall expire and be deemed repealed July 1, [2020]
43 2022.

44 § 19. Section 5 of chapter 116 of the laws of 2012, amending the
45 education law relating to authorizing a licensed pharmacist and certi-
46 fied nurse practitioner to administer certain immunizing agents, as
47 amended by section 4 of part DD of chapter 57 of the laws of 2018, is
48 amended to read as follows:

49 § 5. This act shall take effect on the ninetieth day after it shall
50 have become a law, provided, however, that the provisions of sections
51 one, two and four of this act shall expire and be deemed repealed July
52 1, [2020] 2022 provided, that:

53 (a) the amendments to subdivision 7 of section 6527 of the education
54 law made by section one of this act shall not affect the repeal of such
55 subdivision and shall be deemed to be repealed therewith;

(b) the amendments to subdivision 7 of section 6909 of the education law, made by section two of this act shall not affect the repeal of such subdivision and shall be deemed to be repealed therewith;

(c) the amendments to subdivision 22 of section 6802 of the education law made by section three of this act shall not affect the repeal of such subdivision and shall be deemed to be repealed therewith; and

(d) the amendments to section 6801 of the education law made by section four of this act shall not affect the expiration of such section and shall be deemed to expire therewith.

§ 20. Section 5 of chapter 21 of the laws of 2011, amending the education law relating to authorizing pharmacists to perform collaborative drug therapy management with physicians in certain settings, as amended by section 5 of part DD of chapter 57 of the laws of 2018, is amended to read as follows:

§ 5. This act shall take effect on the one hundred twentieth day after it shall have become a law, provided, however, that the provisions of sections two, three, and four of this act shall expire and be deemed repealed July 1, [2020] 2022; provided, however, that the amendments to subdivision 1 of section 6801 of the education law made by section one of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 8 of chapter 563 of the laws of 2008, when upon such date the provisions of section one-a of this act shall take effect; provided, further, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

§ 21. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2020.

PART CC

Section 1. Paragraphs 56 and 57 of subdivision (b) of schedule I of section 3306 of the public health law, as added by section 4 of part BB of chapter 57 of the laws of 2018, are amended to read as follows:

(56) [3,4-dichloro-N-{(1-dimethylamino) cyclohexylmethyl}benzamide] 3,4-dichloro-N-{(1-dimethylamino)cyclohexylmethyl}benzamide. Some trade or other names: AH-7921.

(57) [N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (Acetyl Fentanyl)] N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide. Some trade or other names: Acetyl Fentanyl.

§ 2. Subdivision (b) of schedule I of section 3306 of the public health law is amended by adding thirteen new paragraphs 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69 and 70 to read as follows:

(58) N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide. Other name: Butyryl Fentanyl.

(59) N-{1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl}-N-phenylpropionamide. Other name: Beta-Hydroxythiofentanyl.

(60) N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide. Other name: Furanyl Fentanyl.

(61) 3,4-Dichloro-N-{2-(dimethylamino) cyclohexyl}-N-methylbenzamide. Other name: U-47700.

(62) N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide. Other names: Acryl Fentanyl or Acryloylfentanyl.

(63) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide. Other names: 4-fluoroisobutyryl fentanyl, para-fluoroisobutyryl fentanyl.



1 made available for use in such facility, not less than biennially. The
2 commissioner may establish a fee for such inspection, which shall not
3 exceed [fifty] two hundred dollars per ultraviolet radiation device;
4 provided, however, that no facility shall be required to pay any such
5 fee on more than one occasion in any biennial registration period. The
6 commissioner may appoint and designate, from time to time, persons to
7 make the inspections authorized by this article.

8 § 4. Paragraph (a) of subdivision 2 of section 905 of the labor law,
9 as added by chapter 166 of the laws of 1991, is amended to read as
10 follows:

11 (a) The commissioner of health shall assess a fee of no more than
12 [twenty] fifty dollars for each asbestos safety program completion
13 certificate requested by the training sponsor for each full asbestos
14 safety program and a fee of no more than [twelve] thirty dollars for
15 each asbestos safety program completion certificate requested by the
16 training sponsor for each refresher training asbestos safety program,
17 provided, however, that in no event shall the cost of such certificates
18 be assessed by the sponsor against the participants.

19 § 5. This act shall take effect immediately.

20 PART EE

21 Section 1. The public health law is amended by adding three new
22 sections 1399-mm-1, 1399-mm-2, and 1399-mm-3 to read as follows:

23 § 1399-mm-1. Sale of flavored products prohibited. 1. For the purposes
24 of this section "flavored" shall mean any vapor product intended or
25 reasonably expected to be used with or for the consumption of nicotine,
26 with a distinguishable taste or aroma, other than the taste or aroma of
27 tobacco, imparted either prior to or during consumption of such product
28 or a component part thereof, including but not limited to tastes or
29 aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa,
30 dessert, alcoholic beverage, mint, wintergreen, menthol, herb or spice,
31 or any concept flavor that imparts a taste or aroma that is distinguish-
32 able from tobacco flavor but may not relate to any particular known
33 flavor. A vapor product intended or reasonably expected to be used with
34 or for the consumption of nicotine, shall be presumed to be flavored if
35 a product's retailer, manufacturer, or a manufacturer's agent or employ-
36 ee has made a statement or claim directed to consumers or the public,
37 whether expressed or implied, that such product or device has a distin-
38 guishable taste or aroma other than the taste or aroma of tobacco.

39 2. No vapor products dealer, or any agent or employee of a vapor
40 products dealer, shall sell or offer for sale at retail in the state any
41 flavored vapor product intended or reasonably expected to be used with
42 or for the consumption of nicotine.

43 3. Any vapor products dealer, or any agent or employee of a vapor
44 products dealer, who violates the provisions of this section shall be
45 subject to a civil penalty of not more than one hundred dollars for each
46 individual package of flavored vapor product intended or reasonably
47 expected to be used with or for the consumption of nicotine sold or
48 offered for sale, provided, however, that with respect to a manufactur-
49 er, it shall be an affirmative defense to a finding of violation pursu-
50 ant to this section that such sale or offer of sale, as applicable,
51 occurred without the knowledge, consent, authorization, or involvement,
52 direct or indirect, of such manufacturer. Violations of this section
53 shall be enforced pursuant to section thirteen hundred ninety-nine-ff of

1 this article, except that any person may submit a complaint to an
2 enforcement officer that a violation of this section has occurred.

3 4. The provisions of this section shall not apply to any vapor
4 products dealer, or any agent or employee of a vapor products dealer,
5 who sells or offers for sale, or who possess with intent to sell or
6 offer for sale, any flavored vapor product intended or reasonably
7 expected to be used with or for the consumption of nicotine that the
8 U.S. Food and Drug Administration has authorized to legally market as
9 defined under 21 U.S.C. § 387j and that has received a premarket review
10 approval order under 21 U.S.C. § 387j(c) et seq.

11 § 1399-mm-2. Sale in pharmacies. 1. No tobacco product, herbal ciga-
12 rette, or vapor product intended or reasonably expected to be used with
13 or for the consumption of nicotine, shall be sold in a pharmacy or in a
14 retail establishment that contains a pharmacy operated as a department
15 as defined by paragraph f of subdivision two of section sixty-eight
16 hundred eight of the education law. Provided, however, that such prohi-
17 bition on the sale of tobacco products, herbal cigarettes, or vapor
18 products intended or reasonably expected to be used with or for the
19 consumption of nicotine, shall not apply to any other business that owns
20 or leases premises within any building or other facility that also
21 contains a pharmacy or a retail establishment that contains a pharmacy
22 operated as a department as defined by paragraph f of subdivision two of
23 section sixty-eight hundred eight of the education law.

24 2. The commissioner shall have sole jurisdiction to enforce the
25 provisions of this section. The commissioner shall have the power to
26 assess penalties in accordance with section twelve of this chapter and
27 pursuant to a hearing conducted in accordance with section twelve-a of
28 this chapter. Nothing in this section shall be construed to prohibit the
29 commissioner from commencing a proceeding for injunctive relief to
30 compel compliance with this section.

31 § 1399-mm-3. Carrier oils. 1. For the purposes of this section "carri-
32 er oils" shall mean any ingredient of a vapor product intended to
33 control the consistency or other physical characteristics of such vapor
34 product, to control the consistency or other physical characteristics of
35 vapor, or to facilitate the production of vapor when such vapor product
36 is used in an electronic cigarette. "Carrier oils" shall not include any
37 product approved by the United States food and drug administration as a
38 drug or medical device or manufactured and dispensed pursuant to title
39 five-A of article thirty-three of this chapter.

40 2. The commissioner is authorized to promulgate rules and regulations
41 governing the sale and distribution of carrier oils that are suspected
42 of causing acute illness and have been identified as a chemical of
43 concern by the United States centers for disease control and prevention.
44 Such regulations may, to the extent deemed by the commissioner as neces-
45 sary for the protection of public health, prohibit or restrict the sell-
46 ing, offering for sale, possessing with intent to sell, or distributing
47 of carrier oils.

48 3. The provisions of this section shall not apply where preempted by
49 federal law. Furthermore, the provisions of this section shall be
50 severable, and if any phrase, clause, sentence, or provision is declared
51 to be invalid, or is preempted by federal law or regulation, the validi-
52 ty of the remainder of this section shall not be affected thereby. If
53 any provision of this section is declared to be inapplicable to any
54 specific category, type, or kind of carrier oil, the provisions of this
55 section shall nonetheless continue to apply with respect to all other
56 carrier oils.



1 § 2. Section 1399-aa of the public health law is amended by adding
2 five new subdivisions 14, 15, 16, 17, and 18 to read as follows:

3 14. "Price reduction instrument" means any coupon, voucher, rebate,
4 card, paper, note, form, statement, ticket, image, or other issue,
5 whether in paper, digital, or any other form, used for commercial
6 purposes to receive an article, product, service, or accommodation with-
7 out charge or at a discounted price.

8 15. "Listed or non-discounted price" means the price listed for ciga-
9 rettes, tobacco products, or vapor products intended or reasonably
10 expected to be used with or for the consumption of nicotine, on their
11 packages or any related shelving, posting, advertising or display at the
12 location where the cigarettes, tobacco products, or vapor products
13 intended or reasonably expected to be used with or for the consumption
14 of nicotine, are sold or offered for sale, including all applicable
15 taxes.

16 16. "Retail dealer" means a person licensed by the commissioner of
17 taxation and finance to sell cigarettes, tobacco products, or vapor
18 products in this state.

19 17. "Vapor products" means any noncombustible liquid or gel, regard-
20 less of the presence of nicotine therein, that is manufactured into a
21 finished product for use in an electronic cigarette, including any
22 device that contains such noncombustible liquid or gel. "Vapor product"
23 shall not include any device, or any component thereof, that does not
24 contain such noncombustible liquid or gel, or any product approved by
25 the United States food and drug administration as a drug or medical
26 device, or manufactured and dispensed pursuant to title five-A of arti-
27 cle thirty-three of this chapter.

28 18. "Vapor products dealer" means a person licensed by the commission-
29 er of taxation and finance to sell vapor products in this state.

30 § 3. Section 1399-11 of the public health law, as added by chapter 262
31 of the laws of 2000, subdivisions 1 and 5 as amended and subdivision 6
32 as added by chapter 342 of the laws of 2013, is amended to read as
33 follows:

34 § 1399-11. Unlawful shipment or transport of cigarettes and vapor
35 products. 1. It shall be unlawful for any person engaged in the busi-
36 ness of selling cigarettes to ship or cause to be shipped any cigarettes
37 to any person in this state who is not: (a) a person licensed as a ciga-
38 rette tax agent or wholesale dealer under article twenty of the tax law
39 or registered retail dealer under section four hundred eighty-a of the
40 tax law; (b) an export warehouse proprietor pursuant to chapter 52 of
41 the internal revenue code or an operator of a customs bonded warehouse
42 pursuant to section 1311 or 1555 of title 19 of the United States Code;
43 or (c) a person who is an officer, employee or agent of the United
44 States government, this state or a department, agency, instrumentality
45 or political subdivision of the United States or this state and presents
46 himself or herself as such, when such person is acting in accordance
47 with his or her official duties. For purposes of this subdivision, a
48 person is a licensed or registered agent or dealer described in para-
49 graph (a) of this subdivision if his or her name appears on a list of
50 licensed or registered agents or dealers published by the department of
51 taxation and finance, or if such person is licensed or registered as an
52 agent or dealer under article twenty of the tax law.

53 1-a. It shall be unlawful for any person engaged in the business of
54 selling vapor products to ship or cause to be shipped any vapor products
55 intended or reasonably expected to be used with or for the consumption
56 of nicotine to any person in this state who is not: (a) a person that

1 receives a certificate of registration as a vapor products dealer under
2 article twenty eight-C of the tax law; (b) an export warehouse proprie-
3 tor pursuant to chapter 52 of the internal revenue code or an operator
4 of a customs bonded warehouse pursuant to section 1311 or 1555 of title
5 19 of the United States Code; or (c) a person who is an officer, employ-
6 ee or agent of the United States government, this state or a department,
7 agency, instrumentality or political subdivision of the United States or
8 this state and presents himself or herself as such, when such person is
9 acting in accordance with his or her official duties. For purposes of
10 this subdivision, a person is a licensed or registered agent or dealer
11 described in paragraph (a) of this subdivision if his or her name
12 appears on a list of licensed or registered agents or vapor product
13 dealers published by the department of taxation and finance, or if such
14 person is licensed or registered as an agent or dealer under article
15 twenty eight-C of the tax law.

16 2. It shall be unlawful for any common or contract carrier to knowing-
17 ly transport cigarettes to any person in this state reasonably believed
18 by such carrier to be other than a person described in paragraph (a),
19 (b) or (c) of subdivision one of this section. For purposes of the
20 preceding sentence, if cigarettes are transported to a home or resi-
21 dence, it shall be presumed that the common or contract carrier knew
22 that such person was not a person described in paragraph (a), (b) or (c)
23 of subdivision one of this section. It shall be unlawful for any other
24 person to knowingly transport cigarettes to any person in this state,
25 other than to a person described in paragraph (a), (b) or (c) of subdi-
26 vision one of this section. Nothing in this subdivision shall be
27 construed to prohibit a person other than a common or contract carrier
28 from transporting not more than eight hundred cigarettes at any one time
29 to any person in this state. It shall be unlawful for any common or
30 contract carrier to knowingly transport vapor products intended or
31 reasonably expected to be used with or for the consumption of nicotine
32 to any person in this state reasonably believed by such carrier to be
33 other than a person described in paragraph (a), (b) or (c) of subdivi-
34 sion one-a of this section. For purposes of the preceding sentence, if
35 vapor products intended or reasonably expected to be used with or for
36 the consumption of nicotine are transported to a home or residence, it
37 shall be presumed that the common or contract carrier knew that such
38 person was not a person described in paragraph (a), (b) or (c) of subdivi-
39 vision one-a of this section. It shall be unlawful for any other person
40 to knowingly transport vapor products intended or reasonably expected to
41 be used with or for the consumption of nicotine to any person in this
42 state, other than to a person described in paragraph (a), (b) or (c) of
43 subdivision one of this section. Nothing in this subdivision shall be
44 construed to prohibit a person other than a common or contract carrier
45 from transporting vapor products, provided that the amount of vapor
46 products intended or reasonably expected to be used with or for the
47 consumption of nicotine shall not exceed the lesser of 500 milliliters,
48 or a total nicotine content of 3 grams at any one time to any person in
49 this state.

50 3. When a person engaged in the business of selling cigarettes ships
51 or causes to be shipped any cigarettes to any person in this state,
52 other than in the cigarette manufacturer's original container or wrap-
53 ping, the container or wrapping must be plainly and visibly marked with
54 the word "cigarettes". When a person engaged in the business of selling
55 vapor products ships or causes to be shipped any vapor products intended
56 or reasonably expected to be used with or for the consumption of nico-



1 tine to any person in this state, other than in the vapor products
2 manufacturer's original container or wrapping, the container or wrapping
3 must be plainly and visibly marked with the words "vapor products".

4 4. Whenever a police officer designated in section 1.20 of the crimi-
5 nal procedure law or a peace officer designated in subdivision four of
6 section 2.10 of such law, acting pursuant to his or her special duties,
7 shall discover any cigarettes or vapor products intended or reasonably
8 expected to be used with or for the consumption of nicotine which have
9 been or which are being shipped or transported in violation of this
10 section, such person is hereby empowered and authorized to seize and
11 take possession of such cigarettes or vapor products intended or reason-
12 ably expected to be used with or for the consumption of nicotine, and
13 such cigarettes or vapor products intended or reasonably expected to be
14 used with or for the consumption of nicotine shall be subject to a
15 forfeiture action pursuant to the procedures provided for in article
16 thirteen-A of the civil practice law and rules, as if such article
17 specifically provided for forfeiture of cigarettes or vapor products
18 intended or reasonably expected to be used with or for the consumption
19 of nicotine seized pursuant to this section as a pre-conviction forfei-
20 ture crime.

21 5. Any person who violates the provisions of subdivision one, one-a,
22 or two of this section shall be guilty of a class A misdemeanor and for
23 a second or subsequent violation shall be guilty of a class E felony. In
24 addition to the criminal penalty, any person who violates the provisions
25 of subdivision one, one-a, two or three of this section shall be subject
26 to a civil penalty not to exceed the greater of (a) five thousand
27 dollars for each such violation; [or] (b) one hundred dollars for each
28 pack of cigarettes shipped, caused to be shipped or transported in
29 violation of such subdivision; or (c) one hundred dollars for each vapor
30 product intended or reasonably expected to be used with or for the
31 consumption of nicotine shipped, caused to be shipped or transported in
32 violation of such subdivision.

33 6. The attorney general may bring an action to recover the civil
34 penalties provided by subdivision five of this section and for such
35 other relief as may be deemed necessary. In addition, the corporation
36 counsel of any political subdivision that imposes a tax on cigarettes or
37 vapor products intended or reasonably expected to used with or for the
38 consumption of nicotine may bring an action to recover the civil penal-
39 ties provided by subdivision five of this section and for such other
40 relief as may be deemed necessary with respect to any cigarettes or
41 vapor products intended or reasonably expected to be used with or for
42 the consumption of nicotine shipped, caused to be shipped or transported
43 in violation of this section to any person located within such political
44 subdivision. All civil penalties obtained in any such action shall be
45 retained by the state or political subdivision bringing such action,
46 provided that no person shall be required to pay civil penalties to both
47 the state and a political subdivision with respect to the same violation
48 of this section.

49 § 4. Section 1399-bb of the public health law, as amended by chapter
50 508 of the laws of 2000, the section heading as amended by chapter 4 of
51 the laws of 2018, subdivision 2 as amended by chapter 13 of the laws of
52 2003, and paragraphs (b), (c), and (f) of subdivision 2 and subdivisions
53 4 and 5 as amended by chapter 100 of the laws of 2019, is amended to
54 read as follows:

55 § 1399-bb. Distribution of tobacco products, [electronic cigarettes]
56 vapor products, or herbal cigarettes without charge. 1. No [person]

1 retail dealer, or any agent or employee of a retail dealer engaged in
2 the business of selling or otherwise distributing tobacco products,
3 vapor products intended or reasonably expected to be used with or for
4 the consumption of nicotine, or herbal cigarettes for commercial
5 purposes, or any agent or employee of such [person] retail dealer, or
6 any agent or employee of a retail dealer, shall knowingly, in further-
7 ance of such business:

8 (a) distribute without charge any tobacco products, vapor products
9 intended or reasonably expected to be used with or for the consumption
10 of nicotine, or herbal cigarettes to any individual, provided that the
11 distribution of a package containing tobacco products, vapor products
12 intended or reasonably expected to be used with or for the consumption
13 of nicotine, or herbal cigarettes in violation of this subdivision shall
14 constitute a single violation without regard to the number of items in
15 the package; or

16 (b) distribute [coupons] price reduction instruments which are redeem-
17 able for tobacco products, vapor products intended or reasonably
18 expected to be used with or for the consumption of nicotine, or herbal
19 cigarettes to any individual, provided that this subdivision shall not
20 apply to coupons contained in newspapers, magazines or other types of
21 publications, coupons obtained through the purchase of tobacco products,
22 vapor products intended or reasonably expected to be used with or for
23 the consumption of nicotine, or herbal cigarettes or obtained at
24 locations which sell tobacco products, vapor products intended or
25 reasonably expected to be used with or for the consumption of nicotine,
26 or herbal cigarettes provided that such distribution is confined to a
27 designated area or to coupons sent through the mail.

28 1-a. No retail dealer engaged in the business of selling or otherwise
29 distributing tobacco products, herbal cigarettes, or vapor products
30 intended or reasonably expected to be used with or for the consumption
31 of nicotine for commercial purposes, or any agent or employee of such
32 retail dealer, shall knowingly, in furtherance of such business:

33 (a) honor or accept a price reduction instrument in any transaction
34 related to the sale of tobacco products, herbal cigarettes, or vapor
35 products intended or reasonably expected to be used with or for the
36 consumption of nicotine to a consumer;

37 (b) sell or offer for sale any tobacco products, herbal cigarettes, or
38 vapor products intended or reasonably expected to be used with or for
39 the consumption of nicotine to a consumer through any multi-package
40 discount or otherwise provide to a consumer any tobacco products, herbal
41 cigarettes, or vapor products intended or reasonably expected to be used
42 with or for the consumption of nicotine for less than the listed price
43 or non-discounted price in exchange for the purchase of any other tobac-
44 co products, herbal cigarettes, or vapor products intended or reasonably
45 expected to be used with or for the consumption of nicotine by such
46 consumer;

47 (c) sell, offer for sale, or otherwise provide any product other than
48 a tobacco product, herbal cigarette, or vapor product intended or
49 reasonably expected to be used with or for the consumption of nicotine
50 to a consumer for less than the listed price or non-discounted price in
51 exchange for the purchase of a tobacco product, herbal cigarette, or
52 vapor product intended or reasonably expected to be used with or for the
53 consumption of nicotine by such consumer; or

54 (d) sell, offer for sale, or otherwise provide a tobacco product,
55 herbal cigarette, or vapor product intended or reasonably expected to be



1 used with or for the consumption of nicotine to a consumer for less than
2 the listed price or non-discounted price.

3 2. The prohibitions contained in subdivision one of this section shall
4 not apply to the following locations:

5 (a) private social functions when seating arrangements are under the
6 control of the sponsor of the function and not the owner, operator,
7 manager or person in charge of such indoor area;

8 (b) conventions and trade shows; provided that the distribution is
9 confined to designated areas generally accessible only to persons over
10 the age of twenty-one;

11 (c) events sponsored by tobacco, vapor product intended or reasonably
12 expected to be used with or for the consumption of nicotine, or herbal
13 cigarette manufacturers provided that the distribution is confined to
14 designated areas generally accessible only to persons over the age of
15 twenty-one;

16 (d) bars as defined in subdivision one of section thirteen hundred
17 ninety-nine-n of this chapter;

18 (e) tobacco businesses as defined in subdivision eight of section
19 thirteen hundred ninety-nine-aa of this article;

20 (f) factories as defined in subdivision nine of section thirteen
21 hundred ninety-nine-aa of this article and construction sites; provided
22 that the distribution is confined to designated areas generally accessi-
23 ble only to persons over the age of twenty-one.

24 3. No [person] retail dealer shall distribute tobacco products, vapor
25 products intended or reasonably expected to be used with or for the
26 consumption of nicotine, or herbal cigarettes at the locations set forth
27 in paragraphs (b), (c) and (f) of subdivision two of this section unless
28 such person gives five days written notice to the enforcement officer.

29 4. No [person] retail dealer engaged in the business of selling or
30 otherwise distributing electronic cigarettes or vapor products intended
31 or reasonably expected to be used with or for the consumption of nico-
32 tine for commercial purposes, or any agent or employee of such person,
33 shall knowingly, in furtherance of such business, distribute without
34 charge any electronic cigarettes to any individual under twenty-one
35 years of age.

36 5. The distribution of tobacco products, electronic cigarettes, vapor
37 products intended or reasonably expected to be used with or for the
38 consumption of nicotine, or herbal cigarettes pursuant to subdivision
39 two of this section or the distribution without charge of electronic
40 cigarettes, or vapor products intended or reasonably expected to be used
41 with or for the consumption of nicotine, shall be made only to an indi-
42 vidual who demonstrates, through (a) a driver's license or [other photo-
43 graphic] non-driver identification card issued by [a government entity
44 or educational institution] the commissioner of motor vehicles, the
45 federal government, any United States territory, commonwealth, or
46 possession, the District of Columbia, a state government within the
47 United States, or a provincial government of the dominion of Canada, (b)
48 a valid passport issued by the United States government or the govern-
49 ment of any other country, or (c) an identification card issued by the
50 armed forces of the United States, indicating that the individual is at
51 least twenty-one years of age. Such identification need not be required
52 of any individual who reasonably appears to be at least twenty-five
53 years of age; provided, however, that such appearance shall not consti-
54 tute a defense in any proceeding alleging the sale of a tobacco product,
55 electronic cigarette, vapor product intended or reasonably expected to
56 be used with or for the consumption of nicotine, or herbal cigarette or



1 the distribution without charge of electronic cigarettes, or vapor
2 products intended or reasonably expected to be used with or for the
3 consumption of nicotine to an individual.

4 § 5. The public health law is amended by adding a new article 17 to
5 read as follows:

6 ARTICLE 17

7 INGREDIENT DISCLOSURES FOR
8 VAPOR PRODUCTS AND E-CIGARETTES

9 Section 1700. Definitions.

10 1701. Disclosure.

11 1702. Penalties.

12 § 1700. Definitions. As used in this article, the following terms
13 shall have the following meanings:

14 1. "Vapor products" shall mean any vapor product, as defined by
15 section thirteen hundred ninety-nine-aa of this chapter, intended or
16 reasonably expected to be used with or for the consumption of nicotine.

17 2. "Electronic cigarette" or "e-cigarette" shall have the same meaning
18 as defined by section thirteen hundred ninety-nine-aa of this chapter.

19 3. "Ingredient" shall mean all of the following:

20 (a) any intentional additive present in any quantity in a vapor prod-
21 uct;

22 (b) a byproduct or contaminant, present in a vapor product in any
23 quantity equal to or greater than one-half of one percent of the content
24 of such product by weight, or other amount determined by the commission-
25 er;

26 (c) a byproduct present in a vapor product in any quantity less than
27 one-half of one percent of the content of such product by weight,
28 provided such element or compound has been published as a chemical of
29 concern on one or more lists identified by the commissioner; and

30 (d) a contaminant present in a vapor product in a quantity determined
31 by the commissioner and less than one-half of one percent of the content
32 of such product by weight, provided such element or compound has been
33 published as a chemical of concern on one or more lists identified by
34 the commissioner.

35 4. "Intentionally added ingredient" shall mean any element or compound
36 that a manufacturer has intentionally added to a vapor product at any
37 point in such product's supply chain, or at any point in the supply
38 chain of any raw material or ingredient used to manufacture such prod-
39 uct.

40 5. "Byproduct" shall mean any element or compound in the finished
41 vapor product, or in the vapor produced during consumption of a vapor
42 product, which: (a) was created or formed during the manufacturing
43 process as an intentional or unintentional consequence of such manufac-
44 turing process at any point in such product's supply chain, or at any
45 point in the supply chain of any raw material or ingredient used to
46 manufacture such product; or (b) is created or formed as an intentional
47 or unintentional consequence of the use of an e-cigarette or consumption
48 of a vapor product. "Byproduct" shall include, but is not limited to,
49 an unreacted raw material, a breakdown product of an intentionally added
50 ingredient, a breakdown product of any component part of an e-cigarette,
51 or a derivative of the manufacturing process.

52 6. "Contaminant" shall mean any element or compound made present in a
53 vapor product as an unintentional consequence of manufacturing. Contam-
54 inants include, but are not limited to, elements or compounds present in
55 the environment which were introduced into a product, a raw material, or
56 a product ingredient as a result of the use of an environmental medium,



1 such as naturally occurring water, or other materials used in the manu-
2 facturing process at any point in a product's supply chain, or at any
3 point in the supply chain of any raw material or ingredient used to
4 manufacture such product.

5 7. "Manufacturer" shall mean any person, firm, association, partner-
6 ship, limited liability company, or corporation which produces,
7 prepares, formulates, or compounds a vapor product or e-cigarette, or
8 whose brand name is affixed to such product. In the case of a vapor
9 product or e-cigarette imported into the United States, "manufacturer"
10 shall mean the importer or first domestic distributor of such product if
11 the entity that manufactures such product or whose brand name is affixed
12 to such product does not have a presence in the United States.

13 § 1701. Disclosure. 1. Manufacturers of vapor products or e-cigarettes
14 distributed, sold, or offered for sale in this state, whether at retail
15 or wholesale, shall furnish to the commissioner for public record and
16 post on such manufacturer's website, in a manner prescribed by the
17 commissioner that is readily accessible to the public and machine read-
18 able, information regarding such products pursuant to rules or regu-
19 lations which shall be promulgated by the commissioner.

20 (a) For each vapor product, the information posted pursuant to this
21 subdivision shall include, but shall not be limited to:

22 (i) a list naming each ingredient of such vapor product in descending
23 order of predominance by weight in such product, except that ingredients
24 present at a weight below one percent may be listed following other
25 ingredients without respect to the order of predominance by weight;

26 (ii) the nature and extent of investigations and research performed by
27 or for the manufacturer concerning the effects on human health of such
28 product or its ingredients;

29 (iii) where applicable, a statement disclosing that an ingredient of
30 such product is published as a chemical of concern on one or more lists
31 identified by the commissioner; and

32 (iv) for each ingredient published as a chemical of concern on one or
33 more lists identified by the commissioner, an evaluation of the avail-
34 ability of potential alternatives and potential hazards posed by such
35 alternatives.

36 (b) For each e-cigarette the information posted pursuant to this
37 subdivision shall include, but shall not be limited to:

38 (i) a list naming any toxic metal, including but not limited to lead,
39 manganese, nickel, chromium, or zinc, as a constituent of any heating
40 element included in such e-cigarette;

41 (ii) a list naming each byproduct that may be introduced into vapor
42 produced during the normal use of such e-cigarette;

43 (iii) the nature and extent of investigations and research performed
44 by or for the manufacturer concerning the effects on human health of
45 such product or such ingredients;

46 (iv) where applicable, a statement disclosing that an ingredient is
47 published as a chemical of concern on one or more lists identified by
48 the commissioner; and

49 (v) for each constituent of any heating element identified as a toxic
50 metal and ingredient published as a chemical of concern on one or more
51 lists identified by the commissioner, an evaluation of the availability
52 of potential alternatives and potential hazards posed by such alterna-
53 tives.

54 2. Manufacturers shall furnish the information required to be posted
55 pursuant to subdivision one of this section on or before January first,
56 two thousand twenty-one, and every two years thereafter. In addition,



1 such manufacturers shall furnish such information prior to the sale of
2 any new vapor product or e-cigarette, when the formulation of a current-
3 ly disclosed product is changed such that the predominance of the ingre-
4 dients in such product is changed, when any list of chemicals of concern
5 identified by the commissioner pursuant to this article is changed to
6 include an ingredient present in a vapor product or e-cigarette subject
7 to this article, or at such other times as may be required by the
8 commissioner.

9 3. The information required to be posted pursuant to subdivision one
10 of this section shall be made available to the public by the commission-
11 er and manufacturers, in accordance with this section, with the excep-
12 tion of those portions which a manufacturer determines, subject to the
13 approval of the commissioner, are related to a proprietary process the
14 disclosure of which would compromise such manufacturer's competitive
15 position. The commissioner shall not approve any exceptions under this
16 subdivision with respect to any ingredient published as a chemical of
17 concern on one or more lists identified by the commissioner.

18 § 1702. Penalties. Notwithstanding any other provision of this chap-
19 ter, any manufacturer who violates any of the provisions of, or who
20 fails to perform any duty imposed by, this article or any rule or regu-
21 lation promulgated thereunder, shall be liable, in the case of a first
22 violation, for a civil penalty not to exceed five thousand dollars. In
23 the case of a second or any subsequent violation, the liability shall be
24 for a civil penalty not to exceed ten thousand dollars for each such
25 violation.

26 § 6. Subdivision 2 and paragraphs (e) and (f) of subdivision 3 of
27 section 1399-ee of the public health law, as amended by chapter 162 of
28 the laws of 2002, are amended to read as follows:

29 2. If the enforcement officer determines after a hearing that a
30 violation of this article has occurred, he or she shall impose a civil
31 penalty of a minimum of three hundred dollars, but not to exceed one
32 thousand five hundred dollars for a first violation, and a minimum of
33 [five hundred] one thousand dollars, but not to exceed [one] two thou-
34 sand five hundred dollars for each subsequent violation, unless a
35 different penalty is otherwise provided in this article. The enforcement
36 officer shall advise the retail dealer that upon the accumulation of
37 three or more points pursuant to this section the department of taxation
38 and finance shall suspend the dealer's registration. If the enforcement
39 officer determines after a hearing that a retail dealer was selling
40 tobacco products while their registration was suspended or permanently
41 revoked pursuant to subdivision three or four of this section, he or she
42 shall impose a civil penalty of twenty-five hundred dollars.

43 (e) Suspension. If the department determines that a retail dealer has
44 accumulated three points or more, the department shall direct the
45 commissioner of taxation and finance to suspend such dealer's registra-
46 tion for [six months] one year. The three points serving as the basis
47 for a suspension shall be erased upon the completion of the [six month]
48 one year penalty.

49 (f) Surcharge. A two hundred fifty dollar surcharge to be assessed for
50 every violation will be made available to enforcement officers and shall
51 be used solely for compliance checks to be conducted to determine
52 compliance with this section.

53 § 7. Paragraph 1 of subdivision h of section 1607 of the tax law, as
54 amended by chapter 162 of the laws of 2002, is amended to read as
55 follows:



1 1. A license shall be suspended for a period of [six months] one year
2 upon notification to the division by the commissioner of health of a
3 lottery sales agent's accumulation of three or more points pursuant to
4 subdivision three of section thirteen hundred ninety-nine-ee of the
5 public health law.

6 § 8. Section 1399-hh of the public health law, as added by chapter 433
7 of the laws of 1997, is amended to read as follows:

8 § 1399-hh. Tobacco and vapor product enforcement. The commissioner
9 shall develop, plan and implement a comprehensive program to reduce the
10 prevalence of tobacco use, and vapor product, intended or reasonably
11 expected to be used with or for the consumption of nicotine, use partic-
12 ularly among persons less than [eighteen] twenty-one years of age. This
13 program shall include, but not be limited to, support for enforcement of
14 this article [thirteen-F of this chapter].

15 1. An enforcement officer, as defined in section thirteen hundred
16 ninety-nine-t of this chapter, may annually, on such dates as shall be
17 fixed by the commissioner, submit an application for such monies as are
18 made available for such purpose. Such application shall be in such form
19 as prescribed by the commissioner and shall include, but not be limited
20 to, plans regarding random spot checks, including the number and types
21 of compliance checks that will be conducted, and other activities to
22 determine compliance with this article. Each such plan shall include an
23 agreement to report to the commissioner: the names and addresses of
24 tobacco retailers and vendors and vapor products dealers determined to
25 be unlicensed, if any; the number of complaints filed against licensed
26 tobacco retail outlets and vapor products dealers; and the names of
27 tobacco retailers and vendors and vapor products dealers who have paid
28 fines, or have been otherwise penalized, due to enforcement actions.

29 2. The commissioner shall distribute such monies as are made avail-
30 able for such purpose to enforcement officers and, in so doing, consider
31 the number of licensed vapor products dealers and retail locations
32 registered to sell tobacco products within the jurisdiction of the
33 enforcement officer and the level of proposed activities.

34 3. Monies made available to enforcement officers pursuant to this
35 section shall only be used for local tobacco and vapor product, intended
36 or reasonably expected to be used with or for the consumption of nico-
37 tine, enforcement activities approved by the commissioner.

38 § 9. Section 1399-jj of the public health law, as amended by chapter 1
39 of the laws of 1999, is amended to read as follows:

40 § 1399-jj. Evaluation requirements. 1. The commissioner shall evaluate
41 the effectiveness of the efforts by state and local governments to
42 reduce the use of tobacco products and vapor products, intended or
43 reasonably expected to be used with or for the consumption of nicotine,
44 among minors and adults. The principal measurements of effectiveness
45 shall include negative attitudes toward tobacco and vapor products,
46 intended or reasonably expected to be used with or for the consumption
47 of nicotine, use and reduction of tobacco and vapor products, intended
48 or reasonably expected to be used with or for the consumption of nico-
49 tine, use among the general population, and given target populations.

50 2. The commissioner shall ensure that, to the extent practicable, the
51 most current research findings regarding mechanisms to reduce and change
52 attitudes toward tobacco and vapor products, intended or reasonably
53 expected to be used with or for the consumption of nicotine, use are
54 used in tobacco and vapor product, intended or reasonably expected to be
55 used with or for the consumption of nicotine, education programs admin-
56 istered by the department.



1 3. To diminish tobacco and vapor product, intended or reasonably
2 expected to be used with or for the consumption of nicotine, use among
3 minors and adults, the commissioner shall ensure that, to the extent
4 practicable, the following is achieved:

5 The department shall conduct an independent evaluation of the state-
6 wide tobacco use prevention and control program under section thirteen
7 hundred ninety-nine-ii of this article. The purpose of this evaluation
8 is to direct the most efficient allocation of state resources devoted to
9 tobacco and vapor product, intended or reasonably expected to be used
10 with or for the consumption of nicotine, education and cessation to
11 accomplish the maximum prevention and reduction of tobacco and vapor
12 product, intended or reasonably expected to be used with or for the
13 consumption of nicotine, use among minors and adults. Such evaluation
14 shall be provided to the governor, the majority leader of the senate and
15 the speaker of the assembly on or before September first, two thousand
16 one, and annually on or before such date thereafter. The comprehensive
17 evaluation design shall be guided by the following:

18 (a) sound evaluation principles including, to the extent feasible,
19 elements of controlled experimental methods;

20 (b) an evaluation of the comparative effectiveness of individual
21 program designs which shall be used in funding decisions and program
22 modifications; and

23 (c) an evaluation of other programs identified by state agencies,
24 local lead agencies, and federal agencies.

25 § 10. Section 1399-kk of the public health law, as added by chapter
26 433 of the laws of 1997, is amended to read as follows:

27 § 1399-kk. Annual tobacco and vapor product enforcement reporting.
28 The commissioner shall submit to the governor and the legislature an
29 interim tobacco control report and annual tobacco control reports which
30 shall describe the extent of the use of tobacco products and vapor
31 products, intended or reasonably expected to be used with or for the
32 consumption of nicotine, by [minors] those under twenty-one years of age
33 in the state and document the progress state and local governments have
34 made in reducing such use among [minors] those under twenty-one years of
35 age.

36 1. The interim tobacco control report. The commissioner shall submit
37 to the governor and the legislature an interim tobacco control report on
38 or before September first, nineteen hundred ninety-eight. Such interim
39 report shall, to the extent practicable, include the following informa-
40 tion on a county by county basis:

41 (a) number of licensed and registered tobacco retailers and vendors;

42 (b) the names and addresses of retailers and vendors who have paid
43 fines, or have been otherwise penalized, due to enforcement actions;

44 (c) the number of complaints filed against licensed and registered
45 tobacco retailers;

46 (d) the number of fires caused or believed to be caused by tobacco
47 products and deaths and injuries resulting therefrom;

48 (e) the number and type of compliance checks conducted; and

49 (f) such other information as the commissioner deems appropriate.

50 2. The commissioner shall submit to the governor and the legislature
51 an annual tobacco and vapor products, intended or reasonably expected to
52 be used with or for the consumption of nicotine, control report which
53 shall describe the extent of the use of tobacco products and vapor
54 products, intended or reasonably expected to be used with or for the
55 consumption of nicotine, by [minors] those under twenty-one years of age
56 in the state and document the progress state and local governments have



1 made in reducing such use among [minors] those under twenty-one years of
2 age. The annual report shall be submitted to the governor and the
3 legislature on or before March thirty-first of each year beginning on
4 March thirty-first, nineteen hundred ninety-nine. The annual report
5 shall, to the extent practicable, include the following information on a
6 county by county basis:

7 (a) number of licensed and registered tobacco retailers and vendors
8 and licensed vapor products dealers;

9 (b) the names and addresses of retailers and vendors who have paid
10 fines, or have been otherwise penalized, due to enforcement actions;

11 (c) the number of complaints filed against licensed and registered
12 tobacco retailers and licensed vapor products dealers;

13 (d) the number of fires caused or believed to be caused by tobacco
14 products and vapor products, intended or reasonably expected to be used
15 with or for the consumption of nicotine, and deaths and injuries result-
16 ing therefrom;

17 (e) the number and type of compliance checks conducted;

18 (f) a survey of attitudes and behaviors regarding tobacco use among
19 [minors] those under twenty-one years of age. The initial such survey
20 shall be deemed to constitute the baseline survey;

21 (g) the number of tobacco and vapor product, intended or reasonably
22 expected to be used with or for the consumption of nicotine, users and
23 estimated trends in tobacco and vapor product, intended or reasonably
24 expected to be used with or for the consumption of nicotine, use among
25 [minors] those under twenty-one years of age;

26 (h) annual tobacco and vapor product, intended or reasonably expected
27 to be used with or for the consumption of nicotine, sales;

28 (i) tax revenue collected from the sale of tobacco products and vapor
29 products, intended or reasonably expected to be used with or for the
30 consumption of nicotine;

31 (j) the number of licensed tobacco retail outlets and licensed vapor
32 products dealers;

33 (k) the number of cigarette vending machines;

34 (l) the number and type of compliance checks;

35 (m) the names of entities that have paid fines due to enforcement
36 actions; and

37 (n) the number of complaints filed against licensed tobacco retail
38 outlets and licensed vapor products dealers.

39 The annual tobacco and vapor product, intended or reasonably expected
40 to be used with or for the consumption of nicotine, control report
41 shall, to the extent practicable, include the following information: (a)
42 tobacco and vapor product, intended or reasonably expected to be used
43 with or for the consumption of nicotine, control efforts sponsored by
44 state government agencies including money spent to educate [minors]
45 those under twenty-one years of age on the hazards of tobacco and vapor
46 product, intended or reasonably expected to be used with or for the
47 consumption of nicotine, use;

48 (b) recommendations for improving tobacco and vapor product, intended
49 or reasonably expected to be used with or for the consumption of nico-
50 tine, control efforts in the state; and

51 (c) such other information as the commissioner deems appropriate.

52 § 11. The public health law is amended by adding a new section
53 1399-ii-1 to read as follows:

54 § 1399-ii-1. Electronic cigarette and vaping prevention, awareness and
55 control program. The commissioner shall, in consultation and collab-
56 oration with the commissioner of education, establish and develop an



1 electronic cigarette and vaping prevention, control and awareness
2 program within the department. Such program shall be designed to educate
3 students, parents and school personnel about the health risks associated
4 with vapor product use and control measures to reduce the prevalence of
5 vaping, particularly among persons less than twenty-one years of age.
6 Such program shall include, but not be limited to, the creation of age-
7 appropriate instructional tools and materials that may be used by all
8 schools, and marketing and advertising materials to discourage electron-
9 ic cigarette use.

10 § 12. Section 1399-ii of the public health law, as amended by chapter
11 256 of the laws of 2019, is amended to read as follows:

12 § 1399-ii. Tobacco and vapor product use prevention and control
13 program. 1. To improve the health, quality of life, and economic well-
14 being of all New York state citizens, there is hereby established within
15 the department a comprehensive statewide tobacco and vapor product use
16 prevention and control program.

17 2. The department shall support tobacco and vapor product use
18 prevention and control activities including, but not limited to:

19 (a) Community programs to prevent and reduce tobacco use through local
20 involvement and partnerships;

21 (b) School-based programs to prevent and reduce tobacco use and use of
22 [electronic cigarettes] vapor products;

23 (c) Marketing and advertising to discourage tobacco, vapor product and
24 liquid nicotine use;

25 (d) [Tobacco] Nicotine cessation programs for youth and adults;

26 (e) Special projects to reduce the disparities in smoking prevalence
27 among various populations;

28 (f) Restriction of youth access to tobacco products[, electronic ciga-
29 rettes] and [liquid nicotine] vapor products;

30 (g) Surveillance of smoking and vaping rates; and

31 (h) Any other activities determined by the commissioner to be neces-
32 sary to implement the provisions of this section.

33 Such programs shall be selected by the commissioner through an appli-
34 cation process which takes into account whether a program utilizes meth-
35 ods recognized as effective in reducing [smoking and tobacco] nicotine
36 use. Eligible applicants may include, but not be limited to, a health
37 care provider, schools, a college or university, a local public health
38 department, a public health organization, a health care provider organ-
39 ization, association or society, municipal corporation, or a profes-
40 sional education organization.

41 3. (a) There shall be established a tobacco use prevention and control
42 advisory board to advise the commissioner on tobacco use prevention and
43 control issues and [electronic cigarette and liquid nicotine] vapor
44 product use amongst [minors] persons less than twenty-one years of age,
45 including methods to prevent and reduce tobacco use in the state.

46 (b) The board shall consist of seventeen members who shall be
47 appointed as follows: nine members by the governor; three members by the
48 speaker of the assembly; three members by the temporary president of the
49 senate and one member each by the minority leader of the senate and
50 minority leader of the assembly. Any vacancy or subsequent appointment
51 shall be filled in the same manner and by the same appointing authority
52 as the original appointment. The chairperson of the board shall be
53 designated by the governor from among the members of the board.

54 (c) The members shall serve for terms of two years commencing on the
55 effective date of this section. Members of the board shall receive no



1 compensation but shall be reimbursed for reasonable travel and other
2 expenses incurred in the performance of their duties hereunder.

3 (d) The board shall meet as often as it deems necessary, but no less
4 than four times a year. No nominee to the board shall have any past or
5 current affiliation with the tobacco industry, vapor products industry
6 or any industry, contractor, agent, or organization that engages in the
7 manufacturing, marketing, distributing, or sale of tobacco products. The
8 board shall be appointed in full within ninety days of the effective
9 date of this section.

10 (e) The department shall prepare and submit to the board a spending
11 plan for the tobacco and vapor product use prevention and control
12 program authorized pursuant to the provisions of subdivision one of this
13 section no later than thirty days after the submission of the budget to
14 the legislature.

15 § 13. The public health law is amended by adding a new section
16 1399-dd-1 to read as follows:

17 § 1399-dd-1. Public display of tobacco product and electronic ciga-
18 rette advertisements and smoking paraphernalia prohibited. 1. For
19 purposes of this section:

20 (a) "Advertisement" means words, pictures, photographs, symbols,
21 graphics or visual images of any kind, or any combination thereof, which
22 bear a health warning required by federal statute, the purpose or effect
23 of which is to identify a brand of a tobacco product, electronic ciga-
24 rette, or vapor product intended or reasonably expected to be used with
25 or for the consumption of nicotine, a trademark of a tobacco product,
26 electronic cigarette, or vapor product intended or reasonably expected
27 to be used with or for the consumption of nicotine or a trade name asso-
28 ciated exclusively with a tobacco product, electronic cigarette, or
29 vapor product intended or reasonably expected to be used with or for the
30 consumption of nicotine or to promote the use or sale of a tobacco prod-
31 uct, electronic cigarette, or vapor product intended or reasonably
32 expected to be used with or for the consumption of nicotine.

33 (b) "Smoking paraphernalia" means any pipe, water pipe, hookah, roll-
34 ing papers, electronic cigarette, vaporizer or any other device, equip-
35 ment or apparatus designed for the inhalation of tobacco or nicotine.

36 (c) "Vapor product" means any vapor product, as defined by section
37 thirteen hundred ninety-nine-aa of this article, intended or reasonably
38 expected to be used with or for the consumption of nicotine.

39 (d) "Tobacco products" shall have the same meaning as in subdivision
40 five of section thirteen hundred ninety-nine-aa of this article.

41 (e) "Electronic cigarette" shall have the same meaning as in subdivi-
42 sion thirteen of section thirteen hundred ninety-nine-aa of this arti-
43 cle.

44 2. (a) No person, corporation, partnership, sole proprietor, limited
45 partnership, association or any other business entity may place, cause
46 to be placed, maintain or to cause to be maintained, smoking parapher-
47 naliam or tobacco product, electronic cigarette, or vapor product
48 intended or reasonably expected to be used with or for the consumption
49 of nicotine advertisements in a store front or exterior window or any
50 door which is used for entry or egress by the public to the building or
51 structure containing a place of business within one thousand five
52 hundred feet of a school, provided that within New York city such prohi-
53 bitions shall only apply within five hundred feet of a school.

54 (b) Any person, corporation, partnership, sole proprietor, limited
55 partnership, association or any other business entity in violation of
56 this section shall be subject to a civil penalty of not more than five



1 hundred dollars for a first violation and not more than one thousand
2 dollars for a second or subsequent violation.

3 § 14. The general business law is amended by adding a new section
4 396-aaa to read as follows:

5 § 396-aaa. Public display of tobacco and electronic cigarette adver-
6 tisements and smoking paraphernalia prohibited. 1. For purposes of this
7 section:

8 (a) "Advertisement" means words, pictures, photographs, symbols,
9 graphics or visual images of any kind, or any combination thereof, which
10 bear a health warning required by federal statute, the purpose or effect
11 of which is to identify a brand of a tobacco product, electronic ciga-
12 rette, or vapor product intended or reasonably expected to be used with
13 or for the consumption of nicotine, a trademark of a tobacco product,
14 electronic cigarette, or vapor product intended or reasonably expected
15 to be used with or for the consumption of nicotine or a trade name asso-
16 ciated exclusively with a tobacco product, electronic cigarette, or
17 vapor product intended or reasonably expected to be used with or for the
18 consumption of nicotine, or to promote the use or sale of a tobacco
19 product, electronic cigarette, or vapor product intended or reasonably
20 expected to be used with or for the consumption of nicotine.

21 (b) "Smoking paraphernalia" means any pipe, water pipe, hookah, roll-
22 ing papers, electronic cigarette, vaporizer or any other device, equip-
23 ment or apparatus designed for the inhalation of tobacco or nicotine.

24 (c) "Vapor product" means any vapor product, as defined by section
25 thirteen hundred ninety-nine-aa of the public health law, intended or
26 reasonably expected to be used with or for the consumption of nicotine.

27 (d) "Tobacco products" shall have the same meaning as in subdivision
28 five of section thirteen hundred ninety-nine-aa of the public health
29 law.

30 (e) "Electronic cigarette" shall have the same meaning as in subdivi-
31 sion thirteen of section thirteen hundred ninety-nine-aa of the public
32 health law.

33 2. (a) No person, corporation, partnership, sole proprietor, limited
34 partnership, association or any other business entity may place, cause
35 to be placed, maintain or to cause to be maintained, smoking paraper-
36 nalia or tobacco product, electronic cigarette, or vapor product
37 intended or reasonably expected to be used with or for the consumption
38 of nicotine, advertisements in a store front or any exterior window or
39 any door which is used for entry or egress by the public to the building
40 or structure containing a place of business within one thousand five
41 hundred feet of a school, provided that within New York city such prohi-
42 bitions shall only apply within five hundred feet of a school.

43 (b) Any person, corporation, partnership, sole proprietor, limited
44 partnership, association or any other business entity in violation of
45 this section shall be subject to a civil penalty of not more than five
46 hundred dollars for a first violation and not more than one thousand
47 dollars for a second or subsequent violation.

48 § 15. If any clause, sentence, paragraph, subdivision, or section of
49 this part shall be adjudged by any court of competent jurisdiction to be
50 invalid, such judgment shall not affect, impair, or invalidate the
51 remainder thereof, but shall be confined in its operation to the clause,
52 sentence, paragraph, subdivision, or section thereof directly involved
53 in the controversy in which such judgment shall have been rendered. It
54 is hereby declared to be the intent of the legislature that this act
55 would have been enacted even if such invalid provisions had not been
56 included herein.



1 § 16. This act shall take effect July 1, 2020; provided, however, that
2 section one of this act shall take effect on the forty-fifth day after
3 it shall have become a law. Effective immediately, the addition, amend-
4 ment and/or repeal of any rule or regulation necessary for the implemen-
5 tation of this act on its effective date are authorized to be made and
6 completed on or before such effective date.

7 PART FF

8 Section 1. Subdivision 1 of section 356 of the public health law, as
9 amended by chapter 163 of the laws of 1975, is amended to read as
10 follows:

11 1. The legislative body of each county having a population of less
12 than one hundred fifty thousand according to the nineteen hundred seven-
13 ty federal decennial census or the legislative body of any county whose
14 population shall be less than one hundred fifty thousand under any
15 future federal decennial census, except a county in which a county or
16 part-county health district has been established under this article or a
17 county having a county charter, optional or alternative form of govern-
18 ment, shall constitute the board of health of such county and shall have
19 all the powers and duties of a board of health of a county or part-coun-
20 ty health district including the power to appoint a full-time or part-
21 time county health director. The county health director may serve as
22 director of the [physically handicapped children's] children and youth
23 with special health care needs support services program and may employ
24 such persons as shall be necessary to enable [him] the county health
25 director to carry into effect the orders and regulations of the board of
26 health and the provisions of this chapter and of the sanitary code, and
27 fix their compensation within the limits of the appropriation therefor.
28 The members of a [legislative] legislative body shall not receive addi-
29 tional compensation by reason of serving as members of a board of
30 health. The county health director, so appointed, shall have all the
31 powers and duties prescribed in section three hundred fifty-two of this
32 [article] title.

33 § 2. The section heading and subdivisions 1 and 2 of section 608 of
34 the public health law, as added by chapter 901 of the laws of 1986, are
35 amended to read as follows:

36 State aid; [physically handicapped children] children and youth with
37 special health care needs support services. 1. Whenever the commission-
38 er of health of any county or part-county health district or, in a coun-
39 ty lacking a county or part-county health district, the medical director
40 of the [physically handicapped children's] children and youth with
41 special health care needs support services program, or the department of
42 health of the city of New York, issues an authorization for medical
43 service for a [physically handicapped] child with physical disabilities,
44 such county or the city of New York shall be granted state aid in an
45 amount of fifty per centum of the amount expended in accordance with the
46 rules and regulations established by the commissioner, except that such
47 state aid reimbursement may be withheld if, on post-audit and review,
48 the commissioner finds that the medical service rendered and furnished
49 was not in conformance with a plan submitted by the municipality and
50 with the rules and regulations established by the commissioner or that
51 the recipient of the medical service was not a [physically handicapped]
52 child with a physical disability as defined in section two thousand five
53 hundred eighty-one of this chapter.

2. Whenever a court of any county issues an order for medical services for any [physically handicapped] Indian child with a physical disability, residing on an Indian reservation, such county shall be granted state aid in the amount of one hundred percent of the amount expended in accordance with the standards established by the commissioner. Such reimbursement shall be made from any funds appropriated to the department for payment of state aid for [care of physically handicapped] children with physical disabilities.

§ 3. Subdivision 10 of section 2511 of the public health law, as amended by chapter 2 of the laws of 1998, is amended to read as follows:

10. Notwithstanding any other law or agreement to the contrary, and except in the case of a child or children who also becomes eligible for medical assistance, benefits under this title shall be considered secondary to any other plan of insurance or benefit program, except the [physically handicapped children's] children and youth with special health care needs support services program and the early intervention program, under which an eligible child may have coverage.

§ 4. This act shall take effect immediately.

PART GG

Section 1. Paragraph (e) of subdivision 7 of section 367-a of the social services law, as amended by section 5-a of part T of chapter 57 of the laws of 2018, is amended to read as follows:

(e) During the period from April first, two thousand fifteen through March thirty-first, two thousand [twenty] twenty-three, the commissioner may, in lieu of a managed care provider or pharmacy benefit manager, negotiate directly and enter into an [agreement] arrangement with a pharmaceutical manufacturer for the provision of supplemental rebates relating to pharmaceutical utilization by enrollees of managed care providers pursuant to section three hundred sixty-four-j of this title and may also negotiate directly and enter into such an agreement relating to pharmaceutical utilization by medical assistance recipients not so enrolled. Such [rebates] rebate arrangements shall be limited to [drug utilization in] the following [classes]: antiretrovirals approved by the FDA for the treatment of HIV/AIDS [and], opioid dependence agents and opioid antagonists listed in a statewide formulary established pursuant to subparagraph (vii) of this paragraph, hepatitis C agents, high cost drugs as provided for in subparagraph (viii) of this paragraph, gene therapies as provided for in subparagraph (ix) of this paragraph, and any other class or drug designated by the commissioner for which the pharmaceutical manufacturer has in effect a rebate [agreement] arrangement with the federal secretary of health and human services pursuant to 42 U.S.C. § 1396r-8, and for which the state has established standard clinical criteria. No agreement entered into pursuant to this paragraph shall have an initial term or be extended beyond the expiration or repeal of this paragraph.

(i) The manufacturer shall not [pay supplemental rebates to] enter into any rebate arrangements with a managed care provider, or any of a managed care provider's agents, including but not limited to any pharmacy benefit manager on the [two] gene therapy, drug, or drug classes [of drugs] subject to this paragraph when the state [is collecting supplemental rebates] has a rebate arrangement in place and standard clinical criteria are imposed on the managed care provider.

(ii) The commissioner shall establish adequate rates of reimbursement which shall take into account both the impact of the commissioner nego-



1 tiating such [rebates] arrangements and any limitations imposed on the
2 managed care provider's ability to establish clinical criteria relating
3 to the utilization of such drugs. In developing the managed care provid-
4 er's reimbursement rate, the commissioner shall identify the amount of
5 reimbursement for such drugs as a separate and distinct component from
6 the reimbursement otherwise made for prescription drugs as prescribed by
7 this section.

8 (iii) The commissioner shall submit a report to the temporary presi-
9 dent of the senate and the speaker of the assembly annually by December
10 thirty-first. The report shall analyze the adequacy of rates to managed
11 care providers for drug expenditures related to the classes under this
12 paragraph.

13 (iv) Nothing in this paragraph shall be construed to require a pharma-
14 ceutical manufacturer to enter into a [supplemental rebate agreement
15 with the commissioner] rebate arrangement satisfactory to the commis-
16 sioner relating to pharmaceutical utilization by enrollees of managed
17 care providers pursuant to section three hundred sixty-four-j of this
18 title or relating to pharmaceutical utilization by medical assistance
19 recipients not so enrolled.

20 (v) All clinical criteria, including requirements for prior approval,
21 and all utilization review determinations established by the state as
22 described in this paragraph for [either of] the [drug] gene therapies,
23 drugs, or drug classes subject to this paragraph shall be developed
24 using evidence-based and peer-reviewed clinical review criteria in
25 accordance with article two-A of the public health law, as applicable.

26 (vi) All prior authorization and utilization review determinations
27 related to the coverage of any drug subject to this paragraph shall be
28 subject to article forty-nine of the public health law, section three
29 hundred sixty-four-j of this title, and article forty-nine of the insur-
30 ance law, as applicable. Nothing in this paragraph shall diminish any
31 rights relating to access, prior authorization, or appeal relating to
32 any drug class or drug afforded to a recipient under any other provision
33 of law.

34 (vii) The department shall publish a statewide formulary of opioid
35 dependence agents and opioid antagonists, which shall include as
36 "preferred drugs" all drugs in such classes, which shall include all
37 subclasses of a given drug that have a different pharmacological route
38 of administration, provided that:

39 (A) for all drugs that are included as of the date of the enactment of
40 this subparagraph on a formulary of a managed care provider, as defined
41 in section three hundred sixty-four-j of this title, or in the Medicaid
42 fee-for-service preferred drug program pursuant to section two hundred
43 seventy-two of the public health law, the cost to the department for
44 such drug is equal to or less than the lowest cost paid for the drug by
45 any managed care provider or by the Medicaid fee-for-service program
46 after the application of any rebates, as of the date that the department
47 implements the statewide formulary established by this subparagraph.
48 Where there is a generic version of the drug approved by the Food and
49 Drug Administration as bioequivalent to a brand name drug pursuant to 21
50 U.S.C. § 355(j)(8)(B), the cost to the department for the brand and
51 generic versions shall be equal to or less than the lower of the two
52 maximum costs determined pursuant to the previous sentence; and

53 (B) for all drugs that are not included as of the date of the enact-
54 ment of this subparagraph on a formulary of a managed care provider, as
55 defined in section three hundred sixty-four-j of this title, or in the
56 Medicaid fee-for-service preferred drug program pursuant to section two



1 hundred seventy-two of the public health law, the department is able to
2 obtain the drug at a cost that is equal to or less than the lowest cost
3 to the department of other comparable drugs in the class, after the
4 application of any rebates. Where there is a generic version of the drug
5 approved by the Food and Drug Administration as bioequivalent to a brand
6 name drug pursuant to 21 U.S.C. § 355(j)(8)(B), the cost to the depart-
7 ment for the brand and generic versions shall be equal to or less than
8 the lower of the two maximum costs determined pursuant to the previous
9 sentence.

10 (viii) The commissioner may identify and refer high cost drugs, as
11 defined in clause (D) of this subparagraph, that are not included as of
12 the date of the enactment of this subparagraph on a formulary of a
13 managed care provider or covered by the Medicaid fee for service of
14 program to the drug utilization review board established by section
15 three hundred sixty-nine-bb of this article for a recommendation as to
16 whether a target supplemental Medicaid rebate should be paid by the
17 manufacturer of the drug to the department and the target amount of the
18 rebate.

19 (A) If the commissioner intends to refer a high cost drug to the drug
20 utilization review board pursuant to this subparagraph, the commissioner
21 shall notify the manufacturer of such drug and shall attempt to reach
22 agreement with the manufacturer on a rebate arrangement satisfactory to
23 the commissioner for the drug prior to referring the drug to the drug
24 utilization review board for review. Such arrangement may be based on
25 evidence based research, including, but not limited to, such research
26 operated or conducted by or for other state governments, the federal
27 government, the governments of other nations, and third party payers or
28 multi-state coalitions, provided however that the department shall
29 account for the effectiveness of the drug in treating the conditions for
30 which it is prescribed or in improving a patient's health, quality of
31 life, or overall health outcomes, and the likelihood that use of the
32 drug will reduce the need for other medical care, including hospitaliza-
33 tion.

34 (B) In the event that the commissioner and the manufacturer have
35 previously agreed to a rebate arrangement for a drug pursuant to this
36 paragraph, the drug shall not be referred to the drug utilization review
37 board for any further rebate agreement for the duration of the previous
38 rebate agreement, provided however, the commissioner may refer a drug to
39 the drug utilization review board if the commissioner determines there
40 are significant and substantiated utilization or market changes, new
41 evidence-based research, or statutory or federal regulatory changes that
42 warrant additional rebates. In such cases, the department shall notify
43 the manufacturer and provide evidence of the changes or research that
44 would warrant additional rebates, and shall attempt to reach agreement
45 with the manufacturer on a rebate for the drug prior to referring the
46 drug to the drug utilization review board for review.

47 (C) If the commissioner is unsuccessful in entering into a rebate
48 arrangement with the manufacturer of the drug satisfactory to the
49 department, the drug manufacturer shall in that event be required to
50 provide to the department, on a standard reporting form developed by the
51 department, the information as described in subdivision six of section
52 two hundred eighty of the public health law. All information disclosed
53 pursuant to this clause shall be considered confidential and shall not
54 be disclosed by the department in a form that identifies a specific
55 manufacturer or prices charged for drugs by such manufacturer.



(D) For the purposes of this subparagraph, the term "high cost drug" shall mean a brand name drug or biologic that has a launch wholesale acquisition cost of thirty thousand dollars or more per year or course of treatment, or a biosimilar drug that has a launch wholesale acquisition cost that is not at least fifteen percent lower than the referenced brand biologic at the time the biosimilar is launched, or a generic drug that has a wholesale acquisition cost of one hundred dollars or more for a thirty day supply or recommended dosage approved for labeling by the federal Food and Drug Administration, or a brand name drug or biologic that has a wholesale acquisition cost increase of three thousand dollars or more in any twelve-month period, or course of treatment if less than twelve months.

(ix) For purposes of this paragraph, a "gene therapy" is a drug (A) approved under section 505 of the Federal Food, Drug and Cosmetics Act or licensed under subsection (a) or (k) of section 351 of the Public Health Services Act; (B) that treats a rare disease or condition, as defined in 21 USC § 360bb(a)(2), that is life-threatening, as defined in 42 CFR 321.18; (C) is considered a gene therapy by the federal Food and Drug Administration for which a biologics license pursuant to 21 CFR 600-680 is held; (D) if administered in accordance with the labeling of such drug, is expected to result in either the cure of such disease or condition or a reduction in the symptoms of such disease or condition that materially improves the patient's length or quality of life; and (E) is expected to achieve the result described in clause (D) of this subparagraph after not more than three administrations.

§ 2. Paragraph (a) of subdivision 3 of section 273 of the public health law, as added by section 10 of part C of chapter 58 of the laws of 2005, is amended and a new paragraph (a-1) is added to read as follows:

(a) When a patient's health care provider prescribes a prescription drug that is not on the preferred drug list or the statewide formulary of opioid dependence agents and opioid antagonists established pursuant to subparagraph (vii) of paragraph (e) of subdivision seven of section three hundred sixty-seven-a of the social services law, the prescriber shall consult with the program to confirm that in his or her reasonable professional judgment, the patient's clinical condition is consistent with the criteria for approval of the non-preferred drug. Such criteria shall include:

(i) the preferred drug has been tried by the patient and has failed to produce the desired health outcomes;

(ii) the patient has tried the preferred drug and has experienced unacceptable side effects;

(iii) the patient has been stabilized on a non-preferred drug and transition to the preferred drug would be medically contraindicated; or

(iv) other clinical indications identified by the [committee for the patient's use of the non-preferred drug] drug utilization review board established pursuant to section three hundred sixty-nine-bb of the social services law, which shall include consideration of the medical needs of special populations, including children, elderly, chronically ill, persons with mental health conditions, and persons affected by HIV/AIDS, pregnant persons, and persons with an opioid use disorder.

(a-1) When a patient's health care provider prescribes a prescription drug that is on the statewide formulary of opioid dependence agents and opioid antagonists established pursuant to subparagraph (vii) of paragraph (e) of subdivision seven of section three hundred sixty-seven-a of the social services law, the department shall not require prior authori-



1 zation unless required by the department's drug use review program
2 established pursuant to section 1927(g) of the Social Security Act.

3 § 3. The opening paragraph of paragraph (a) of subdivision 6 of
4 section 280 of the public health law, as amended by section 8 of part D
5 of chapter 57 of the laws of 2018, is amended to read as follows:

6 If the drug utilization review board recommends a target rebate amount
7 or if the commissioner identifies a drug as a high cost drug pursuant to
8 subparagraph (vii) of paragraph (e) of subdivision 7 of section three
9 hundred sixty-seven-a of the social services law and the department is
10 unsuccessful in entering into a rebate [agreement] arrangement with the
11 manufacturer of the drug satisfactory to the department, the drug
12 manufacturer shall in that event be required to provide to the depart-
13 ment, on a standard reporting form developed by the department, the
14 following information:

15 § 4. Paragraph (a) of subdivision 7 of section 280 of the public
16 health law, as amended by section 8 of part B of chapter 57 of the laws
17 of 2019, is amended to read as follows:

18 (a) If, after taking into account all rebates and supplemental rebates
19 received by the department, including rebates received to date pursuant
20 to this section, total Medicaid drug expenditures are still projected to
21 exceed the annual growth limitation imposed by subdivision two of this
22 section, the commissioner may: subject any drug of a manufacturer
23 referred to the drug utilization review board under this section to
24 prior approval in accordance with existing processes and procedures when
25 such manufacturer has not entered into a supplemental rebate [agreement]
26 arrangement as required by this section; direct a managed care plan to
27 limit or reduce reimbursement for a drug provided by a medical practi-
28 tioner if the drug utilization review board recommends a target rebate
29 amount for such drug and the manufacturer has failed to enter into a
30 rebate arrangement required by this section; direct managed care plans
31 to remove from their Medicaid formularies [those] any drugs of a
32 manufacturer who has a drug that the drug utilization review board
33 recommends a target rebate amount for and the manufacturer has failed to
34 enter into a rebate [agreement] arrangement required by this section;
35 promote the use of cost effective and clinically appropriate drugs other
36 than those of a manufacturer who has a drug that the drug utilization
37 review board recommends a target rebate amount and the manufacturer has
38 failed to enter into a rebate [agreement] arrangement required by this
39 section; allow manufacturers to accelerate rebate payments under exist-
40 ing rebate contracts; and such other actions as authorized by law. The
41 commissioner shall provide written notice to the legislature thirty days
42 prior to taking action pursuant to this paragraph, unless action is
43 necessary in the fourth quarter of a fiscal year to prevent total Medi-
44 caid drug expenditures from exceeding the limitation imposed by subdivi-
45 sion two of this section, in which case such notice to the legislature
46 may be less than thirty days.

47 § 5. Section 364-j of the social services law is amended by adding a
48 new subdivision 38 to read as follows:

49 38. (a) When a patient's health care provider prescribes an opioid
50 dependence agent or opioid antagonist that is not on the statewide
51 formulary of opioid dependence agents and opioid antagonists, the pres-
52 criber shall consult with the managed care plan to confirm that in his
53 or her reasonable professional judgment, the patient's clinical condi-
54 tion is consistent with the criteria for approval of the non-preferred
55 or non-formulary drug. Such criteria shall include:



1 (i) the preferred drug has been tried by the patient and has failed to
2 produce the desired health outcomes;

3 (ii) the patient has tried the preferred drug and has experienced
4 unacceptable side effects;

5 (iii) the patient has been stabilized on a non-preferred drug and
6 transition to the preferred or formulary drug would be medically
7 contraindicated; or

8 (iv) other clinical indications identified by the committee for the
9 patient's use of the non-preferred drug, which shall include consider-
10 ation of the medical needs of special populations, including children,
11 elderly, chronically ill, persons with mental health conditions, persons
12 affected by HIV/AIDS and pregnant persons with a substance use disorder.

13 (b) The managed care plan shall have a process for a patient, or the
14 patient's prescribing health care provider, to request a review for a
15 prescription drug that is not on the statewide formulary of opioid
16 dependence agents and opioid antagonists, consistent with 42 C.F.R.
17 438.210(d), or any successor regulation.

18 (c) A managed care plan's failure to comply with the requirements of
19 this subdivision shall be subject to a one thousand dollar fine per
20 violation.

21 § 6. Section 364-j of the social services law is amended by adding a
22 new subdivision 26-c to read as follows:

23 26-c. Managed care providers shall not require prior authorization for
24 methadone, when used for opioid use disorder and administered or
25 dispensed in an opioid treatment program.

26 § 7. Subdivision 10 of section 273 of the public health law, as added
27 by section 5 of part B of chapter 69 of the laws of 2016, is amended to
28 read as follows:

29 10. Prior authorization shall not be required for an initial or
30 renewal prescription for buprenorphine or injectable naltrexone for
31 detoxification or maintenance treatment of opioid addiction unless the
32 prescription is for a non-preferred or non-formulary form of such drug
33 as otherwise required by section 1927(k)(6) of the Social Security Act.
34 Further, prior authorization shall not be required for methadone, when
35 used for opioid use disorder and administered or dispensed in an opioid
36 treatment program.

37 § 8. Subdivision 1 of section 60 of part B of chapter 57 of the laws
38 of 2015, amending the social services law and other laws relating to
39 supplemental rebates, as amended by section 5-b of part T of chapter 57
40 of the laws of 2018, is amended to read as follows:

41 1. section one of this act shall expire and be deemed repealed March
42 31, [2023] 2026;

43 § 9. Subdivision (c) of section 62 of chapter 165 of the laws of 1991,
44 amending the public health law and other laws relating to establishing
45 payments for medical assistance, as amended by section 16 of part Z of
46 chapter 57 of the laws of 2018, is amended to read as follows:

47 (c) section 364-j of the social services law, as amended by section
48 eight of this act and subdivision 6 of section 367-a of the social
49 services law as added by section twelve of this act shall expire and be
50 deemed repealed on March 31, [2024] 2026 and provided further, that the
51 amendments to the provisions of section 364-j of the social services law
52 made by section eight of this act shall only apply to managed care
53 programs approved on or after the effective date of this act;

54 § 10. Section 11 of chapter 710 of the laws of 1988, amending the
55 social services law and the education law relating to medical assistance
56 eligibility of certain persons and providing for managed medical care



demonstration programs, as amended by section 18 of part Z of chapter 57 of the laws of 2018, is amended to read as follows:

§ 11. This act shall take effect immediately; except that the provisions of sections one, two, three, four, eight and ten of this act shall take effect on the ninetieth day after it shall have become a law; and except that the provisions of sections five, six and seven of this act shall take effect January 1, 1989; and except that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date; provided, however, that the provisions of section 364-j of the social services law, as added by section one of this act shall expire and be deemed repealed on and after March 31, [2024] 2026, the provisions of section 364-k of the social services law, as added by section two of this act, except subdivision 10 of such section, shall expire and be deemed repealed on and after January 1, 1994, and the provisions of subdivision 10 of section 364-k of the social services law, as added by section two of this act, shall expire and be deemed repealed on January 1, 1995.

§ 11. This act shall take effect immediately, provided however, that:

a. the amendments to paragraph (e) of subdivision 7 of section 367-a of the social services law made by section one of this act shall not affect the repeal of such paragraph and shall be deemed expired therewith;

b. the provisions of section two of this act shall expire March 31, 2026, when upon such date the provisions of such section shall be deemed repealed;

c. the amendments to section 364-j of the social services law made by sections five and six of this act shall not affect the repeal of such section and shall be deemed repealed therewith;

d. the statewide formulary of opioid dependence agents and opioid antagonists authorized by this act shall be implemented within six months after it shall have become a law;

e. Provided further, however, that the director of the budget may, in consultation with the commissioner of health, delay the effective dates prescribed herein for a period of time which shall not exceed 90 days following the conclusion or termination of an executive order issued pursuant to section 28 of the executive law declaring a state disaster emergency for the entire state of New York, upon such delay the director of the budget shall notify the chairs of the assembly ways and means committee and senate finance committee and the chairs of the assembly and senate health committee; provided further, however, that the director of the budget shall notify the legislative bill drafting commission upon the occurrence of a delay in the effective date of this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

PART HH

Section 1. Paragraphs (t), (v) and (w) of subdivision 2 of section 2999-cc of the public health law, paragraph (v) as added and paragraphs (t) and (w) as amended by section 1 of subpart C of part S of chapter 57 of the laws of 2018, are amended and a new paragraph (x) is added to read as follows:



1 (t) credentialed alcoholism and substance abuse counselors creden-
2 tialed by the office of [alcoholism and substance abuse services]
3 addiction services and supports or by a credentialing entity approved by
4 such office pursuant to section 19.07 of the mental hygiene law;

5 (v) clinics licensed or certified under article sixteen of the mental
6 hygiene law and certified and non-certified day and residential programs
7 funded or operated by the office for people with developmental disabili-
8 ties; [and]

9 (w) a care manager employed by or under contract to a health home
10 program, patient centered medical home, office for people with develop-
11 mental disabilities Care Coordination Organization (CCO), hospice or a
12 voluntary foster care agency certified by the office of children and
13 family services certified and licensed pursuant to article twenty-nine-i
14 of this chapter; and

15 (x) any other provider as determined by the commissioner pursuant to
16 regulation or, in consultation with the commissioner, by the commission-
17 er of the office of mental health, the commissioner of the office of
18 [alcoholism and substance abuse services] addiction services and
19 supports, or the commissioner of the office for people with develop-
20 mental disabilities pursuant to regulation.

21 § 2. Subdivision 1 of section 2999-dd of the public health law, as
22 amended by section 4 of subpart C of part S of chapter 57 of the laws of
23 2018, is amended to read as follows:

24 1. Health care services delivered by means of telehealth shall be
25 entitled to reimbursement under section three hundred sixty-seven-u of
26 the social services law; provided however, reimbursement for additional
27 modalities, provider categories and originating sites specified in
28 accordance with section twenty-nine hundred ninety-nine-ee of this arti-
29 cle shall be contingent upon federal financial participation.

30 § 3. The public health law is amended by adding a new section 2999-ee
31 to read as follows:

32 § 2999-ee. Increased application of telehealth. In order to increase
33 the application of telehealth in behavioral health, oral health, mater-
34 nity care, care management, services provided in emergency departments,
35 and services provided to certain high-need populations to the extent
36 such services are deemed appropriate for the populations served, and
37 notwithstanding the definitions set forth in section twenty-nine hundred
38 ninety-nine-cc of this article, in consultation with the commissioner of
39 the office of children and family services, the commissioner of the
40 office of mental health, the commissioner of the office of addiction
41 services and supports, or the commissioner of the office for people with
42 developmental disabilities, as applicable, the commissioner may specify
43 in regulation additional acceptable modalities for the delivery of
44 health care services via telehealth, including but not limited to audi-
45 o-only telephone communications, online portals and survey applications,
46 and may specify additional categories of originating sites at which a
47 patient may be located at the time health care services are delivered to
48 the extent such additional modalities and originating sites are deemed
49 appropriate for the populations served.

50 § 4. This act shall take effect immediately and shall be deemed to
51 have been in full force and effect on or after April 1, 2020. Provided
52 further, however, that the director of the budget may, in consultation
53 with the commissioner of health, delay the effective dates prescribed
54 herein for a period of time which shall not exceed ninety days following
55 the conclusion or termination of an executive order issued pursuant to
56 section 28 of the executive law declaring a state disaster emergency for



1 the entire state of New York, upon such delay the director of the budget
2 shall notify the chairs of the assembly ways and means committee and
3 senate finance committee and the chairs of the assembly and senate
4 health committee; provided further, however, that the director of the
5 budget shall notify the legislative bill drafting commission upon the
6 occurrence of a delay in the effective date of this act in order that
7 the commission may maintain an accurate and timely effective data base
8 of the official text of the laws of the state of New York in furtherance
9 of effectuating the provisions of section 44 of the legislative law and
10 section 70-b of the public officers law.

11 PART II

12 Section 1. The commissioner of health is authorized to establish the
13 following pilot programs in one or more counties or regions of the state
14 for the purpose of promoting social determinant of health interventions:
15 up to three projects targeted at the provision of medically tailored
16 meals tailored to individuals diagnosed with cancer, diabetes, heart
17 failure and/or HIV/AIDS and who have had one or more hospitalizations
18 within a year; up to five medical respite programs to provide care to
19 homeless patients who are too sick to be on the streets or in a tradi-
20 tional shelter but not sick enough to warrant inpatient hospitalization;
21 and a street medicine program to allow diagnostic and treatment centers
22 licensed under article 28 of the public health law to bill for certain
23 services provided at offsite locations in order to serve the chronically
24 street homeless population. The requirements for which programs qualify
25 as "medically tailored meals," "medical respite," and "street medicine"
26 will be further defined in the course of each pilot program with a focus
27 on providing the most effective care to participants in the program.

28 § 2. This act shall take effect September 1, 2020. Provided, however,
29 that the director of the budget may, in consultation with the commis-
30 sioner of health, delay the effective date prescribed herein for a peri-
31 od of time which shall not exceed ninety days following the conclusion
32 or termination of an executive order issued pursuant to section 28 of
33 the executive law declaring a state disaster emergency for the entire
34 state of New York and that upon such delay the director of the budget
35 shall notify the chairs of the assembly ways and means committee and the
36 senate finance committee and the chairs of the assembly and senate
37 health committees; provided further, however, that the director of the
38 budget shall notify the legislative bill drafting commission upon the
39 occurrence of a delay in the effective date of this act in order that
40 the commission may maintain an accurate and timely effective data base
41 of the official text of the laws of the state of New York in furtherance
42 of effectuating the provisions of section 44 of the legislative law and
43 section 70-b of the public officers law.

44 PART JJ

45 Section 1. The state comptroller is hereby authorized and directed to
46 loan money in accordance with the provisions set forth in subdivision 5
47 of section 4 of the state finance law to the following funds and/or
48 accounts:

- 49 1. DOL-Child performer protection account (20401).
- 50 2. Proprietary vocational school supervision account (20452).
- 51 3. Local government records management account (20501).
- 52 4. Child health plus program account (20810).



- 1 5. EPIC premium account (20818).
- 2 6. Education - New (20901).
- 3 7. VLT - Sound basic education fund (20904).
- 4 8. Sewage treatment program management and administration fund
- 5 (21000).
- 6 9. Hazardous bulk storage account (21061).
- 7 10. Utility environmental regulatory account (21064).
- 8 11. Federal grants indirect cost recovery account (21065).
- 9 12. Low level radioactive waste account (21066).
- 10 13. Recreation account (21067).
- 11 14. Public safety recovery account (21077).
- 12 15. Environmental regulatory account (21081).
- 13 16. Natural resource account (21082).
- 14 17. Mined land reclamation program account (21084).
- 15 18. Great lakes restoration initiative account (21087).
- 16 19. Environmental protection and oil spill compensation fund (21200).
- 17 20. Public transportation systems account (21401).
- 18 21. Metropolitan mass transportation (21402).
- 19 22. Operating permit program account (21451).
- 20 23. Mobile source account (21452).
- 21 24. Statewide planning and research cooperative system account
- 22 (21902).
- 23 25. New York state thruway authority account (21905).
- 24 26. Mental hygiene program fund account (21907).
- 25 27. Mental hygiene patient income account (21909).
- 26 28. Financial control board account (21911).
- 27 29. Regulation of racing account (21912).
- 28 30. State university dormitory income reimbursable account (21937).
- 29 31. Criminal justice improvement account (21945).
- 30 32. Environmental laboratory reference fee account (21959).
- 31 33. Training, management and evaluation account (21961).
- 32 34. Clinical laboratory reference system assessment account (21962).
- 33 35. Indirect cost recovery account (21978).
- 34 36. High school equivalency program account (21979).
- 35 37. Multi-agency training account (21989).
- 36 38. Bell jar collection account (22003).
- 37 39. Industry and utility service account (22004).
- 38 40. Real property disposition account (22006).
- 39 41. Parking account (22007).
- 40 42. Courts special grants (22008).
- 41 43. Asbestos safety training program account (22009).
- 42 44. Camp Smith billeting account (22017).
- 43 45. Batavia school for the blind account (22032).
- 44 46. Investment services account (22034).
- 45 47. Surplus property account (22036).
- 46 48. Financial oversight account (22039).
- 47 49. Regulation of Indian gaming account (22046).
- 48 50. Rome school for the deaf account (22053).
- 49 51. Seized assets account (22054).
- 50 52. Administrative adjudication account (22055).
- 51 53. Federal salary sharing account (22056).
- 52 54. New York City assessment account (22062).
- 53 55. Cultural education account (22063).
- 54 56. Local services account (22078).
- 55 57. DHCR mortgage servicing account (22085).
- 56 58. Housing indirect cost recovery account (22090).



- 1 59. DHCR-HCA application fee account (22100).
- 2 60. Low income housing monitoring account (22130).
- 3 61. Corporation administration account (22135).
- 4 62. New York State Home for Veterans in the Lower-Hudson Valley
- 5 account (22144).
- 6 63. Deferred compensation administration account (22151).
- 7 64. Rent revenue other New York City account (22156).
- 8 65. Rent revenue account (22158).
- 9 66. Tax revenue arrearage account (22168).
- 10 67. New York state medical indemnity fund account (22240).
- 11 68. State university general income offset account (22654).
- 12 69. Lake George park trust fund account (22751).
- 13 70. State police motor vehicle law enforcement account (22802).
- 14 71. Highway safety program account (23001).
- 15 72. DOH drinking water program account (23102).
- 16 73. NYCCC operating offset account (23151).
- 17 74. Commercial gaming revenue account (23701).
- 18 75. Commercial gaming regulation account (23702).
- 19 76. Highway use tax administration account (23801).
- 20 77. New York state secure choice administrative account (23806).
- 21 78. Fantasy sports administration account (24951).
- 22 79. Highway and bridge capital account (30051).
- 23 80. Aviation purpose account (30053).
- 24 81. State university residence hall rehabilitation fund (30100).
- 25 82. State parks infrastructure account (30351).
- 26 83. Clean water/clean air implementation fund (30500).
- 27 84. Hazardous waste remedial cleanup account (31506).
- 28 85. Youth facilities improvement account (31701).
- 29 86. Housing assistance fund (31800).
- 30 87. Housing program fund (31850).
- 31 88. Highway facility purpose account (31951).
- 32 89. Information technology capital financing account (32215).
- 33 90. New York racing account (32213).
- 34 91. Capital miscellaneous gifts account (32214).
- 35 92. New York environmental protection and spill remediation account
- 36 (32219).
- 37 93. Mental hygiene facilities capital improvement fund (32300).
- 38 94. Correctional facilities capital improvement fund (32350).
- 39 95. New York State Storm Recovery Capital Fund (33000).
- 40 96. OGS convention center account (50318).
- 41 97. Empire Plaza Gift Shop (50327).
- 42 98. Centralized services fund (55000).
- 43 99. Archives records management account (55052).
- 44 100. Federal single audit account (55053).
- 45 101. Civil service EHS occupational health program account (55056).
- 46 102. Banking services account (55057).
- 47 103. Cultural resources survey account (55058).
- 48 104. Neighborhood work project account (55059).
- 49 105. Automation & printing chargeback account (55060).
- 50 106. OFT NYT account (55061).
- 51 107. Data center account (55062).
- 52 108. Intrusion detection account (55066).
- 53 109. Domestic violence grant account (55067).
- 54 110. Centralized technology services account (55069).
- 55 111. Labor contact center account (55071).
- 56 112. Human services contact center account (55072).



- 1 113. Tax contact center account (55073).
- 2 114. Department of law civil recoveries account (55074).
- 3 115. Executive direction internal audit account (55251).
- 4 116. CIO Information technology centralized services account (55252).
- 5 117. Health insurance internal service account (55300).
- 6 118. Civil service employee benefits division administrative account
- 7 (55301).
- 8 119. Correctional industries revolving fund (55350).
- 9 120. Employees health insurance account (60201).
- 10 121. Medicaid management information system escrow fund (60900).
- 11 122. New York state cannabis revenue fund.
- 12 123. Behavioral health parity compliance fund.

13 § 1-a. The state comptroller is hereby authorized and directed to loan
14 money in accordance with the provisions set forth in subdivision 5 of
15 section 4 of the state finance law to any account within the following
16 federal funds, provided the comptroller has made a determination that
17 sufficient federal grant award authority is available to reimburse such
18 loans:

- 19 1. Federal USDA-food and nutrition services fund (25000).
- 20 2. Federal health and human services fund (25100).
- 21 3. Federal education fund (25200).
- 22 4. Federal block grant fund (25250).
- 23 5. Federal miscellaneous operating grants fund (25300).
- 24 6. Federal unemployment insurance administration fund (25900).
- 25 7. Federal unemployment insurance occupational training fund (25950).
- 26 8. Federal emergency employment act fund (26000).
- 27 9. Federal capital projects fund (31350).

28 § 2. Notwithstanding any law to the contrary, and in accordance with
29 section 4 of the state finance law, the comptroller is hereby authorized
30 and directed to transfer, upon request of the director of the budget, on
31 or before March 31, 2021, up to the unencumbered balance or the follow-
32 ing amounts:

33 Economic Development and Public Authorities:

- 34 1. \$175,000 from the miscellaneous special revenue fund, underground
- 35 facilities safety training account (22172), to the general fund.
- 36 2. An amount up to the unencumbered balance from the miscellaneous
- 37 special revenue fund, business and licensing services account (21977),
- 38 to the general fund.
- 39 3. \$14,810,000 from the miscellaneous special revenue fund, code
- 40 enforcement account (21904), to the general fund.
- 41 4. \$3,000,000 from the general fund to the miscellaneous special
- 42 revenue fund, tax revenue arrearage account (22168).

43 Education:

- 44 1. \$2,523,000,000 from the general fund to the state lottery fund,
- 45 education account (20901), as reimbursement for disbursements made from
- 46 such fund for supplemental aid to education pursuant to section 92-c of
- 47 the state finance law that are in excess of the amounts deposited in
- 48 such fund for such purposes pursuant to section 1612 of the tax law.
- 49 2. \$978,000,000 from the general fund to the state lottery fund, VLT
- 50 education account (20904), as reimbursement for disbursements made from
- 51 such fund for supplemental aid to education pursuant to section 92-c of
- 52 the state finance law that are in excess of the amounts deposited in
- 53 such fund for such purposes pursuant to section 1612 of the tax law.
- 54 3. \$160,000,000 from the general fund to the New York state commercial
- 55 gaming fund, commercial gaming revenue account (23701), as reimbursement
- 56 for disbursements made from such fund for supplemental aid to education



1 pursuant to section 97-nnnn of the state finance law that are in excess
2 of the amounts deposited in such fund for purposes pursuant to section
3 1352 of the racing, pari-mutuel wagering and breeding law.

4 4. \$5,000,000 from the interactive fantasy sports fund, fantasy sports
5 education account (24950), to the state lottery fund, education account
6 (20901), as reimbursement for disbursements made from such fund for
7 supplemental aid to education pursuant to section 92-c of the state
8 finance law.

9 5. An amount up to the unencumbered balance from the charitable gifts
10 trust fund, elementary and secondary education account (24901), to the
11 general fund, for payment of general support for public schools pursuant
12 to section 3609-a of the education law.

13 6. Moneys from the state lottery fund (20900) up to an amount deposit-
14 ed in such fund pursuant to section 1612 of the tax law in excess of the
15 current year appropriation for supplemental aid to education pursuant to
16 section 92-c of the state finance law.

17 7. \$300,000 from the New York state local government records manage-
18 ment improvement fund, local government records management account
19 (20501), to the New York state archives partnership trust fund, archives
20 partnership trust maintenance account (20351).

21 8. \$900,000 from the general fund to the miscellaneous special revenue
22 fund, Batavia school for the blind account (22032).

23 9. \$900,000 from the general fund to the miscellaneous special revenue
24 fund, Rome school for the deaf account (22053).

25 10. \$343,400,000 from the state university dormitory income fund
26 (40350) to the miscellaneous special revenue fund, state university
27 dormitory income reimbursable account (21937).

28 11. \$8,318,000 from the general fund to the state university income
29 fund, state university income offset account (22654), for the state's
30 share of repayment of the STIP loan.

31 12. \$47,000,000 from the state university income fund, state universi-
32 ty hospitals income reimbursable account (22656) to the general fund for
33 hospital debt service for the period April 1, 2020 through March 31,
34 2021.

35 13. \$25,390,000 from the miscellaneous special revenue fund, office of
36 the professions account (22051), to the miscellaneous capital projects
37 fund, office of the professions electronic licensing account (32222).

38 14. \$24,000,000 from any of the state education department's special
39 revenue and internal service funds to the miscellaneous special revenue
40 fund, indirect cost recovery account (21978).

41 15. \$4,200,000 from any of the state education department's special
42 revenue or internal service funds to the capital projects fund (30000).

43 Environmental Affairs:

44 1. \$16,000,000 from any of the department of environmental conserva-
45 tion's special revenue federal funds to the environmental conservation
46 special revenue fund, federal indirect recovery account (21065).

47 2. \$5,000,000 from any of the department of environmental conserva-
48 tion's special revenue federal funds to the conservation fund (21150) or
49 Marine Resources Account (21151) as necessary to avoid diversion of
50 conservation funds.

51 3. \$3,000,000 from any of the office of parks, recreation and historic
52 preservation capital projects federal funds and special revenue federal
53 funds to the miscellaneous special revenue fund, federal grant indirect
54 cost recovery account (22188).



1 4. \$1,000,000 from any of the office of parks, recreation and historic
2 preservation special revenue federal funds to the miscellaneous capital
3 projects fund, I love NY water account (32212).

4 5. \$28,000,000 from the general fund to the environmental protection
5 fund, environmental protection fund transfer account (30451).

6 6. \$1,800,000 from the general fund to the hazardous waste remedial
7 fund, hazardous waste oversight and assistance account (31505).

8 7. An amount up to or equal to the cash balance within the special
9 revenue-other waste management & cleanup account (21053) to the capital
10 projects fund (30000) for services and capital expenses related to the
11 management and cleanup program as put forth in section 27-1915 of the
12 environmental conservation law.

13 8. \$3,600,000 from the miscellaneous special revenue fund, public
14 service account (22011) to the miscellaneous special revenue fund, util-
15 ity environmental regulatory account (21064).

16 9. \$4,000,000 from the general fund to the enterprise fund, state fair
17 account (50051).

18 Family Assistance:

19 1. \$7,000,000 from any of the office of children and family services,
20 office of temporary and disability assistance, or department of health
21 special revenue federal funds and the general fund, in accordance with
22 agreements with social services districts, to the miscellaneous special
23 revenue fund, office of human resources development state match account
24 (21967).

25 2. \$4,000,000 from any of the office of children and family services
26 or office of temporary and disability assistance special revenue federal
27 funds to the miscellaneous special revenue fund, family preservation and
28 support services and family violence services account (22082).

29 3. \$18,670,000 from any of the office of children and family services,
30 office of temporary and disability assistance, or department of health
31 special revenue federal funds and any other miscellaneous revenues
32 generated from the operation of office of children and family services
33 programs to the general fund.

34 4. \$125,000,000 from any of the office of temporary and disability
35 assistance or department of health special revenue funds to the general
36 fund.

37 5. \$2,500,000 from any of the office of temporary and disability
38 assistance special revenue funds to the miscellaneous special revenue
39 fund, office of temporary and disability assistance program account
40 (21980).

41 6. \$35,000,000 from any of the office of children and family services,
42 office of temporary and disability assistance, department of labor, and
43 department of health special revenue federal funds to the office of
44 children and family services miscellaneous special revenue fund, multi-
45 agency training contract account (21989).

46 7. \$205,000,000 from the miscellaneous special revenue fund, youth
47 facility per diem account (22186), to the general fund.

48 8. \$621,850 from the general fund to the combined gifts, grants, and
49 bequests fund, WB Hoyt Memorial account (20128).

50 9. \$5,000,000 from the miscellaneous special revenue fund, state
51 central registry (22028), to the general fund.

52 General Government:

53 1. \$1,566,000 from the miscellaneous special revenue fund, examination
54 and miscellaneous revenue account (22065) to the general fund.

55 2. \$12,000,000 from the general fund to the health insurance revolving
56 fund (55300).



1 3. \$292,400,000 from the health insurance reserve receipts fund
2 (60550) to the general fund.
3 4. \$150,000 from the general fund to the not-for-profit revolving loan
4 fund (20650).
5 5. \$150,000 from the not-for-profit revolving loan fund (20650) to the
6 general fund.
7 6. \$3,000,000 from the miscellaneous special revenue fund, surplus
8 property account (22036), to the general fund.
9 7. \$19,000,000 from the miscellaneous special revenue fund, revenue
10 arrearage account (22024), to the general fund.
11 8. \$1,826,000 from the miscellaneous special revenue fund, revenue
12 arrearage account (22024), to the miscellaneous special revenue fund,
13 authority budget office account (22138).
14 9. \$1,000,000 from the agencies enterprise fund, parking services
15 account (22007), to the general fund, for the purpose of reimbursing the
16 costs of debt service related to state parking facilities.
17 10. \$9,628,000 from the general fund to the centralized services fund,
18 COPS account (55013).
19 11. \$11,460,000 from the general fund to the agencies internal service
20 fund, central technology services account (55069), for the purpose of
21 enterprise technology projects.
22 12. \$10,000,000 from the general fund to the agencies internal service
23 fund, state data center account (55062).
24 13. \$20,000,000 from the miscellaneous special revenue fund, workers'
25 compensation account (21995), to the miscellaneous capital projects
26 fund, workers' compensation board IT business process design fund,
27 (32218).
28 14. \$12,000,000 from the agencies enterprise fund, parking services
29 account (22007), to the centralized services, building support services
30 account (55018).
31 15. \$30,000,000 from the general fund to the internal service fund,
32 business services center account (55022).
33 16. \$8,000,000 from the general fund to the internal service fund,
34 building support services account (55018).
35 17. \$1,500,000 from the agencies enterprise fund, special events
36 account (20120), to the general fund.
37 Health:
38 1. A transfer from the general fund to the combined gifts, grants and
39 bequests fund, breast cancer research and education account (20155), up
40 to an amount equal to the monies collected and deposited into that
41 account in the previous fiscal year.
42 2. A transfer from the general fund to the combined gifts, grants and
43 bequests fund, prostate cancer research, detection, and education
44 account (20183), up to an amount equal to the moneys collected and
45 deposited into that account in the previous fiscal year.
46 3. A transfer from the general fund to the combined gifts, grants and
47 bequests fund, Alzheimer's disease research and assistance account
48 (20143), up to an amount equal to the moneys collected and deposited
49 into that account in the previous fiscal year.
50 4. \$33,134,000 from the HCRA resources fund (20800) to the miscella-
51 neous special revenue fund, empire state stem cell trust fund account
52 (22161).
53 5. \$6,000,000 from the miscellaneous special revenue fund, certificate
54 of need account (21920), to the miscellaneous capital projects fund,
55 healthcare IT capital subfund (32216).



1 6. \$2,000,000 from the miscellaneous special revenue fund, vital
2 health records account (22103), to the miscellaneous capital projects
3 fund, healthcare IT capital subfund (32216).

4 7. \$2,000,000 from the miscellaneous special revenue fund, profes-
5 sional medical conduct account (22088), to the miscellaneous capital
6 projects fund, healthcare IT capital subfund (32216).

7 8. \$91,304,000 from the HCRA resources fund (20800) to the capital
8 projects fund (30000).

9 9. \$6,550,000 from the general fund to the medical marihuana trust
10 fund, health operation and oversight account (23755).

11 10. An amount up to the unencumbered balance from the miscellaneous
12 special revenue fund, certificate of need account (21920), to the gener-
13 al fund.

14 11. An amount up to the unencumbered balance from the charitable gifts
15 trust fund, health charitable account (24900), to the general fund, for
16 payment of general support for primary, preventive, and inpatient health
17 care, dental and vision care, hunger prevention and nutritional assist-
18 ance, and other services for New York state residents with the overall
19 goal of ensuring that New York state residents have access to quality
20 health care and other related services.

21 12. \$3,000,000 from the miscellaneous special revenue fund, New York
22 State cannabis revenue fund, to the general fund.

23 13. An amount up to the unencumbered balance from the public health
24 emergency charitable gifts trust fund to the general fund, for payment
25 of goods and services necessary to respond to a public health disaster
26 emergency or to assist or aid in responding to such a disaster.

27 Labor:

28 1. \$600,000 from the miscellaneous special revenue fund, DOL fee and
29 penalty account (21923), to the child performer's protection fund, child
30 performer protection account (20401).

31 2. \$11,700,000 from the unemployment insurance interest and penalty
32 fund, unemployment insurance special interest and penalty account
33 (23601), to the general fund.

34 3. \$5,000,000 from the miscellaneous special revenue fund, workers'
35 compensation account (21995), to the training and education program
36 occupation safety and health fund, OSHA-training and education account
37 (21251) and occupational health inspection account (21252).

38 Mental Hygiene:

39 1. \$10,000,000 from the general fund, to the miscellaneous special
40 revenue fund, federal salary sharing account (22056).

41 2. \$3,800,000 from the general fund, to the agencies internal service
42 fund, civil service EHS occupational health program account (55056).

43 3. \$3,000,000 from the chemical dependence service fund, substance
44 abuse services fund account (22700), to the mental hygiene capital
45 improvement fund (32305).

46 Public Protection:

47 1. \$1,350,000 from the miscellaneous special revenue fund, emergency
48 management account (21944), to the general fund.

49 2. \$2,087,000 from the general fund to the miscellaneous special
50 revenue fund, recruitment incentive account (22171).

51 3. \$22,773,000 from the general fund to the correctional industries
52 revolving fund, correctional industries internal service account
53 (55350).

54 4. \$60,000,000 from any of the division of homeland security and emer-
55 gency services special revenue federal funds to the general fund.



1 5. \$11,149,000 from the miscellaneous special revenue fund, criminal
2 justice improvement account (21945), to the general fund.

3 6. \$115,420,000 from the state police motor vehicle law enforcement
4 and motor vehicle theft and insurance fraud prevention fund, state
5 police motor vehicle enforcement account (22802), to the general fund
6 for state operation expenses of the division of state police.

7 7. \$120,500,000 from the general fund to the correctional facilities
8 capital improvement fund (32350).

9 8. \$5,000,000 from the general fund to the dedicated highway and
10 bridge trust fund (30050) for the purpose of work zone safety activities
11 provided by the division of state police for the department of transpor-
12 tation.

13 9. \$10,000,000 from the miscellaneous special revenue fund, statewide
14 public safety communications account (22123), to the capital projects
15 fund (30000).

16 10. \$9,830,000 from the miscellaneous special revenue fund, legal
17 services assistance account (22096), to the general fund.

18 11. \$1,000,000 from the general fund to the agencies internal service
19 fund, neighborhood work project account (55059).

20 12. \$7,980,000 from the miscellaneous special revenue fund, finger-
21 print identification & technology account (21950), to the general fund.

22 13. \$1,100,000 from the state police motor vehicle law enforcement and
23 motor vehicle theft and insurance fraud prevention fund, motor vehicle
24 theft and insurance fraud account (22801), to the general fund.

25 14. \$25,000,000 from the miscellaneous special revenue fund, statewide
26 public safety communications account (22123), to the general fund.

27 Transportation:

28 1. \$31,000,000 from the general fund to the MTA financial assistance
29 fund, mobility tax trust account (23651) for disbursements related to
30 part NN of chapter 54 of the laws of 2016.

31 2. \$20,000,000 from the general fund to the mass transportation oper-
32 ating assistance fund, public transportation systems operating assist-
33 ance account (21401), of which \$12,000,000 constitutes the base need for
34 operations.

35 3. \$727,500,000 from the general fund to the dedicated highway and
36 bridge trust fund (30050).

37 4. \$244,250,000 from the general fund to the MTA financial assistance
38 fund, mobility tax trust account (23651).

39 5. \$5,000,000 from the miscellaneous special revenue fund, transporta-
40 tion regulation account (22067) to the dedicated highway and bridge
41 trust fund (30050), for disbursements made from such fund for motor
42 carrier safety that are in excess of the amounts deposited in the dedi-
43 cated highway and bridge trust fund (30050) for such purpose pursuant to
44 section 94 of the transportation law.

45 6. \$3,000,000 from the miscellaneous special revenue fund, traffic
46 adjudication account (22055), to the general fund.

47 7. \$11,721,000 from the mass transportation operating assistance fund,
48 metropolitan mass transportation operating assistance account (21402),
49 to the capital projects fund (30000).

50 8. \$5,000,000 from the miscellaneous special revenue fund, transporta-
51 tion regulation account (22067) to the general fund, for disbursements
52 made from such fund for motor carrier safety that are in excess of the
53 amounts deposited in the general fund for such purpose pursuant to
54 section 94 of the transportation law.

55 Miscellaneous:



1 1. \$250,000,000 from the general fund to any funds or accounts for the
2 purpose of reimbursing certain outstanding accounts receivable balances
3 or fund spending expected to be incurred to maintain essential govern-
4 mental operations which are in excess of available cash resulting from a
5 reduction of dedicated revenue sources that were waived or otherwise
6 impacted by reduced utilization directly or indirectly associated with
7 executive order and/or societal response to the novel coronavirus,
8 COVID-19.

9 2. \$500,000,000 from the general fund to the debt reduction reserve
10 fund (40000).

11 3. \$450,000,000 from the New York state storm recovery capital fund
12 (33000) to the revenue bond tax fund (40152).

13 4. \$15,500,000 from the general fund, community projects account GG
14 (10256), to the general fund, state purposes account (10050).

15 5. \$100,000,000 from any special revenue federal fund to the general
16 fund, state purposes account (10050).

17 § 3. Notwithstanding any law to the contrary, and in accordance with
18 section 4 of the state finance law, the comptroller is hereby authorized
19 and directed to transfer, on or before March 31, 2021:

20 1. Upon request of the commissioner of environmental conservation, up
21 to \$12,745,400 from revenues credited to any of the department of envi-
22 ronmental conservation special revenue funds, including \$4,000,000 from
23 the environmental protection and oil spill compensation fund (21200),
24 and \$1,834,600 from the conservation fund (21150), to the environmental
25 conservation special revenue fund, indirect charges account (21060).

26 2. Upon request of the commissioner of agriculture and markets, up to
27 \$3,000,000 from any special revenue fund or enterprise fund within the
28 department of agriculture and markets to the general fund, to pay appro-
29 priate administrative expenses.

30 3. Upon request of the commissioner of agriculture and markets, up to
31 \$2,000,000 from the state exposition special fund, state fair receipts
32 account (50051) to the miscellaneous capital projects fund, state fair
33 capital improvement account (32208).

34 4. Upon request of the commissioner of the division of housing and
35 community renewal, up to \$6,221,000 from revenues credited to any divi-
36 sion of housing and community renewal federal or miscellaneous special
37 revenue fund to the miscellaneous special revenue fund, housing indirect
38 cost recovery account (22090).

39 5. Upon request of the commissioner of the division of housing and
40 community renewal, up to \$5,500,000 may be transferred from any miscel-
41 laneous special revenue fund account, to any miscellaneous special
42 revenue fund.

43 6. Upon request of the commissioner of health up to \$13,225,000 from
44 revenues credited to any of the department of health's special revenue
45 funds, to the miscellaneous special revenue fund, administration account
46 (21982).

47 § 4. On or before March 31, 2021, the comptroller is hereby authorized
48 and directed to deposit earnings that would otherwise accrue to the
49 general fund that are attributable to the operation of section 98-a of
50 the state finance law, to the agencies internal service fund, banking
51 services account (55057), for the purpose of meeting direct payments
52 from such account.

53 § 5. Notwithstanding any law to the contrary, upon the direction of
54 the director of the budget and upon requisition by the state university
55 of New York, the dormitory authority of the state of New York is
56 directed to transfer, up to \$22,000,000 in revenues generated from the

1 sale of notes or bonds, the state university income fund general revenue
2 account (22653) for reimbursement of bondable equipment for further
3 transfer to the state's general fund.

4 § 6. Notwithstanding any law to the contrary, and in accordance with
5 section 4 of the state finance law, the comptroller is hereby authorized
6 and directed to transfer, upon request of the director of the budget and
7 upon consultation with the state university chancellor or his or her
8 designee, on or before March 31, 2021, up to \$16,000,000 from the state
9 university income fund general revenue account (22653) to the state
10 general fund for debt service costs related to campus supported capital
11 project costs for the NY-SUNY 2020 challenge grant program at the
12 University at Buffalo.

13 § 7. Notwithstanding any law to the contrary, and in accordance with
14 section 4 of the state finance law, the comptroller is hereby authorized
15 and directed to transfer, upon request of the director of the budget and
16 upon consultation with the state university chancellor or his or her
17 designee, on or before March 31, 2021, up to \$6,500,000 from the state
18 university income fund general revenue account (22653) to the state
19 general fund for debt service costs related to campus supported capital
20 project costs for the NY-SUNY 2020 challenge grant program at the
21 University at Albany.

22 § 8. Notwithstanding any law to the contrary, the state university
23 chancellor or his or her designee is authorized and directed to transfer
24 estimated tuition revenue balances from the state university collection
25 fund (61000) to the state university income fund, state university
26 general revenue offset account (22655) on or before March 31, 2021.

27 § 9. Notwithstanding any law to the contrary, and in accordance with
28 section 4 of the state finance law, the comptroller is hereby authorized
29 and directed to transfer, upon request of the director of the budget, up
30 to \$1,022,248,300 from the general fund to the state university income
31 fund, state university general revenue offset account (22655) during the
32 period of July 1, 2020 through June 30, 2021 to support operations at
33 the state university.

34 § 10. Notwithstanding any law to the contrary, and in accordance with
35 section 4 of the state finance law, the comptroller is hereby authorized
36 and directed to transfer, upon request of the director of the budget, up
37 to \$20,000,000 from the general fund to the state university income
38 fund, state university general revenue offset account (22655) during the
39 period of July 1, 2020 to June 30, 2021 to support operations at the
40 state university in accordance with the maintenance of effort pursuant
41 to subparagraph (4) of paragraph h of subdivision 2 of section 355 of
42 the education law.

43 § 11. Notwithstanding any law to the contrary, and in accordance with
44 section 4 of the state finance law, the comptroller is hereby authorized
45 and directed to transfer, upon request of the state university chancel-
46 lor or his or her designee, up to \$55,000,000 from the state university
47 income fund, state university hospitals income reimbursable account
48 (22656), for services and expenses of hospital operations and capital
49 expenditures at the state university hospitals; and the state university
50 income fund, Long Island veterans' home account (22652) to the state
51 university capital projects fund (32400) on or before June 30, 2021.

52 § 12. Notwithstanding any law to the contrary, and in accordance with
53 section 4 of the state finance law, the comptroller, after consultation
54 with the state university chancellor or his or her designee, is hereby
55 authorized and directed to transfer moneys, in the first instance, from
56 the state university collection fund, Stony Brook hospital collection



1 account (61006), Brooklyn hospital collection account (61007), and Syra-
2 cuse hospital collection account (61008) to the state university income
3 fund, state university hospitals income reimbursable account (22656) in
4 the event insufficient funds are available in the state university
5 income fund, state university hospitals income reimbursable account
6 (22656) to permit the full transfer of moneys authorized for transfer,
7 to the general fund for payment of debt service related to the SUNY
8 hospitals. Notwithstanding any law to the contrary, the comptroller is
9 also hereby authorized and directed, after consultation with the state
10 university chancellor or his or her designee, to transfer moneys from
11 the state university income fund to the state university income fund,
12 state university hospitals income reimbursable account (22656) in the
13 event insufficient funds are available in the state university income
14 fund, state university hospitals income reimbursable account (22656) to
15 pay hospital operating costs or to permit the full transfer of moneys
16 authorized for transfer, to the general fund for payment of debt service
17 related to the SUNY hospitals on or before March 31, 2021.

18 § 13. Notwithstanding any law to the contrary, upon the direction of
19 the director of the budget and the chancellor of the state university of
20 New York or his or her designee, and in accordance with section 4 of the
21 state finance law, the comptroller is hereby authorized and directed to
22 transfer monies from the state university dormitory income fund (40350)
23 to the state university residence hall rehabilitation fund (30100), and
24 from the state university residence hall rehabilitation fund (30100) to
25 the state university dormitory income fund (40350), in an amount not to
26 exceed \$80 million from each fund.

27 § 14. Notwithstanding any law to the contrary, and in accordance with
28 section 4 of the state finance law, the comptroller is hereby authorized
29 and directed to transfer, at the request of the director of the budget,
30 up to \$1 billion from the unencumbered balance of any special revenue
31 fund or account, agency fund or account, internal service fund or
32 account, enterprise fund or account, or any combination of such funds
33 and accounts, to the general fund. The amounts transferred pursuant to
34 this authorization shall be in addition to any other transfers expressly
35 authorized in the 2020-21 budget. Transfers from federal funds, debt
36 service funds, capital projects funds, the community projects fund, or
37 funds that would result in the loss of eligibility for federal benefits
38 or federal funds pursuant to federal law, rule, or regulation as assent-
39 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of
40 1951 are not permitted pursuant to this authorization.

41 § 15. Notwithstanding any law to the contrary, and in accordance with
42 section 4 of the state finance law, the comptroller is hereby authorized
43 and directed to transfer, at the request of the director of the budget,
44 up to \$100 million from any non-general fund or account, or combination
45 of funds and accounts, to the miscellaneous special revenue fund, tech-
46 nology financing account (22207), the miscellaneous capital projects
47 fund, the federal capital projects account (31350), information technol-
48 ogy capital financing account (32215), or the centralized technology
49 services account (55069), for the purpose of consolidating technology
50 procurement and services. The amounts transferred to the miscellaneous
51 special revenue fund, technology financing account (22207) pursuant to
52 this authorization shall be equal to or less than the amount of such
53 monies intended to support information technology costs which are
54 attributable, according to a plan, to such account made in pursuance to
55 an appropriation by law. Transfers to the technology financing account
56 shall be completed from amounts collected by non-general funds or

1 accounts pursuant to a fund deposit schedule or permanent statute, and
2 shall be transferred to the technology financing account pursuant to a
3 schedule agreed upon by the affected agency commissioner. Transfers from
4 funds that would result in the loss of eligibility for federal benefits
5 or federal funds pursuant to federal law, rule, or regulation as assent-
6 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of
7 1951 are not permitted pursuant to this authorization.

8 § 16. Notwithstanding any law to the contrary, and in accordance with
9 section 4 of the state finance law, the comptroller is hereby authorized
10 and directed to transfer, at the request of the director of the budget,
11 up to \$400 million from any non-general fund or account, or combination
12 of funds and accounts, to the general fund for the purpose of consol-
13 idating technology procurement and services. The amounts transferred
14 pursuant to this authorization shall be equal to or less than the amount
15 of such monies intended to support information technology costs which
16 are attributable, according to a plan, to such account made in pursuance
17 to an appropriation by law. Transfers to the general fund shall be
18 completed from amounts collected by non-general funds or accounts pursu-
19 ant to a fund deposit schedule. Transfers from funds that would result
20 in the loss of eligibility for federal benefits or federal funds pursu-
21 ant to federal law, rule, or regulation as assented to in chapter 683 of
22 the laws of 1938 and chapter 700 of the laws of 1951 are not permitted
23 pursuant to this authorization.

24 § 17. Notwithstanding any provision of law to the contrary, as deemed
25 feasible and advisable by its trustees, the power authority of the state
26 of New York is authorized and directed to transfer to the state treasury
27 to the credit of the general fund \$20,000,000 for the state fiscal year
28 commencing April 1, 2020, the proceeds of which will be utilized to
29 support energy-related state activities.

30 § 18. Notwithstanding any provision of law, rule or regulation to the
31 contrary, the New York state energy research and development authority
32 is authorized and directed to make the following contributions to the
33 state treasury to the credit of the general fund on or before March 31,
34 2021: (a) \$913,000; and (b) \$23,000,000 from proceeds collected by the
35 authority from the auction or sale of carbon dioxide emission allowances
36 allocated by the department of environmental conservation.

37 § 19. Notwithstanding any provision of law, rule or regulation to the
38 contrary, the New York state energy research and development authority
39 is authorized and directed to transfer five million dollars to the cred-
40 it of the Environmental Protection Fund on or before March 31, 2021 from
41 proceeds collected by the authority from the auction or sale of carbon
42 dioxide emission allowances allocated by the department of environmental
43 conservation.

44 § 20. Subdivision 5 of section 97-rrr of the state finance law, as
45 amended by section 21 of part TTT of chapter 59 of the laws of 2019, is
46 amended to read as follows:

47 5. Notwithstanding the provisions of section one hundred seventy-one-a
48 of the tax law, as separately amended by chapters four hundred eighty-
49 one and four hundred eighty-four of the laws of nineteen hundred eight-
50 y-one, and notwithstanding the provisions of chapter ninety-four of the
51 laws of two thousand eleven, or any other provisions of law to the
52 contrary, during the fiscal year beginning April first, two thousand
53 [nineteen] twenty, the state comptroller is hereby authorized and
54 directed to deposit to the fund created pursuant to this section from
55 amounts collected pursuant to article twenty-two of the tax law and
56 pursuant to a schedule submitted by the director of the budget, up to



1 [\$2,185,995,000] \$2,073,116,000, as may be certified in such schedule as
2 necessary to meet the purposes of such fund for the fiscal year begin-
3 ning April first, two thousand [nineteen] twenty.

4 § 21. Notwithstanding any law to the contrary, the comptroller is
5 hereby authorized and directed to transfer, upon request of the director
6 of the budget, on or before March 31, 2021, the following amounts from
7 the following special revenue accounts to the capital projects fund
8 (30000), for the purposes of reimbursement to such fund for expenses
9 related to the maintenance and preservation of state assets:

10 1. \$43,000 from the miscellaneous special revenue fund, administrative
11 program account (21982).

12 2. \$1,478,000 from the miscellaneous special revenue fund, helen hayes
13 hospital account (22140).

14 3. \$366,000 from the miscellaneous special revenue fund, New York city
15 veterans' home account (22141).

16 4. \$513,000 from the miscellaneous special revenue fund, New York
17 state home for veterans' and their dependents at oxford account (22142).

18 5. \$159,000 from the miscellaneous special revenue fund, western New
19 York veterans' home account (22143).

20 6. \$323,000 from the miscellaneous special revenue fund, New York
21 state for veterans in the lower-hudson valley account (22144).

22 7. \$2,550,000 from the miscellaneous special revenue fund, patron
23 services account (22163).

24 8. \$7,300,000 from the miscellaneous special revenue fund, state
25 university general income reimbursable account (22653).

26 9. \$132,000,000 from the miscellaneous special revenue fund, state
27 university revenue offset account (22655).

28 10. \$48,000,000 from the state university dormitory income fund, state
29 university dormitory income fund (40350).

30 11. \$1,000,000 from the miscellaneous special revenue fund, litigation
31 settlement and civil recovery account (22117).

32 § 22. Intentionally omitted.

33 § 23. Intentionally omitted.

34 § 24. Section 23 of the state finance law is amended by adding a new
35 subdivision 7 to read as follows:

36 7. Budget balance. (a) As used in this section, such terms shall have
37 the following meanings:

38 (i) "Actual state operating funds tax receipts" shall mean the state
39 operating fund tax receipts, reported by the state comptroller in the
40 monthly report to the legislature on the state fund cash basis of
41 accounting, prepared in accordance with paragraph a of subdivision
42 nine-a of section eight of this chapter, immediately following the
43 measurement period;

44 (ii) "Actual state operating funds disbursements" shall mean the state
45 operating funds disbursements, reported by the state comptroller in the
46 monthly report to the legislature on the state fund cash basis of
47 accounting, prepared in accordance with paragraph a of subdivision
48 nine-a of section eight of this chapter, immediately following the meas-
49 urement period. Such disbursements shall be adjusted to include any
50 amounts withheld pursuant to this section or any other payment reduction
51 authorized by law, including, but not limited to, payment reductions
52 authorized by a chapter of the laws of two thousand twenty making appro-
53 priations for aid-to-localities.

54 (iii) "Estimated state operating funds tax receipts" shall mean the
55 state operating funds tax receipts estimated to be received during the
56 measurement period by the division of the budget in the financial plan.



1 (iv) "Estimated state operating funds disbursements" shall mean the
2 state operating funds disbursements, estimated to be made during the
3 measurement period by the division of the budget in the financial plan.

4 (v) "Financial plan" shall mean a financial plan prepared by the divi-
5 sion of the budget pursuant to section twenty-two of this article and
6 this section and used for the measurement period.

7 (vi) "Measurement period" shall mean the period in which the differ-
8 ence between actual state operating funds tax receipts and estimated
9 state operating funds tax receipts shall be measured for purposes of
10 this section. The first measurement period shall begin on April first,
11 two thousand twenty and end on April thirtieth, two thousand twenty.
12 The financial plan estimates for this period shall be the executive
13 financial plan as updated for governor's amendments and forecast
14 revisions issued in February two thousand twenty. The second measure-
15 ment period shall begin on May first and end on June thirtieth, two
16 thousand twenty. The third measurement period shall begin on July first,
17 two thousand twenty and end on December thirty-first, 2020. The finan-
18 cial plan for the second and third measurement periods shall be the
19 enacted budget financial plan for the two thousand twenty--two thousand
20 twenty-one fiscal year issued pursuant to this section.

21 (b) The executive and the legislature shall maintain a budget that is
22 in balance in the general fund on a cash basis of accounting. For
23 purposes of this section, the budget shall be deemed unbalanced for the
24 fiscal year if, during any measurement period, actual state operating
25 funds tax receipts are less than ninety-nine percent of estimated state
26 operating funds tax receipts, or actual state operating funds disburse-
27 ments are more than one hundred and one percent of estimated state oper-
28 ating funds disbursements, or both.

29 (c) Notwithstanding any provision of law to the contrary, if, on a
30 cash basis of accounting, a general fund imbalance has occurred during
31 any measurement period, as defined in paragraph (a) of this subdivision,
32 the director of the budget is hereby authorized to adjust or reduce any
33 general fund and/or state special revenue fund appropriation and related
34 cash disbursement by any amount needed to maintain a balanced budget for
35 the two thousand twenty--two thousand twenty-one fiscal year. Provided
36 however that such adjustments or reductions shall be done uniformly
37 across-the-board to the extent practicable or by specific appropriations
38 as needed. Notwithstanding any other law to the contrary, to the extent
39 any individual or entity is entitled to any cash disbursement which is
40 reduced in accordance with this provision, such entitlement shall be
41 adjusted or reduced commensurate with adjustments or reductions made by
42 the director of the budget in accordance with this subdivision.

43 (d) The following types of appropriations shall be exempt from such
44 reduction pursuant to this subdivision: (i) public assistance payments
45 for families and individuals and payments for eligible aged, blind and
46 disabled persons related to supplemental social security; (ii) any
47 reductions that would violate federal law; (iii) payments of debt
48 service and related expenses for which the state is constitutionally
49 obligated to pay debt service or is contractually obligated to pay debt
50 service, subject to an appropriation, including where the state has a
51 contingent contractual obligation; and (iv) payments the state is obli-
52 gated to make pursuant to court orders or judgments.

53 (e) Prior to any such adjustments or reductions, the director of the
54 budget shall notify in writing the chairs of the senate finance commit-
55 tee and assembly ways and means committee. The legislature shall then
56 have ten days following the receipt of such written notification to



1 either prepare its own plan, which may be adopted by concurrent resol-
2 ution passed by both houses and implemented by the division of the budg-
3 et, or if after ten days the legislature fails to adopt its own plan,
4 the reductions to the general fund and state special revenue fund aid to
5 localities appropriations and related disbursements identified in the
6 division of the budget plan will go into effect automatically.

7 (f) Any reductions to general fund and state special revenue fund aid
8 to localities appropriations and related cash disbursements made pursu-
9 ant to this section may be paid in full or in part if one or both of the
10 following events occur: (i) actual state operating funds tax receipts
11 through February twenty-eighth, two thousand twenty-one are not less
12 than ninety-eight percent of estimated state operating funds tax
13 receipts through February twenty-eighth, two thousand twenty-one; or
14 (ii) the federal government provides aid that the director of the budget
15 deems sufficient to reduce or eliminate the imbalance in the general
16 fund for the two thousand twenty--twenty-one fiscal year and does not
17 adversely impact the budget gap in the two thousand twenty-one--twenty-
18 two fiscal year. No such payments shall be made in part or in full
19 until the director of the budget certifies that: the general fund
20 has resources sufficient to make all planned payments anticipated in the
21 financial plan including tax refunds, without the issuance of deficit
22 bonds or notes or extraordinary cash management actions; the balances
23 in the tax stabilization reserve and rainy day reserve (together, the
24 "rainy day reserves") have been restored to a level equal to the level
25 as of the start of the fiscal year; and other designated balances
26 have been maintained, as provided by law.

27 § 25. Subdivision 6 of section 4 of the state finance law, as amended
28 by section 25 of part BBB of chapter 59 of the laws of 2018, is amended
29 to read as follows:

30 6. Notwithstanding any law to the contrary, at the beginning of the
31 state fiscal year, the state comptroller is hereby authorized and
32 directed to receive for deposit to the credit of a fund and/or an
33 account such monies as are identified by the director of the budget as
34 having been intended for such deposit to support disbursements from such
35 fund and/or account made in pursuance of an appropriation by law. As
36 soon as practicable upon enactment of the budget, the director of the
37 budget shall, but not less than three days following preliminary
38 submission to the chairs of the senate finance committee and the assem-
39 bly ways and means committee, file with the state comptroller an iden-
40 tification of specific monies to be so deposited. Any subsequent change
41 regarding the monies to be so deposited shall be filed by the director
42 of the budget, as soon as practicable, but not less than three days
43 following preliminary submission to the chairs of the senate finance
44 committee and the assembly ways and means committee.

45 All monies identified by the director of the budget to be deposited to
46 the credit of a fund and/or account shall be consistent with the intent
47 of the budget for the then current state fiscal year as enacted by the
48 legislature.

49 The provisions of this subdivision shall expire on March thirty-first,
50 two thousand [twenty] twenty-two.

51 § 26. Subdivision 4 of section 40 of the state finance law, as amended
52 by section 26 of part BBB of chapter 59 of the laws of 2018, is amended
53 to read as follows:

54 4. Every appropriation made from a fund or account to a department or
55 agency shall be available for the payment of prior years' liabilities in
56 such fund or account for fringe benefits, indirect costs, and telecommu-



1 nications expenses and expenses for other centralized services fund
2 programs without limit. Every appropriation shall also be available for
3 the payment of prior years' liabilities other than those indicated
4 above, but only to the extent of one-half of one percent of the total
5 amount appropriated to a department or agency in such fund or account.

6 The provisions of this subdivision shall expire March thirty-first,
7 two thousand [twenty] ~~twenty-two~~.

8 § 26-a. Subdivision 5 of section 4 of the state finance law, as
9 amended by section 16 of part PP of chapter 56 of the laws of 2009, is
10 amended to read as follows:

11 5. No money or other financial resources shall be transferred or
12 temporarily loaned from one fund to another without specific statutory
13 authorization for such transfer or temporary loan, except that money or
14 other financial resources of a fund may be temporarily loaned to the
15 general fund during the state fiscal year provided that such loan shall
16 be repaid in full no later than [(a) four months after it was made or
17 (b) by] the end of the same fiscal year in which it was made, [whichever
18 period is shorter,] so that an accurate accounting and reporting of the
19 balance of financial resources in each fund may be made. The comptroller
20 is hereby authorized to temporarily loan money from the general fund or
21 any other fund to the fund/accounts that are authorized to receive a
22 loan. Such loans shall be limited to the amounts immediately required to
23 meet disbursements, made in pursuance of an appropriation by law and
24 authorized by a certificate of approval issued by the director of the
25 budget with copies thereof filed with the comptroller and the chair of
26 the senate finance committee and the chair of the assembly ways and
27 means committee. The director of the budget shall not issue such a
28 certificate unless he or she shall have determined that the amounts to
29 be so loaned are receivable on account. When making loans, the comp-
30 troller shall establish appropriate accounts and if the loan is not
31 repaid by the end of the month, provide on or before the fifteenth day
32 of the following month to the director of the budget, the chair of the
33 senate finance committee and the chair of the assembly ways and means
34 committee, an accurate accounting and report of the financial resources
35 of each such fund at the end of such month. Within ten days of the
36 receipt of such accounting and reporting, the director of the budget
37 shall provide the comptroller and the chair of the senate finance
38 committee and the chair of the assembly ways and means committee an
39 expected schedule of repayment by fund and by source for each outstand-
40 ing loan. Repayment shall be made by the comptroller from the first cash
41 receipt of this fund.

42 § 27. Notwithstanding any other law, rule, or regulation to the
43 contrary, the state comptroller is hereby authorized and directed to use
44 any balance remaining in the mental health services fund debt service
45 appropriation, after payment by the state comptroller of all obligations
46 required pursuant to any lease, sublease, or other financing arrangement
47 between the dormitory authority of the state of New York as successor to
48 the New York state medical care facilities finance agency, and the
49 facilities development corporation pursuant to chapter 83 of the laws of
50 1995 and the department of mental hygiene for the purpose of making
51 payments to the dormitory authority of the state of New York for the
52 amount of the earnings for the investment of monies deposited in the
53 mental health services fund that such agency determines will or may have
54 to be rebated to the federal government pursuant to the provisions of
55 the internal revenue code of 1986, as amended, in order to enable such
56 agency to maintain the exemption from federal income taxation on the



1 interest paid to the holders of such agency's mental services facilities
2 improvement revenue bonds. Annually on or before each June 30th, such
3 agency shall certify to the state comptroller its determination of the
4 amounts received in the mental health services fund as a result of the
5 investment of monies deposited therein that will or may have to be
6 rebated to the federal government pursuant to the provisions of the
7 internal revenue code of 1986, as amended.

8 § 28. Subdivision 1 of section 16 of part D of chapter 389 of the laws
9 of 1997, relating to the financing of the correctional facilities
10 improvement fund and the youth facility improvement fund, as amended by
11 section 28 of part TTT of chapter 59 of the laws of 2019, is amended to
12 read as follows:

13 1. Subject to the provisions of chapter 59 of the laws of 2000, but
14 notwithstanding the provisions of section 18 of section 1 of chapter 174
15 of the laws of 1968, the New York state urban development corporation is
16 hereby authorized to issue bonds, notes and other obligations in an
17 aggregate principal amount not to exceed [eight billion four hundred
18 ninety-four million nine hundred seventy-nine thousand] eight billion
19 eight hundred seventeen million two hundred ninety-nine thousand dollars
20 [\$8,494,979,000] \$8,817,299,000, and shall include all bonds, notes and
21 other obligations issued pursuant to chapter 56 of the laws of 1983, as
22 amended or supplemented. The proceeds of such bonds, notes or other
23 obligations shall be paid to the state, for deposit in the correctional
24 facilities capital improvement fund to pay for all or any portion of the
25 amount or amounts paid by the state from appropriations or reappropri-
26 ations made to the department of corrections and community supervision
27 from the correctional facilities capital improvement fund for capital
28 projects. The aggregate amount of bonds, notes or other obligations
29 authorized to be issued pursuant to this section shall exclude bonds,
30 notes or other obligations issued to refund or otherwise repay bonds,
31 notes or other obligations theretofore issued, the proceeds of which
32 were paid to the state for all or a portion of the amounts expended by
33 the state from appropriations or reappropriations made to the department
34 of corrections and community supervision; provided, however, that upon
35 any such refunding or repayment the total aggregate principal amount of
36 outstanding bonds, notes or other obligations may be greater than [eight
37 billion four hundred ninety-four million nine hundred seventy-nine thou-
38 sand] eight billion eight hundred seventeen million two hundred ninety-
39 nine thousand dollars [\$8,494,979,000] \$8,817,299,000, only if the pres-
40 ent value of the aggregate debt service of the refunding or repayment
41 bonds, notes or other obligations to be issued shall not exceed the
42 present value of the aggregate debt service of the bonds, notes or other
43 obligations so to be refunded or repaid. For the purposes hereof, the
44 present value of the aggregate debt service of the refunding or repay-
45 ment bonds, notes or other obligations and of the aggregate debt service
46 of the bonds, notes or other obligations so refunded or repaid, shall be
47 calculated by utilizing the effective interest rate of the refunding or
48 repayment bonds, notes or other obligations, which shall be that rate
49 arrived at by doubling the semi-annual interest rate (compounded semi-
50 annually) necessary to discount the debt service payments on the refund-
51 ing or repayment bonds, notes or other obligations from the payment
52 dates thereof to the date of issue of the refunding or repayment bonds,
53 notes or other obligations and to the price bid including estimated
54 accrued interest or proceeds received by the corporation including esti-
55 mated accrued interest from the sale thereof.



1 § 29. Subdivision (a) of section 27 of part Y of chapter 61 of the
2 laws of 2005, relating to providing for the administration of certain
3 funds and accounts related to the 2005-2006 budget, as amended by
4 section 32 of part TTT of chapter 59 of the laws of 2019, is amended to
5 read as follows:

6 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
7 notwithstanding any provisions of law to the contrary, the urban devel-
8 opment corporation is hereby authorized to issue bonds or notes in one
9 or more series in an aggregate principal amount not to exceed [two
10 hundred seventy-one million six hundred thousand] three hundred twenty-
11 three million one hundred thousand dollars [\$271,600,000] \$323,100,000,
12 excluding bonds issued to finance one or more debt service reserve
13 funds, to pay costs of issuance of such bonds, and bonds or notes issued
14 to refund or otherwise repay such bonds or notes previously issued, for
15 the purpose of financing capital projects including IT initiatives for
16 the division of state police, debt service and leases; and to reimburse
17 the state general fund for disbursements made therefor. Such bonds and
18 notes of such authorized issuer shall not be a debt of the state, and
19 the state shall not be liable thereon, nor shall they be payable out of
20 any funds other than those appropriated by the state to such authorized
21 issuer for debt service and related expenses pursuant to any service
22 contract executed pursuant to subdivision (b) of this section and such
23 bonds and notes shall contain on the face thereof a statement to such
24 effect. Except for purposes of complying with the internal revenue code,
25 any interest income earned on bond proceeds shall only be used to pay
26 debt service on such bonds.

27 § 30. Subdivision 3 of section 1285-p of the public authorities law,
28 as amended by section 35 of part TTT of chapter 59 of the laws of 2019,
29 is amended to read as follows:

30 3. The maximum amount of bonds that may be issued for the purpose of
31 financing environmental infrastructure projects authorized by this
32 section shall be [five billion six hundred thirty-eight million ten
33 thousand] six billion three hundred seventy-four million ten thousand
34 dollars [\$5,638,010,000] \$6,374,010,000, exclusive of bonds issued to
35 fund any debt service reserve funds, pay costs of issuance of such
36 bonds, and bonds or notes issued to refund or otherwise repay bonds or
37 notes previously issued. Such bonds and notes of the corporation shall
38 not be a debt of the state, and the state shall not be liable thereon,
39 nor shall they be payable out of any funds other than those appropriated
40 by the state to the corporation for debt service and related expenses
41 pursuant to any service contracts executed pursuant to subdivision one
42 of this section, and such bonds and notes shall contain on the face
43 thereof a statement to such effect.

44 § 31. Subdivision (a) of section 48 of part K of chapter 81 of the
45 laws of 2002, relating to providing for the administration of certain
46 funds and accounts related to the 2002-2003 budget, as amended by
47 section 36 of part TTT of chapter 59 of the laws of 2019, is amended to
48 read as follows:

49 (a) Subject to the provisions of chapter 59 of the laws of 2000 but
50 notwithstanding the provisions of section 18 of the urban development
51 corporation act, the corporation is hereby authorized to issue bonds or
52 notes in one or more series in an aggregate principal amount not to
53 exceed [two hundred eighty-six million] three hundred fourteen million
54 dollars [\$286,000,000] \$314,000,000, excluding bonds issued to fund one
55 or more debt service reserve funds, to pay costs of issuance of such
56 bonds, and bonds or notes issued to refund or otherwise repay such bonds

1 or notes previously issued, for the purpose of financing capital costs
2 related to homeland security and training facilities for the division of
3 state police, the division of military and naval affairs, and any other
4 state agency, including the reimbursement of any disbursements made from
5 the state capital projects fund, and is hereby authorized to issue bonds
6 or notes in one or more series in an aggregate principal amount not to
7 exceed [\$952,800,000 nine hundred fifty-two million eight hundred thou-
8 sand] \$1,115,800,000 one billion one hundred fifteen million eight
9 hundred thousand dollars, excluding bonds issued to fund one or more
10 debt service reserve funds, to pay costs of issuance of such bonds, and
11 bonds or notes issued to refund or otherwise repay such bonds or notes
12 previously issued, for the purpose of financing improvements to State
13 office buildings and other facilities located statewide, including the
14 reimbursement of any disbursements made from the state capital projects
15 fund. Such bonds and notes of the corporation shall not be a debt of the
16 state, and the state shall not be liable thereon, nor shall they be
17 payable out of any funds other than those appropriated by the state to
18 the corporation for debt service and related expenses pursuant to any
19 service contracts executed pursuant to subdivision (b) of this section,
20 and such bonds and notes shall contain on the face thereof a statement
21 to such effect.

22 § 32. Paragraph (c) of subdivision 19 of section 1680 of the public
23 authorities law, as amended by section 38 of part TTT of chapter 59 of
24 the laws of 2019, is amended to read as follows:

25 (c) Subject to the provisions of chapter fifty-nine of the laws of two
26 thousand, the dormitory authority shall not issue any bonds for state
27 university educational facilities purposes if the principal amount of
28 bonds to be issued when added to the aggregate principal amount of bonds
29 issued by the dormitory authority on and after July first, nineteen
30 hundred eighty-eight for state university educational facilities will
31 exceed [thirteen billion eight hundred forty-one million eight hundred
32 sixty-four thousand] fourteen billion seven hundred forty-one million
33 eight hundred sixty-four thousand dollars [\$13,841,864,000]
34 \$14,741,864,000; provided, however, that bonds issued or to be issued
35 shall be excluded from such limitation if: (1) such bonds are issued to
36 refund state university construction bonds and state university
37 construction notes previously issued by the housing finance agency; or
38 (2) such bonds are issued to refund bonds of the authority or other
39 obligations issued for state university educational facilities purposes
40 and the present value of the aggregate debt service on the refunding
41 bonds does not exceed the present value of the aggregate debt service on
42 the bonds refunded thereby; provided, further that upon certification by
43 the director of the budget that the issuance of refunding bonds or other
44 obligations issued between April first, nineteen hundred ninety-two and
45 March thirty-first, nineteen hundred ninety-three will generate long
46 term economic benefits to the state, as assessed on a present value
47 basis, such issuance will be deemed to have met the present value test
48 noted above. For purposes of this subdivision, the present value of the
49 aggregate debt service of the refunding bonds and the aggregate debt
50 service of the bonds refunded, shall be calculated by utilizing the true
51 interest cost of the refunding bonds, which shall be that rate arrived
52 at by doubling the semi-annual interest rate (compounded semi-annually)
53 necessary to discount the debt service payments on the refunding bonds
54 from the payment dates thereof to the date of issue of the refunding
55 bonds to the purchase price of the refunding bonds, including interest
56 accrued thereon prior to the issuance thereof. The maturity of such



bonds, other than bonds issued to refund outstanding bonds, shall not exceed the weighted average economic life, as certified by the state university construction fund, of the facilities in connection with which the bonds are issued, and in any case not later than the earlier of thirty years or the expiration of the term of any lease, sublease or other agreement relating thereto; provided that no note, including renewals thereof, shall mature later than five years after the date of issuance of such note. The legislature reserves the right to amend or repeal such limit, and the state of New York, the dormitory authority, the state university of New York, and the state university construction fund are prohibited from covenanting or making any other agreements with or for the benefit of bondholders which might in any way affect such right.

§ 33. Paragraph (c) of subdivision 14 of section 1680 of the public authorities law, as amended by section 39 of part TTT of chapter 59 of the laws of 2019, is amended to read as follows:

(c) Subject to the provisions of chapter fifty-nine of the laws of two thousand, (i) the dormitory authority shall not deliver a series of bonds for city university community college facilities, except to refund or to be substituted for or in lieu of other bonds in relation to city university community college facilities pursuant to a resolution of the dormitory authority adopted before July first, nineteen hundred eighty-five or any resolution supplemental thereto, if the principal amount of bonds so to be issued when added to all principal amounts of bonds previously issued by the dormitory authority for city university community college facilities, except to refund or to be substituted in lieu of other bonds in relation to city university community college facilities will exceed the sum of four hundred twenty-five million dollars and (ii) the dormitory authority shall not deliver a series of bonds issued for city university facilities, including community college facilities, pursuant to a resolution of the dormitory authority adopted on or after July first, nineteen hundred eighty-five, except to refund or to be substituted for or in lieu of other bonds in relation to city university facilities and except for bonds issued pursuant to a resolution supplemental to a resolution of the dormitory authority adopted prior to July first, nineteen hundred eighty-five, if the principal amount of bonds so to be issued when added to the principal amount of bonds previously issued pursuant to any such resolution, except bonds issued to refund or to be substituted for or in lieu of other bonds in relation to city university facilities, will exceed [eight billion six hundred seventy-four million two hundred fifty-six thousand] nine billion two hundred twenty-two million seven hundred thirty-two thousand dollars [\$8,674,256,000] \$9,222,732,000. The legislature reserves the right to amend or repeal such limit, and the state of New York, the dormitory authority, the city university, and the fund are prohibited from covenanting or making any other agreements with or for the benefit of bondholders which might in any way affect such right.

§ 34. Subdivision 10-a of section 1680 of the public authorities law, as amended by section 40 of part TTT of chapter 59 of the laws of 2019, is amended to read as follows:

10-a. Subject to the provisions of chapter fifty-nine of the laws of two thousand, but notwithstanding any other provision of the law to the contrary, the maximum amount of bonds and notes to be issued after March thirty-first, two thousand two, on behalf of the state, in relation to any locally sponsored community college, shall be [one billion five million six hundred two thousand] one billion fifty-one million six



1 hundred forty thousand dollars [\$1,005,602,000] \$1,051,640,000. Such
2 amount shall be exclusive of bonds and notes issued to fund any reserve
3 fund or funds, costs of issuance and to refund any outstanding bonds and
4 notes, issued on behalf of the state, relating to a locally sponsored
5 community college.

6 § 35. Subdivision 1 of section 17 of part D of chapter 389 of the laws
7 of 1997, relating to the financing of the correctional facilities
8 improvement fund and the youth facility improvement fund, as amended by
9 section 41 of part TTT of chapter 59 of the laws of 2019, is amended to
10 read as follows:

11 1. Subject to the provisions of chapter 59 of the laws of 2000, but
12 notwithstanding the provisions of section 18 of section 1 of chapter 174
13 of the laws of 1968, the New York state urban development corporation is
14 hereby authorized to issue bonds, notes and other obligations in an
15 aggregate principal amount not to exceed eight hundred [four] forty
16 million [six] three hundred fifteen thousand dollars [\$804,615,000]
17 \$840,315,000, which authorization increases the aggregate principal
18 amount of bonds, notes and other obligations authorized by section 40 of
19 chapter 309 of the laws of 1996, and shall include all bonds, notes and
20 other obligations issued pursuant to chapter 211 of the laws of 1990, as
21 amended or supplemented. The proceeds of such bonds, notes or other
22 obligations shall be paid to the state, for deposit in the youth facili-
23 ties improvement fund, to pay for all or any portion of the amount or
24 amounts paid by the state from appropriations or reappropriations made
25 to the office of children and family services from the youth facilities
26 improvement fund for capital projects. The aggregate amount of bonds,
27 notes and other obligations authorized to be issued pursuant to this
28 section shall exclude bonds, notes or other obligations issued to refund
29 or otherwise repay bonds, notes or other obligations theretofore issued,
30 the proceeds of which were paid to the state for all or a portion of the
31 amounts expended by the state from appropriations or reappropriations
32 made to the office of children and family services; provided, however,
33 that upon any such refunding or repayment the total aggregate principal
34 amount of outstanding bonds, notes or other obligations may be greater
35 than eight hundred [four] forty million [six] three hundred fifteen
36 thousand dollars [\$804,615,000] \$840,315,000, only if the present value
37 of the aggregate debt service of the refunding or repayment bonds, notes
38 or other obligations to be issued shall not exceed the present value of
39 the aggregate debt service of the bonds, notes or other obligations so
40 to be refunded or repaid. For the purposes hereof, the present value of
41 the aggregate debt service of the refunding or repayment bonds, notes or
42 other obligations and of the aggregate debt service of the bonds, notes
43 or other obligations so refunded or repaid, shall be calculated by
44 utilizing the effective interest rate of the refunding or repayment
45 bonds, notes or other obligations, which shall be that rate arrived at
46 by doubling the semi-annual interest rate (compounded semi-annually)
47 necessary to discount the debt service payments on the refunding or
48 repayment bonds, notes or other obligations from the payment dates ther-
49 eof to the date of issue of the refunding or repayment bonds, notes or
50 other obligations and to the price bid including estimated accrued
51 interest or proceeds received by the corporation including estimated
52 accrued interest from the sale thereof.

53 § 36. Paragraph b of subdivision 2 of section 9-a of section 1 of
54 chapter 392 of the laws of 1973, constituting the New York state medical
55 care facilities finance agency act, as amended by section 42 of part TTT
56 of chapter 59 of the laws of 2019, is amended to read as follows:



1 b. The agency shall have power and is hereby authorized from time to
2 time to issue negotiable bonds and notes in conformity with applicable
3 provisions of the uniform commercial code in such principal amount as,
4 in the opinion of the agency, shall be necessary, after taking into
5 account other moneys which may be available for the purpose, to provide
6 sufficient funds to the facilities development corporation, or any
7 successor agency, for the financing or refinancing of or for the design,
8 construction, acquisition, reconstruction, rehabilitation or improvement
9 of mental health services facilities pursuant to paragraph a of this
10 subdivision, the payment of interest on mental health services improve-
11 ment bonds and mental health services improvement notes issued for such
12 purposes, the establishment of reserves to secure such bonds and notes,
13 the cost or premium of bond insurance or the costs of any financial
14 mechanisms which may be used to reduce the debt service that would be
15 payable by the agency on its mental health services facilities improve-
16 ment bonds and notes and all other expenditures of the agency incident
17 to and necessary or convenient to providing the facilities development
18 corporation, or any successor agency, with funds for the financing or
19 refinancing of or for any such design, construction, acquisition, recon-
20 struction, rehabilitation or improvement and for the refunding of mental
21 hygiene improvement bonds issued pursuant to section 47-b of the private
22 housing finance law; provided, however, that the agency shall not issue
23 mental health services facilities improvement bonds and mental health
24 services facilities improvement notes in an aggregate principal amount
25 exceeding [nine billion three hundred thirty-three million three hundred
26 eight thousand] nine billion nine hundred twenty-seven million two
27 hundred seventy-six thousand dollars [\$9,333,308,000] \$9,927,276,000,
28 excluding mental health services facilities improvement bonds and mental
29 health services facilities improvement notes issued to refund outstand-
30 ing mental health services facilities improvement bonds and mental
31 health services facilities improvement notes; provided, however, that
32 upon any such refunding or repayment of mental health services facili-
33 ties improvement bonds and/or mental health services facilities improve-
34 ment notes the total aggregate principal amount of outstanding mental
35 health services facilities improvement bonds and mental health facili-
36 ties improvement notes may be greater than [nine billion three hundred
37 thirty-three million three hundred eight thousand] nine billion nine
38 hundred twenty-seven million two hundred seventy-six thousand dollars
39 [\$9,333,308,000] \$9,927,276,000, only if, except as hereinafter provided
40 with respect to mental health services facilities bonds and mental
41 health services facilities notes issued to refund mental hygiene
42 improvement bonds authorized to be issued pursuant to the provisions of
43 section 47-b of the private housing finance law, the present value of
44 the aggregate debt service of the refunding or repayment bonds to be
45 issued shall not exceed the present value of the aggregate debt service
46 of the bonds to be refunded or repaid. For purposes hereof, the present
47 values of the aggregate debt service of the refunding or repayment
48 bonds, notes or other obligations and of the aggregate debt service of
49 the bonds, notes or other obligations so refunded or repaid, shall be
50 calculated by utilizing the effective interest rate of the refunding or
51 repayment bonds, notes or other obligations, which shall be that rate
52 arrived at by doubling the semi-annual interest rate (compounded semi-
53 annually) necessary to discount the debt service payments on the refund-
54 ing or repayment bonds, notes or other obligations from the payment
55 dates thereof to the date of issue of the refunding or repayment bonds,
56 notes or other obligations and to the price bid including estimated



1 accrued interest or proceeds received by the authority including esti-
2 mated accrued interest from the sale thereof. Such bonds, other than
3 bonds issued to refund outstanding bonds, shall be scheduled to mature
4 over a term not to exceed the average useful life, as certified by the
5 facilities development corporation, of the projects for which the bonds
6 are issued, and in any case shall not exceed thirty years and the maxi-
7 mum maturity of notes or any renewals thereof shall not exceed five
8 years from the date of the original issue of such notes. Notwithstanding
9 the provisions of this section, the agency shall have the power and is
10 hereby authorized to issue mental health services facilities improvement
11 bonds and/or mental health services facilities improvement notes to
12 refund outstanding mental hygiene improvement bonds authorized to be
13 issued pursuant to the provisions of section 47-b of the private housing
14 finance law and the amount of bonds issued or outstanding for such
15 purposes shall not be included for purposes of determining the amount of
16 bonds issued pursuant to this section. The director of the budget shall
17 allocate the aggregate principal authorized to be issued by the agency
18 among the office of mental health, office for people with developmental
19 disabilities, and the office of [alcoholism and substance abuse
20 services] addiction services and supports, in consultation with their
21 respective commissioners to finance bondable appropriations previously
22 approved by the legislature.

23 § 37. Subdivision (a) of section 28 of part Y of chapter 61 of the
24 laws of 2005, relating to providing for the administration of certain
25 funds and accounts related to the 2005-2006 budget, as amended by
26 section 43 of part TTT of chapter 59 of the laws of 2019, is amended to
27 read as follows:

28 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
29 notwithstanding any provisions of law to the contrary, one or more
30 authorized issuers as defined by section 68-a of the state finance law
31 are hereby authorized to issue bonds or notes in one or more series in
32 an aggregate principal amount not to exceed [ninety-two million] one
33 hundred fifty-seven million dollars [\$92,000,000] \$157,000,000, exclud-
34 ing bonds issued to finance one or more debt service reserve funds, to
35 pay costs of issuance of such bonds, and bonds or notes issued to refund
36 or otherwise repay such bonds or notes previously issued, for the
37 purpose of financing capital projects for public protection facilities
38 in the Division of Military and Naval Affairs, debt service and leases;
39 and to reimburse the state general fund for disbursements made therefor.
40 Such bonds and notes of such authorized issuer shall not be a debt of
41 the state, and the state shall not be liable thereon, nor shall they be
42 payable out of any funds other than those appropriated by the state to
43 such authorized issuer for debt service and related expenses pursuant to
44 any service contract executed pursuant to subdivision (b) of this
45 section and such bonds and notes shall contain on the face thereof a
46 statement to such effect. Except for purposes of complying with the
47 internal revenue code, any interest income earned on bond proceeds shall
48 only be used to pay debt service on such bonds.

49 § 38. Section 53 of section 1 of chapter 174 of the laws of 1968,
50 constituting the New York state urban development corporation act, as
51 added by section 46 of part TTT of chapter 59 of the laws of 2019, is
52 amended to read as follows:

53 § 53. 1. Notwithstanding the provisions of any other law to the
54 contrary, the dormitory authority and the urban development corporation
55 are hereby authorized to issue bonds or notes in one or more series for
56 the purpose of funding project costs for the acquisition of equipment,



1 including but not limited to the creation or modernization of informa-
2 tion technology systems and related research and development equipment,
3 health and safety equipment, heavy equipment and machinery, the creation
4 or improvement of security systems, and laboratory equipment and other
5 state costs associated with such capital projects. The aggregate princi-
6 pal amount of bonds authorized to be issued pursuant to this section
7 shall not exceed [ninety-three million] one hundred ninety-three million
8 dollars [\$93,000,000] \$193,000,000, excluding bonds issued to fund one
9 or more debt service reserve funds, to pay costs of issuance of such
10 bonds, and bonds or notes issued to refund or otherwise repay such bonds
11 or notes previously issued. Such bonds and notes of the dormitory
12 authority and the urban development corporation shall not be a debt of
13 the state, and the state shall not be liable thereon, nor shall they be
14 payable out of any funds other than those appropriated by the state to
15 the dormitory authority and the urban development corporation for prin-
16 cipal, interest, and related expenses pursuant to a service contract and
17 such bonds and notes shall contain on the face thereof a statement to
18 such effect. Except for purposes of complying with the internal revenue
19 code, any interest income earned on bond proceeds shall only be used to
20 pay debt service on such bonds.

21 2. Notwithstanding any other provision of law to the contrary, in
22 order to assist the dormitory authority and the urban development corpo-
23 ration in undertaking the financing for project costs for the acquisi-
24 tion of equipment, including but not limited to the creation or modern-
25 ization of information technology systems and related research and
26 development equipment, health and safety equipment, heavy equipment and
27 machinery, the creation or improvement of security systems, and labora-
28 tory equipment and other state costs associated with such capital
29 projects, the director of the budget is hereby authorized to enter into
30 one or more service contracts with the dormitory authority and the urban
31 development corporation, none of which shall exceed thirty years in
32 duration, upon such terms and conditions as the director of the budget
33 and the dormitory authority and the urban development corporation agree,
34 so as to annually provide to the dormitory authority and the urban
35 development corporation, in the aggregate, a sum not to exceed the prin-
36 cipal, interest, and related expenses required for such bonds and notes.
37 Any service contract entered into pursuant to this section shall provide
38 that the obligation of the state to pay the amount therein provided
39 shall not constitute a debt of the state within the meaning of any
40 constitutional or statutory provision and shall be deemed executory only
41 to the extent of monies available and that no liability shall be
42 incurred by the state beyond the monies available for such purpose,
43 subject to annual appropriation by the legislature. Any such contract or
44 any payments made or to be made thereunder may be assigned and pledged
45 by the dormitory authority and the urban development corporation as
46 security for its bonds and notes, as authorized by this section.

47 § 39. Subdivision (b) of section 11 of chapter 329 of the laws of
48 1991, amending the state finance law and other laws relating to the
49 establishment of the dedicated highway and bridge trust fund, as amended
50 by section 1 of part K of chapter 39 of the laws of 2019, is amended to
51 read as follows:

52 (b) Any service contract or contracts for projects authorized pursuant
53 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section
54 14-k of the transportation law, and entered into pursuant to subdivision
55 (a) of this section, shall provide for state commitments to provide
56 annually to the thruway authority a sum or sums, upon such terms and



1 conditions as shall be deemed appropriate by the director of the budget,
2 to fund, or fund the debt service requirements of any bonds or any obli-
3 gations of the thruway authority issued to fund or to reimburse the
4 state for funding such projects having a cost not in excess of [ten
5 billion eight hundred five million seven hundred seventy-eight thousand]
6 eleven billion three hundred forty-nine million eight hundred seventy-
7 five thousand dollars [\$10,805,778,000] \$11,349,875,000 cumulatively by
8 the end of fiscal year [2019-20] 2020-21.

9 § 40. Subdivision 1 of section 1689-i of the public authorities law,
10 as amended by section 2 of part K of chapter 39 of the laws of 2019, is
11 amended to read as follows:

12 1. The dormitory authority is authorized to issue bonds, at the
13 request of the commissioner of education, to finance eligible library
14 construction projects pursuant to section two hundred seventy-three-a of
15 the education law, in amounts certified by such commissioner not to
16 exceed a total principal amount of two hundred [fifty-one] sixty-five
17 million dollars [\$251,000,000] \$265,000,000.

18 § 41. Section 44 of section 1 of chapter 174 of the laws of 1968,
19 constituting the New York state urban development corporation act, as
20 amended by section 3 of part K of chapter 39 of the laws of 2019, is
21 amended to read as follows:

22 § 44. Issuance of certain bonds or notes. 1. Notwithstanding the
23 provisions of any other law to the contrary, the dormitory authority and
24 the corporation are hereby authorized to issue bonds or notes in one or
25 more series for the purpose of funding project costs for the regional
26 economic development council initiative, the economic transformation
27 program, state university of New York college for nanoscale and science
28 engineering, projects within the city of Buffalo or surrounding envi-
29 rons, the New York works economic development fund, projects for the
30 retention of professional football in western New York, the empire state
31 economic development fund, the clarkson-trudeau partnership, the New
32 York genome center, the cornell university college of veterinary medi-
33 cine, the olympic regional development authority, projects at nano
34 Utica, onondaga county revitalization projects, Binghamton university
35 school of pharmacy, New York power electronics manufacturing consortium,
36 regional infrastructure projects, high tech innovation and economic
37 development infrastructure program, high technology manufacturing
38 projects in Chautauqua and Erie county, an industrial scale research and
39 development facility in Clinton county, upstate revitalization initi-
40 ative projects, downstate revitalization initiative, market New York
41 projects, fairground buildings, equipment or facilities used to house
42 and promote agriculture, the state fair, the empire state trail, the
43 moynihan station development project, the Kingsbridge armory project,
44 strategic economic development projects, the cultural, arts and public
45 spaces fund, water infrastructure in the city of Auburn and town of
46 Owasco, a life sciences laboratory public health initiative, not-for-
47 profit pounds, shelters and humane societies, arts and cultural facili-
48 ties improvement program, restore New York's communities initiative,
49 heavy equipment, economic development and infrastructure projects,
50 Roosevelt Island operating corporation capital projects, Lake Ontario
51 regional projects, Pennsylvania station and other transit projects and
52 other state costs associated with such projects. The aggregate principal
53 amount of bonds authorized to be issued pursuant to this section shall
54 not exceed [nine billion eight hundred twenty-one million six hundred
55 thirty-six thousand] ten billion three hundred thirty-four million eight
56 hundred fifty-one thousand dollars [\$9,821,636,000] \$10,334,851,000,



1 excluding bonds issued to fund one or more debt service reserve funds,
2 to pay costs of issuance of such bonds, and bonds or notes issued to
3 refund or otherwise repay such bonds or notes previously issued. Such
4 bonds and notes of the dormitory authority and the corporation shall not
5 be a debt of the state, and the state shall not be liable thereon, nor
6 shall they be payable out of any funds other than those appropriated by
7 the state to the dormitory authority and the corporation for principal,
8 interest, and related expenses pursuant to a service contract and such
9 bonds and notes shall contain on the face thereof a statement to such
10 effect. Except for purposes of complying with the internal revenue code,
11 any interest income earned on bond proceeds shall only be used to pay
12 debt service on such bonds.

13 2. Notwithstanding any other provision of law to the contrary, in
14 order to assist the dormitory authority and the corporation in undertak-
15 ing the financing for project costs for the regional economic develop-
16 ment council initiative, the economic transformation program, state
17 university of New York college for nanoscale and science engineering,
18 projects within the city of Buffalo or surrounding environs, the New
19 York works economic development fund, projects for the retention of
20 professional football in western New York, the empire state economic
21 development fund, the clarkson-trudeau partnership, the New York genome
22 center, the cornell university college of veterinary medicine, the olym-
23 pic regional development authority, projects at nano Utica, onondaga
24 county revitalization projects, Binghamton university school of pharma-
25 cy, New York power electronics manufacturing consortium, regional
26 infrastructure projects, New York State Capital Assistance Program for
27 Transportation, infrastructure, and economic development, high tech
28 innovation and economic development infrastructure program, high tech-
29 nology manufacturing projects in Chautauqua and Erie county, an indus-
30 trial scale research and development facility in Clinton county, upstate
31 revitalization initiative projects, downstate revitalization initiative,
32 market New York projects, fairground buildings, equipment or facilities
33 used to house and promote agriculture, the state fair, the empire state
34 trail, the moynihan station development project, the Kingsbridge armory
35 project, strategic economic development projects, the cultural, arts and
36 public spaces fund, water infrastructure in the city of Auburn and town
37 of Owasco, a life sciences laboratory public health initiative, not-for-
38 profit pounds, shelters and humane societies, arts and cultural facili-
39 ties improvement program, restore New York's communities initiative,
40 heavy equipment, economic development and infrastructure projects,
41 Roosevelt Island operating corporation capital projects, Lake Ontario
42 regional projects, Pennsylvania station and other transit projects and
43 other state costs associated with such projects the director of the
44 budget is hereby authorized to enter into one or more service contracts
45 with the dormitory authority and the corporation, none of which shall
46 exceed thirty years in duration, upon such terms and conditions as the
47 director of the budget and the dormitory authority and the corporation
48 agree, so as to annually provide to the dormitory authority and the
49 corporation, in the aggregate, a sum not to exceed the principal, inter-
50 est, and related expenses required for such bonds and notes. Any service
51 contract entered into pursuant to this section shall provide that the
52 obligation of the state to pay the amount therein provided shall not
53 constitute a debt of the state within the meaning of any constitutional
54 or statutory provision and shall be deemed executory only to the extent
55 of monies available and that no liability shall be incurred by the state
56 beyond the monies available for such purpose, subject to annual appro-



1 priation by the legislature. Any such contract or any payments made or
2 to be made thereunder may be assigned and pledged by the dormitory
3 authority and the corporation as security for its bonds and notes, as
4 authorized by this section.

5 § 42. Subdivision 1 of section 386-b of the public authorities law, as
6 amended by section 4 of part K of chapter 39 of the laws of 2019, is
7 amended to read as follows:

8 1. Notwithstanding any other provision of law to the contrary, the
9 authority, the dormitory authority and the urban development corporation
10 are hereby authorized to issue bonds or notes in one or more series for
11 the purpose of financing peace bridge projects and capital costs of
12 state and local highways, parkways, bridges, the New York state thruway,
13 Indian reservation roads, and facilities, and transportation infrastruc-
14 ture projects including aviation projects, non-MTA mass transit
15 projects, and rail service preservation projects, including work appur-
16 tenant and ancillary thereto. The aggregate principal amount of bonds
17 authorized to be issued pursuant to this section shall not exceed [four
18 billion six hundred forty-eight million] six billion nine hundred
19 forty-two million four hundred sixty-three thousand dollars
20 [\$4,648,000,000] \$6,942,463,000, excluding bonds issued to fund one or
21 more debt service reserve funds, to pay costs of issuance of such bonds,
22 and to refund or otherwise repay such bonds or notes previously issued.
23 Such bonds and notes of the authority, the dormitory authority and the
24 urban development corporation shall not be a debt of the state, and the
25 state shall not be liable thereon, nor shall they be payable out of any
26 funds other than those appropriated by the state to the authority, the
27 dormitory authority and the urban development corporation for principal,
28 interest, and related expenses pursuant to a service contract and such
29 bonds and notes shall contain on the face thereof a statement to such
30 effect. Except for purposes of complying with the internal revenue code,
31 any interest income earned on bond proceeds shall only be used to pay
32 debt service on such bonds.

33 § 43. Paragraph (a) of subdivision 2 of section 47-e of the private
34 housing finance law, as amended by section 8 of part K of chapter 39 of
35 the laws of 2019, is amended to read as follows:

36 (a) Subject to the provisions of chapter fifty-nine of the laws of two
37 thousand, in order to enhance and encourage the promotion of housing
38 programs and thereby achieve the stated purposes and objectives of such
39 housing programs, the agency shall have the power and is hereby author-
40 ized from time to time to issue negotiable housing program bonds and
41 notes in such principal amount as shall be necessary to provide suffi-
42 cient funds for the repayment of amounts disbursed (and not previously
43 reimbursed) pursuant to law or any prior year making capital appropri-
44 ations or reappropriations for the purposes of the housing program;
45 provided, however, that the agency may issue such bonds and notes in an
46 aggregate principal amount not exceeding [six billion two hundred ninety
47 million five hundred ninety-nine thousand] six billion five hundred
48 thirty-one million five hundred twenty-three thousand dollars
49 [\$6,290,599,000] \$6,531,523,000, plus a principal amount of bonds issued
50 to fund the debt service reserve fund in accordance with the debt
51 service reserve fund requirement established by the agency and to fund
52 any other reserves that the agency reasonably deems necessary for the
53 security or marketability of such bonds and to provide for the payment
54 of fees and other charges and expenses, including underwriters'
55 discount, trustee and rating agency fees, bond insurance, credit
56 enhancement and liquidity enhancement related to the issuance of such



1 bonds and notes. No reserve fund securing the housing program bonds
2 shall be entitled or eligible to receive state funds apportioned or
3 appropriated to maintain or restore such reserve fund at or to a partic-
4 ular level, except to the extent of any deficiency resulting directly or
5 indirectly from a failure of the state to appropriate or pay the agreed
6 amount under any of the contracts provided for in subdivision four of
7 this section.

8 § 44. Subdivision 1 of section 50 of section 1 of chapter 174 of the
9 laws of 1968, constituting the New York state urban development corpo-
10 ration act, as amended by section 5 of part K of chapter 39 of the laws
11 of 2019, is amended to read as follows:

12 1. Notwithstanding the provisions of any other law to the contrary,
13 the dormitory authority and the urban development corporation are hereby
14 authorized to issue bonds or notes in one or more series for the purpose
15 of funding project costs undertaken by or on behalf of special act
16 school districts, state-supported schools for the blind and deaf,
17 approved private special education schools, non-public schools, communi-
18 ty centers, day care facilities, residential camps, day camps, and other
19 state costs associated with such capital projects. The aggregate princi-
20 pal amount of bonds authorized to be issued pursuant to this section
21 shall not exceed one hundred [thirty] fifty-five million dollars
22 [\$130,000,000] \$155,000,000, excluding bonds issued to fund one or more
23 debt service reserve funds, to pay costs of issuance of such bonds, and
24 bonds or notes issued to refund or otherwise repay such bonds or notes
25 previously issued. Such bonds and notes of the dormitory authority and
26 the urban development corporation shall not be a debt of the state, and
27 the state shall not be liable thereon, nor shall they be payable out of
28 any funds other than those appropriated by the state to the dormitory
29 authority and the urban development corporation for principal, interest,
30 and related expenses pursuant to a service contract and such bonds and
31 notes shall contain on the face thereof a statement to such effect.
32 Except for purposes of complying with the internal revenue code, any
33 interest income earned on bond proceeds shall only be used to pay debt
34 service on such bonds.

35 § 45. Subdivision 1 of section 47 of section 1 of chapter 174 of the
36 laws of 1968, constituting the New York state urban development corpo-
37 ration act, as amended by section 27 of part TTT of chapter 59 of the
38 laws of 2019, is amended to read as follows:

39 1. Notwithstanding the provisions of any other law to the contrary,
40 the dormitory authority and the corporation are hereby authorized to
41 issue bonds or notes in one or more series for the purpose of funding
42 project costs for the office of information technology services, depart-
43 ment of law, and other state costs associated with such capital
44 projects. The aggregate principal amount of bonds authorized to be
45 issued pursuant to this section shall not exceed [six] eight hundred
46 [seventy-seven] thirty million [three hundred] fifty-four thousand
47 dollars, [\$677,354,000] \$830,054,000 excluding bonds issued to fund one
48 or more debt service reserve funds, to pay costs of issuance of such
49 bonds, and bonds or notes issued to refund or otherwise repay such bonds
50 or notes previously issued. Such bonds and notes of the dormitory
51 authority and the corporation shall not be a debt of the state, and the
52 state shall not be liable thereon, nor shall they be payable out of any
53 funds other than those appropriated by the state to the dormitory
54 authority and the corporation for principal, interest, and related
55 expenses pursuant to a service contract and such bonds and notes shall
56 contain on the face thereof a statement to such effect. Except for



1 purposes of complying with the internal revenue code, any interest
2 income earned on bond proceeds shall only be used to pay debt service on
3 such bonds.

4 § 46. Paragraph (b) of subdivision 4 of section 72 of the state
5 finance law, as amended by section 43 of part XXX of chapter 59 of the
6 laws of 2017, is amended to read as follows:

7 (b) On or before the beginning of each quarter, the director of the
8 budget may certify to the state comptroller the estimated amount of
9 monies that shall be reserved in the general debt service fund for the
10 payment of debt service and related expenses payable by such fund during
11 each month of the state fiscal year, excluding payments due from the
12 revenue bond tax fund. Such certificate may be periodically updated, as
13 necessary. Notwithstanding any provision of law to the contrary, the
14 state comptroller shall reserve in the general debt service fund the
15 amount of monies identified on such certificate as necessary for the
16 payment of debt service and related expenses during the current or next
17 succeeding quarter of the state fiscal year. Such monies reserved shall
18 not be available for any other purpose. Such certificate shall be
19 reported to the chairpersons of the Senate Finance Committee and the
20 Assembly Ways and Means Committee. The provisions of this paragraph
21 shall expire June thirtieth, two thousand [twenty] twenty-three.

22 § 47. Section 2 of the state finance law is amended by adding a new
23 subdivision 1-a to read as follows:

24 1-a. "Business day". Any day of the year which is not a Saturday,
25 Sunday or legal holiday in the state of New York and not a day on which
26 banks are authorized or obligated to be closed in the city of New York.

27 § 48. Paragraph a of subdivision 4 of section 57 of the state finance
28 law, as amended by section 39 of part JJ of chapter 56 of the laws of
29 2010, is amended to read as follows:

30 a. Such bonds shall be sold at par, at par plus a premium, or at a
31 discount to the bidder offering the lowest interest cost to the state,
32 taking into consideration any premium or discount and, in the case of
33 refunding bonds, the bona fide initial public offering price, not less
34 than [four nor more than fifteen days, Sundays excepted,] two business
35 days after the publication of a notice of [such] sale [has been
36 published] at least once in a definitive trade publication of the munic-
37 ipal bond industry published on each business day in the state of New
38 York which is generally available in electronic or physical form to
39 participants in the municipal bond industry, which notice shall state
40 the terms of the sale. The comptroller may not change the terms of the
41 sale unless notice of such change is sent via a definitive trade wire
42 service of the municipal bond industry which, in general, makes avail-
43 able information regarding activity and sales of municipal bonds and is
44 generally available to participants in the municipal bond industry, at
45 least one hour prior to the time of the sale as set forth in the
46 original notice of sale. In so changing the terms or conditions of a
47 sale the comptroller may send notice by such wire service that the sale
48 will be delayed by up to thirty days, provided that wire notice of the
49 new sale date will be given at least one business day prior to the new
50 time when bids will be accepted. In such event, no new notice of sale
51 shall be required to be published. Notwithstanding the provisions of
52 section three hundred five of the state technology law or any other law,
53 if the notice of sale contains a provision that bids will only be
54 accepted electronically in the manner provided in such notice of sale,
55 the comptroller shall not be required to accept non-electronic bids in
56 any form. Advertisements shall contain a provision to the effect that



1 the state comptroller, in his or her discretion, may reject any or all
2 bids made in pursuance of such advertisements, and in the event of such
3 rejection, the state comptroller is authorized to negotiate a private
4 sale or readvertise for bids in the form and manner above described as
5 many times as, in his or her judgment, may be necessary to effect a
6 satisfactory sale. Notwithstanding the foregoing provisions of this
7 paragraph, whenever in the judgment of the comptroller the interests of
8 the state will be served thereby, he or she may sell state bonds at
9 private sale at par, at par plus a premium, or at a discount. The comp-
10 troller shall promulgate regulations governing the terms and conditions
11 of any such private sales, which regulations shall include a provision
12 that he or she give notice to the governor, the temporary president of
13 the senate, and the speaker of the assembly, of his or her intention to
14 conduct a private sale of obligations pursuant to this section not less
15 than [five] two business days prior to such sale or the execution of any
16 binding agreement to effect such sale.

17 § 49. Subdivision (a) of section 211 of the civil practice law and
18 rules, as amended by chapter 267 of the laws of 1970, is amended to read
19 as follows:

20 (a) On a bond. An action to recover principal or interest upon a writ-
21 ten instrument evidencing an indebtedness of the state of New York or of
22 any person, association or public or private corporation, originally
23 sold by the issuer after publication of an advertisement for bids for
24 the issue in [a newspaper of general circulation] electronic or physical
25 form and secured only by a pledge of the faith and credit of the issuer,
26 regardless of whether a sinking fund is or may be established for its
27 redemption, must be commenced within twenty years after the cause of
28 action accrues. This subdivision does not apply to actions upon written
29 instruments evidencing an indebtedness of any corporation, association
30 or person under the jurisdiction of the public service commission, the
31 commissioner of transportation, the interstate commerce commission, the
32 federal communications commission, the civil aeronautics board, the
33 federal power commission, or any other regulatory commission or board of
34 a state or of the federal government. This subdivision applies to all
35 causes of action, including those barred on April eighteenth, nineteen
36 hundred fifty, by the provisions of the civil practice act then effec-
37 tive.

38 § 49-a. Section 1 of chapter 174 of the laws of 1968, constituting the
39 New York state urban development corporation act, is amended by adding a
40 new section 54 to read as follows:

41 § 54. 1. Findings and declaration of need. (a) The state of New York
42 finds and determines that the global spread of the COVID-19 coronavirus
43 disease is having and is expected to continue to have a significant
44 impact on the health and welfare of individuals in the state as well as
45 a significant financial impact on the state. The serious threat posed by
46 the COVID-19 coronavirus disease has caused governments, including the
47 state, to adopt policies, regulations and procedures to suspend various
48 legal requirements in order to (i) respond to and mitigate the impact of
49 the outbreak, and (ii) provide temporary relief to individuals, includ-
50 ing the deferral of the federal income tax payment deadline from April
51 15, 2020 to a later date in the calendar year. The state of New York
52 further finds and determines that certain fiscal management authori-
53 zation measures should be authorized and established.

54 (b) Notwithstanding any other provision of law to the contrary,
55 including, specifically, the provisions of chapter 59 of the laws of
56 2000 and section sixty-seven-b of the state finance law, the dormitory



1 authority of the state of New York and the corporation are hereby
2 authorized to issue until December 31, 2020, notes with a maturity no
3 later than March 31, 2021, to be designated as personal income tax
4 revenue or bond anticipation notes, in one or more series in an aggre-
5 gate principal amount not to exceed eight billion dollars, excluding
6 notes issued to finance one or more debt service reserve funds, to pay
7 costs of issuance of such notes, and notes issued to renew, refund or
8 otherwise repay such notes previously issued, for the purpose of tempo-
9 rarily financing budgetary needs of the state following the federal
10 government deferral of the federal income tax payment deadline from
11 April 15, 2020 to a later date in the calendar year. Such purpose shall
12 constitute an authorized purpose under subdivision two of section
13 sixty-eight-a of the state finance law for all purposes of article
14 five-C of the state finance law with respect to the notes, renewal
15 notes, refunding notes and any state personal income tax revenue bonds
16 issued to refinance any notes, renewal notes, refunding notes authorized
17 by this paragraph. On or before their maturity, such notes may be
18 renewed or refunded once with renewal or refunding notes for an addi-
19 tional period not to exceed one year from the date of renewal or refund-
20 ing. If on or before the maturity date of such notes or such renewal or
21 refunding notes, the director of the division of the budget shall deter-
22 mine that all or a portion of such notes or such renewal or refunding
23 notes shall be refinanced on a long term basis, such notes or such
24 renewal or refunding notes may be refinanced with state personal income
25 tax revenue bonds in one or more series in an aggregate principal amount
26 not to exceed the then outstanding principal amount of such notes or
27 such renewal or refunding notes plus an amount necessary to finance one
28 or more debt service reserve funds and to pay costs of issuance of such
29 refunding bonds, notwithstanding any other provision of law to the
30 contrary, including, specifically, the provisions of chapter fifty-nine
31 of the laws of two thousand and section sixty-seven-b of the state
32 finance law. For so long as any notes, renewal or refunding notes or
33 such refunding bonds authorized by this paragraph shall remain outstand-
34 ing, including any state-supported debt issued to refinance the refund-
35 ing bonds authorized by this paragraph, the restrictions, limitations
36 and requirements contained in article five-B of the state finance law
37 shall not apply.

38 (c) Such notes, renewal or refunding notes and refunding bonds of the
39 dormitory authority and the corporation shall not be a debt of the
40 state, and the state shall not be liable thereon, nor shall they be
41 payable out of any funds other than those appropriated by the state to
42 the dormitory authority and the corporation for debt service and related
43 expenses pursuant to any financing agreement described in paragraph (d)
44 of this subdivision, and such notes, renewal or refunding notes and
45 refunding bonds shall contain on the face thereof a statement to such
46 effect. Such notes, renewal or refunding notes and any refunding bonds
47 issued to refinance such notes and/or any renewal or refunding notes on
48 a subordinate basis shall be secured by subordinate payments from the
49 revenue bond tax fund established pursuant to section ninety-two-z of
50 the state finance law. Refunding bonds issued to refinance any such
51 notes and/or renewal or refunding notes on a parity basis with outstand-
52 ing state personal income tax revenue bonds shall be issued only in
53 accordance with the provisions of the applicable resolution of the
54 dormitory authority or the corporation authorizing the issuance of state
55 personal income tax revenue bonds and shall be secured by payments from
56 the revenue bond tax fund on a parity with such outstanding state



1 personal income tax revenue bonds. Except for purposes of complying
2 with the internal revenue code, any interest income earned on note
3 proceeds shall only be used to pay debt service on such notes. All of
4 the provisions of the dormitory authority act and the New York state
5 urban development corporation act relating to notes and bonds which are
6 not inconsistent with the provisions of this section shall apply to
7 notes and bonds authorized by paragraph (b) of this subdivision, includ-
8 ing but not limited to the power to establish adequate reserves therefor
9 and to issue renewal notes, refunding notes and refunding bonds, in any
10 case subject to the final maturity limitation for such notes set forth
11 in paragraph (b) of this subdivision. The issuance of any notes, renewal
12 or refunding notes and refunding bonds authorized by paragraph (b) of
13 this subdivision shall further be subject to the approval of the direc-
14 tor of the division of the budget.

15 (d) Notwithstanding any other law, rule or regulation to the contrary
16 but subject to the limitations contained in paragraph (b) of this subdivi-
17 vision, in order to assist the dormitory authority and the corporation
18 in undertaking the administration and financing of such notes, renewal
19 or refunding notes and refunding bonds, the director of the budget is
20 hereby authorized to supplement any existing financing agreement with
21 the dormitory authority and the corporation, or to enter into a new
22 financing agreement with the dormitory authority and the corporation,
23 upon such terms and conditions as the director of the budget and the
24 dormitory authority and the corporation shall agree, so as to annually
25 provide to the dormitory authority and the corporation, in the aggre-
26 gate, a sum not to exceed the annual debt service payments and related
27 expenses required for any notes, renewal or refunding notes and refund-
28 ing bonds issued pursuant to this section. Any financing agreement
29 supplemented or entered into pursuant to this section shall provide that
30 the obligation of the state to pay the amount therein provided shall not
31 constitute a debt of the state within the meaning of any constitutional
32 or statutory provision and shall be deemed executory only to the extent
33 of monies available and that no liability shall be incurred by the state
34 beyond the monies available for such purposes, subject to annual appro-
35 priation by the legislature. Any such financing agreement or any
36 payments made or to be made thereunder may be assigned or pledged by the
37 dormitory authority and the corporation as security for the notes,
38 renewal and refunding notes and refunding bonds authorized by paragraph
39 (b) of this subdivision.

40 (e) Notwithstanding any other provision of law to the contrary,
41 including specifically the provisions of subdivision 3 of section 67-b
42 of the state finance law, no capital work or purpose shall be required
43 for any issuance of personal income tax revenue or bond anticipation
44 notes, renewal or refunding notes or refunding bonds issued by the
45 dormitory authority and the corporation pursuant to this section.

46 (f) Notwithstanding any other law, rule, or regulation to the contra-
47 ry, the comptroller is hereby authorized and directed to deposit to the
48 credit of the general fund, all proceeds of personal income tax revenue
49 or bond anticipation notes issued by the dormitory authority and the New
50 York state urban development corporation pursuant to this section.

51 2. Effect of inconsistent provisions. Insofar as the provisions of
52 this section are inconsistent with the provisions of any other law,
53 general, special, or local, the provisions of this section shall be
54 controlling.

55 3. Severability; construction. The provisions of this section shall be
56 severable, and if the application of any clause, sentence, paragraph,

1 subdivision, section or part of this section to any person or circum-
2 stance shall be adjudged by any court of competent jurisdiction to be
3 invalid, such judgment shall not necessarily affect, impair or invali-
4 date the application of any such clause, sentence, paragraph, subdivi-
5 sion, section, part of this section or remainder thereof, as the case
6 may be, to any other person or circumstance, but shall be confined in
7 its operation to the clause, sentence, paragraph, subdivision, section
8 or part thereof directly involved in the controversy in which such judg-
9 ment shall have been rendered.

10 § 49-b. Section 1 of chapter 174 of the laws of 1968, constituting the
11 New York state urban development corporation act, is amended by adding a
12 new section 55 to read as follows:

13 § 55. 1. Findings and declaration of need. (a) The state of New York
14 finds and determines that the global spread of the COVID-19 coronavirus
15 disease is having and is expected to continue to have a significant
16 impact on the health and welfare of individuals in the state as well as
17 a significant financial impact on the state. The serious threat posed by
18 the COVID-19 coronavirus disease has caused governments, including the
19 state, to adopt policies, regulations and procedures to suspend various
20 legal requirements in order to: (i) respond to and mitigate the impact
21 of the outbreak; and (ii) address budgetary pressures to the state aris-
22 ing from anticipated shortfalls and deferrals in the state's fiscal 2021
23 financial plan receipts, thereby requiring that certain fiscal manage-
24 ment authorization measures be authorized and established.

25 (b) Notwithstanding any other provision of law to the contrary,
26 including, specifically, the provisions of chapter 59 of the laws of
27 2000 and section 67-b of the state finance law, during the state's 2021
28 fiscal year, the dormitory authority of the state of New York and the
29 urban development corporation are authorized to: (i) enter into commit-
30 ments with financial institutions for the establishment of one or more
31 line of credit facilities and other similar revolving financing arrange-
32 ments not in excess of three billion dollars in aggregate principal
33 amount outstanding at any one time; (ii) draw, at one or more times at
34 the direction of the director of the budget, upon such line of credit
35 facilities and provide to the state the amounts so drawn for the purpose
36 of assisting the state to temporarily finance its budgetary needs; and
37 (iii) secure repayment of such draws under such line of credit facili-
38 ties with a service contract of the state, which payment obligation
39 thereunder shall not constitute a debt of the state within the meaning
40 of any constitutional or statutory provision and shall be deemed execu-
41 tory only to the extent moneys are available and that no liability shall
42 be incurred by the state beyond the moneys available for such purpose,
43 and that such payment obligation is subject to annual appropriation by
44 the legislature. Any line of credit facility agreements entered by the
45 dormitory authority of the state of New York and/or the urban develop-
46 ment corporation with financial institutions pursuant to this section
47 may contain such provisions that the dormitory authority of the state of
48 New York and/or the urban development corporation deem necessary or
49 desirable for the establishment of such credit facilities. The maximum
50 original term of any line of credit facility shall be one year from the
51 date of incurrence; provided however that any such line of credit facil-
52 ity may be extended, renewed or refinanced for up to two additional one
53 year terms. If on or before the maturity date of the original term of
54 such line of credit facility or any renewal or extension term thereof,
55 the director of the division of the budget shall determine that all or a
56 portion of any outstanding line of credit facility shall be refinanced



1 on a long-term basis, the dormitory authority of the state of New York
2 and/or the urban development corporation are authorized to refinance
3 such line of credit facility with state personal income tax revenue
4 bonds and/or state service contract bonds in one or more series in an
5 aggregate principal amount not to exceed the then outstanding principal
6 amount of such line of credit facility and any accrued interest thereon,
7 plus an amount necessary to finance one or more debt service reserve
8 funds and to pay costs of issuance of such state personal income tax
9 revenue bonds and/or state service contract bonds.

10 (c) Notwithstanding any other law, rule, or regulation to the contra-
11 ry, the comptroller is hereby authorized and directed to deposit to the
12 credit of the general fund, all amounts provided by the dormitory
13 authority of the state of New York and/or the urban development corpo-
14 ration to the state from draws made on any line of credit facility
15 authorized by paragraph (b) of this subdivision.

16 (d) Notwithstanding any other provision of law to the contrary,
17 including specifically the provisions of subdivision 3 of section 67-b
18 of the state finance law, no capital work or purpose shall be required
19 for any indebtedness incurred in connection with any line of credit
20 facility authorized by paragraph (b) of this subdivision and any exten-
21 sions or renewals thereof, or for any state personal income tax revenue
22 bonds and/or state service contract bonds issued to refinance any of the
23 foregoing, or for any service contract entered into in connection with
24 any line of credit facility, all in accordance with this section.

25 (e) Notwithstanding any other provision of law to the contrary, for so
26 long as any such line of credit facility shall remain outstanding, the
27 restrictions, limitations and requirements contained in article 5-B of
28 the state finance law shall not apply. In addition, such restrictions,
29 limitations and requirements shall not apply to any state personal
30 income tax revenue bonds and/or state service contract bonds issued to
31 refund such line of credit facility for so long as such state personal
32 income tax revenue bonds and/or state service contract bonds shall
33 remain outstanding, including any state-supported debt issued to refund
34 such state personal income tax revenue bonds and/or state service
35 contract bonds. Any such line of credit facility, including any exten-
36 sions or renewals thereof, and any state personal income tax revenue
37 bonds and/or state service contract bonds issued to refund such line of
38 credit facilities shall be deemed to be incurred or issued for an
39 authorized purpose within the meaning of subdivision 2 of section 68-a
40 of the state finance law. As applicable, all of the provisions of the
41 state finance law, the dormitory authority act and the New York state
42 urban development corporation act relating to notes and bonds which are
43 not inconsistent with the provisions of this section shall apply to any
44 issuance of state personal income tax revenue bonds and/or state service
45 contract bonds issued to refinance any line of credit facility author-
46 ized by paragraph (b) of this subdivision. The issuance of any state
47 personal income tax revenue bonds and/or state service contract bonds
48 issued to refinance any such line of credit facility shall further be
49 subject to the approval of the director of the division of the budget.

50 (f) Any draws on a line of credit facility authorized by paragraph (b)
51 of this subdivision shall only be made and the service contract entered
52 into in connection with such line of credit facilities shall only be
53 executed and delivered to the dormitory authority of the state of New
54 York and/or the urban development corporation if the legislature has
55 enacted sufficient appropriation authority to provide for the repayment
56 of all amounts expected to be drawn by the dormitory authority of the



1 state of New York and/or the urban development corporation under such
2 line of credit facility during fiscal year 2021. Amounts repaid under a
3 line of credit facility during fiscal year 2021 may be re-borrowed
4 during such fiscal year provided that the legislature has enacted suffi-
5 cient appropriation authority to provide for the repayment of any such
6 re-borrowed amounts. Neither the dormitory authority of the state of New
7 York nor the urban development corporation shall have any financial
8 liability for the repayment of draws under any line of credit facility
9 authorized by paragraph (b) of this subdivision beyond the moneys
10 received for such purpose under the service contract authorized by para-
11 graph (g) of this subdivision.

12 (g) The director of the budget is authorized to enter into one or more
13 service contracts or other agreements, none of which shall exceed 30
14 years in duration, with the dormitory authority of the state of New York
15 and/or the urban development corporation, upon such terms and conditions
16 as the director of the budget and dormitory authority of the state of
17 New York and/or the urban development corporation shall agree. Any
18 service contract or other agreements entered into pursuant to this para-
19 graph shall provide for state commitments to provide annually to the
20 dormitory authority of the state of New York and/or the urban develop-
21 ment corporation a sum or sums, upon such terms and conditions as shall
22 be deemed appropriate by the director of the budget and the dormitory
23 authority of the state of New York and/or the urban development corpo-
24 ration, to fund the payment of amounts due under any line of credit
25 facility and any state personal income tax revenue bonds and/or state
26 service contract bonds issued to refinance such line of credit facility.
27 Any such service contract or other agreements shall provide that the
28 obligation of the director of the budget or of the state to fund or to
29 pay the amounts therein provided for shall not constitute a debt of the
30 state within the meaning of any constitutional or statutory provision
31 and shall be deemed executory only to the extent moneys are available
32 and that no liability shall be incurred by the state beyond the moneys
33 available for such purpose, and that such obligation is subject to annu-
34 al appropriation by the legislature.

35 (h) Any service contract or other agreements entered into pursuant to
36 paragraph (g) of this subdivision or any payments made or to be made
37 thereunder may be assigned and pledged by the dormitory authority of the
38 state of New York and/or the urban development corporation as security
39 for any related payment obligation it may have with one or more finan-
40 cial institutions in connection with a line of credit facility author-
41 ized by paragraph (b) of this subdivision.

42 (i) In addition to the foregoing, the director of the budget, the
43 dormitory authority of the state of New York and the urban development
44 corporation shall each be authorized to enter into such other agreements
45 and to take or cause to be taken such additional actions as are neces-
46 sary or desirable to effectuate the purposes of the transactions contem-
47 plated by a line of credit facility and the related service contract.

48 (j) No later than seven days after a draw occurs on the line of credit
49 facility, the director of the budget shall provide notification of such
50 draw to the president pro tempore of the senate and the speaker of the
51 assembly.

52 (k) The authorization, establishment and use by the dormitory authori-
53 ty of the state of New York and the urban development corporation of a
54 line of credit facility authorized by paragraph (b) of this subdivision,
55 and the execution, sale and issuance of state personal income tax reven-
56 ue bonds and/or state service contract bonds to refinance any such line



1 of credit facility shall not be deemed an action, as such term is
2 defined in article 8 of the environmental conservation law, for the
3 purposes of such article. Such exemption shall be strictly limited in
4 its application to such financing activities of the dormitory authority
5 of the state of New York and the urban development corporation undertak-
6 en pursuant to this section and does not exempt any other entity from
7 compliance with such article.

8 (1) Nothing contained in this section shall be construed to limit the
9 abilities of the director of the budget and the authorized issuers of
10 state-supported debt to perform their respective obligations on existing
11 service contracts or other agreements entered into prior to April 1,
12 2020.

13 2. Effect of inconsistent provisions. Insofar as the provisions of
14 this section are inconsistent with the provisions of any other law,
15 general, special, or local, the provisions of this act shall be control-
16 ling.

17 3. Severability; construction. The provisions of this section shall be
18 severable, and if the application of any clause, sentence, paragraph,
19 subdivision, section or part of this section to any person or circum-
20 stance shall be adjudged by any court of competent jurisdiction to be
21 invalid, such judgment shall not necessarily affect, impair or invali-
22 date the application of any such clause, sentence, paragraph, subdivi-
23 sion, section, part of this section or remainder thereof, as the case
24 may be, to any other person or circumstance, but shall be confined in
25 its operation to the clause, sentence, paragraph, subdivision, section
26 or part thereof directly involved in the controversy in which such judg-
27 ment shall have been rendered.

28 § 49-c. Section 1 of chapter 174 of the laws of 1968, constituting the
29 New York state urban development corporation act, is amended by adding a
30 new section 56 to read as follows:

31 § 56. State-supported debt; 2021. 1. In light of the significant
32 impact that the global spread of the COVID-19 coronavirus disease is
33 having and is expected to continue to have on the health and welfare of
34 individuals in the state as well as on the financial condition of the
35 state, and notwithstanding any other provision of law to the contrary,
36 the dormitory authority of the state of New York and the urban develop-
37 ment corporation are each authorized to issue state-supported debt
38 pursuant to article 5-C of the state finance law to assist the state to
39 manage its financing needs during its 2021 fiscal year, without regard
40 to any restrictions, limitations and requirements contained in article
41 5-B of the state finance law, other than subdivision 4 of section 67-b
42 of such article, and such state-supported debt shall be deemed to be
43 issued for an authorized purpose within the meaning of subdivision 2 of
44 section 68-a of the state finance law for all purposes of article 5-C of
45 the state finance law. Furthermore, any bonds issued directly by the
46 state during the state's 2021 fiscal year shall be issued without regard
47 to any restrictions, limitations and requirements contained in article
48 5-B of the state finance law, other than subdivision 4 of section 67-b
49 of such article. For so long as any state-supported debt issued during
50 the state's 2021 fiscal year shall remain outstanding, including any
51 state-supported debt issued to refund state-supported debt issued during
52 such fiscal year, the restrictions, limitations and requirements
53 contained in article 5-B of the state finance law, other than subdivi-
54 sion 4 of section 67-b of such article, shall not apply.

55 2. Effect of inconsistent provisions. Insofar as the provisions of
56 this section are inconsistent with the provisions of any other law,

1 general, special, or local, the provisions of this act shall be control-
2 ling.

3 3. Severability; construction. The provisions of this section shall
4 be severable, and if the application of any clause, sentence, paragraph,
5 subdivision, section or part of this section to any person or circum-
6 stance shall be adjudged by any court of competent jurisdiction to be
7 invalid, such judgment shall not necessarily affect, impair or invali-
8 date the application of any such clause, sentence, paragraph, subdivi-
9 sion, section, part of this section or remainder thereof, as the case
10 may be, to any other person or circumstance, but shall be confined in
11 its operation to the clause, sentence, paragraph, subdivision, section
12 or part thereof directly involved in the controversy in which such judg-
13 ment shall have been rendered.

14 § 50. Intentionally omitted.

15 § 51. Intentionally omitted.

16 § 52. Intentionally omitted.

17 § 52-a. The state finance law is amended by adding a new section 99-hh
18 to read as follows:

19 § 99-hh. Public health emergency charitable gifts trust fund. 1.
20 There is hereby established in the joint custody of the commissioner of
21 taxation and finance and the state comptroller a special fund to be
22 known as the "public health emergency charitable gifts trust fund".

23 2. The public health emergency charitable gifts trust fund shall
24 consist of monetary grants, gifts or bequests received by the state for
25 the purposes of the fund, and all other moneys credited or transferred
26 thereto from any other fund or source. Moneys of such fund shall be
27 expended only for goods and services necessary to respond to a public
28 health disaster emergency or to assist or aid in responding to such a
29 disaster. Nothing in this section shall prevent the state from solicit-
30 ing and receiving grants, gifts or bequests for the purposes of such
31 fund and depositing them into the fund according to law.

32 3. Moneys in such fund shall be kept separate from and shall not be
33 commingled with any other moneys in the custody of the comptroller or
34 the commissioner of taxation and finance. Any moneys of the fund not
35 required for immediate use may, at the discretion of the comptroller, in
36 consultation with the director of the budget, be invested by the comp-
37 troller in obligations of the United States or the state, or in obli-
38 gations the principal and interest on which are guaranteed by the United
39 States or by the state. Any income earned by the investment of such
40 moneys shall be added to and become a part of, and shall be used for the
41 purposes of such fund.

42 § 53. This act shall take effect immediately and shall be deemed to
43 have been in full force and effect on and after April 1, 2020; provided,
44 however, that the provisions of sections one, one-a, two, three, four,
45 five, six, seven, eight, twelve, thirteen, fourteen, fifteen, sixteen,
46 seventeen, eighteen, nineteen, twenty-one, twenty-four, and twenty-six-a
47 of this act shall expire March 31, 2021 when upon such date the
48 provisions of such sections shall be deemed repealed.

49 PART KK

50 Section 1. Subdivisions 14-a and 22 of section 2807 of the public
51 health law are REPEALED.

52 § 2. Paragraph (c) of subdivision 8 of section 2807-c of the public
53 health law, as amended by chapter 731 of the laws of 1993, is amended to
54 read as follows:



(c) In order to reconcile capital related inpatient expenses included in rates of payment based on a budget to actual expenses and statistics for the rate period for a general hospital, rates of payment for a general hospital shall be adjusted to reflect the dollar value of the difference between capital related inpatient expenses included in the computation of rates of payment for a prior rate period based on a budget and actual capital related inpatient expenses for such prior rate period, each as determined in accordance with paragraph (a) of this subdivision, adjusted to reflect increases or decreases in volume of service in such prior rate period compared to statistics applied in determining the capital related inpatient expenses component of rates of payment based on a budget for such prior rate period. For rates effective on and after April first, two thousand twenty, the budgeted capital-related expenses add-on as described in paragraph (a) of this subdivision, based on a budget submitted in accordance to paragraph (a) of this subdivision, shall be reduced by five percent relative to the rate in effect on such date; and the actual capital expenses add-on as described in paragraph (a) of this subdivision, based on actual expenses and statistics through appropriate audit procedures in accordance with paragraph (a) of this subdivision shall be reduced by five percent relative to the rate in effect on such date. For any rate year, all reconciliation add-on amounts calculated on and after April first, two thousand twenty shall be reduced by ten percent, and all reconciliation recoupment amounts calculated on or after April first, two thousand twenty shall increase by ten percent. Notwithstanding any inconsistent provision of subparagraph (i) of paragraph (e) of subdivision nine of this section, capital related inpatient expenses of a general hospital included in the computation of rates of payment based on a budget shall not be included in the computation of a volume adjustment made in accordance with such subparagraph. Adjustments to rates of payment for a general hospital made pursuant to this paragraph shall be made in accordance with paragraph (c) of subdivision eleven of this section. Such adjustments shall not be carried forward except for such volume adjustment as may be authorized in accordance with subparagraph (i) of paragraph (e) of subdivision nine of this section for such general hospital.

§ 3. Subdivision 5-d of section 2807-k of the public health law, as amended by section 6 of part H of chapter 57 of the laws of 2019, is amended to read as follows:

5-d. (a) Notwithstanding any inconsistent provision of this section, section twenty-eight hundred seven-w of this article or any other contrary provision of law, and subject to the availability of federal financial participation, for periods on and after January first, two thousand [thirteen] twenty, through March thirty-first, two thousand [twenty] twenty-three, all funds available for distribution pursuant to this section, except for funds distributed pursuant to subparagraph (v) of paragraph (b) of subdivision five-b of this section, and all funds available for distribution pursuant to section twenty-eight hundred seven-w of this article, shall be reserved and set aside and distributed in accordance with the provisions of this subdivision.

(b) The commissioner shall promulgate regulations, and may promulgate emergency regulations, establishing methodologies for the distribution of funds as described in paragraph (a) of this subdivision and such regulations shall include, but not be limited to, the following:

(i) Such regulations shall establish methodologies for determining each facility's relative uncompensated care need amount based on unin-



1 sured inpatient and outpatient units of service from the cost reporting
2 year two years prior to the distribution year, multiplied by the appli-
3 cable medicaid rates in effect January first of the distribution year,
4 as summed and adjusted by a statewide cost adjustment factor and reduced
5 by the sum of all payment amounts collected from such uninsured
6 patients, and as further adjusted by application of a nominal need
7 computation that shall take into account each facility's medicaid inpa-
8 tient share.

9 (ii) Annual distributions pursuant to such regulations for the two
10 thousand [thirteen] twenty through two thousand [twenty] twenty-two
11 calendar years shall be in accord with the following:

12 (A) one hundred thirty-nine million four hundred thousand dollars
13 shall be distributed as Medicaid Disproportionate Share Hospital ("DSH")
14 payments to major public general hospitals; and

15 (B) nine hundred [ninety-four] sixty-nine million nine hundred thou-
16 sand dollars as Medicaid DSH payments to eligible general hospitals,
17 other than major public general hospitals.

18 For the calendar years two thousand twenty through two thousand twen-
19 ty-two, the total distributions to eligible general hospitals, other
20 than major public general hospitals, shall be subject to an aggregate
21 reduction of one hundred fifty million dollars annually, provided that
22 eligible general hospitals, other than major public general hospitals,
23 that qualify as enhanced safety net hospitals under section two thousand
24 eight hundred seven-c of this article shall not be subject to such
25 reduction.

26 Such reduction shall be determined by a methodology to be established
27 by the commissioner. Such methodology may take into account the payor
28 mix of each non-public general hospital, including the percentage of
29 inpatient days paid by Medicaid.

30 (iii) [(A) Such regulations shall establish transition adjustments to
31 the distributions made pursuant to clauses (A) and (B) of subparagraph
32 (ii) of this paragraph such that no facility experiences a reduction in
33 indigent care pool payments pursuant to this subdivision that is greater
34 than the percentages, as specified in clause (C) of this subparagraph as
35 compared to the average distribution that each such facility received
36 for the three calendar years prior to two thousand thirteen pursuant to
37 this section and section twenty-eight hundred seven-w of this article.

38 (B) Such regulations shall also establish adjustments limiting the
39 increases in indigent care pool payments experienced by facilities
40 pursuant to this subdivision by an amount that will be, as determined by
41 the commissioner and in conjunction with such other funding as may be
42 available for this purpose, sufficient to ensure full funding for the
43 transition adjustment payments authorized by clause (A) of this subpara-
44 graph.

45 (C) No facility shall experience a reduction in indigent care pool
46 payments pursuant to this subdivision that: for the calendar year begin-
47 ning January first, two thousand thirteen, is greater than two and one-
48 half percent; for the calendar year beginning January first, two thou-
49 sand fourteen, is greater than five percent; and, for the calendar year
50 beginning on January first, two thousand fifteen; is greater than seven
51 and one-half percent, and for the calendar year beginning on January
52 first, two thousand sixteen, is greater than ten percent; and for the
53 calendar year beginning on January first, two thousand seventeen, is
54 greater than twelve and one-half percent; and for the calendar year
55 beginning on January first, two thousand eighteen, is greater than
56 fifteen percent; and for the calendar year beginning on January first,

1 two thousand nineteen, is greater than seventeen and one-half percent;
2 and for the calendar year beginning on January first, two thousand twen-
3 ty, is greater than twenty percent] For calendar years two thousand
4 twenty through two thousand twenty-two, sixty-four million six hundred
5 thousand dollars shall be distributed to eligible general hospitals,
6 other than major public general hospitals, that experience a reduction
7 in indigent care pool payments pursuant to this subdivision, and that
8 qualify as enhanced safety net hospitals under section two thousand
9 eight hundred seven-c of this article as of April first, two thousand
10 twenty. Such distribution shall be established pursuant to regulations
11 promulgated by the commissioner and shall be proportional to the
12 reduction experienced by the facility.

13 (iv) Such regulations shall reserve one percent of the funds available
14 for distribution in the two thousand fourteen and two thousand fifteen
15 calendar years, and for calendar years thereafter, pursuant to this
16 subdivision, subdivision fourteen-f of section twenty-eight hundred
17 seven-c of this article, and sections two hundred eleven and two hundred
18 twelve of chapter four hundred seventy-four of the laws of nineteen
19 hundred ninety-six, in a "financial assistance compliance pool" and
20 shall establish methodologies for the distribution of such pool funds to
21 facilities based on their level of compliance, as determined by the
22 commissioner, with the provisions of subdivision nine-a of this section.

23 (c) The commissioner shall annually report to the governor and the
24 legislature on the distribution of funds under this subdivision includ-
25 ing, but not limited to:

26 (i) the impact on safety net providers, including community providers,
27 rural general hospitals and major public general hospitals;

28 (ii) the provision of indigent care by units of services and funds
29 distributed by general hospitals; and

30 (iii) the extent to which access to care has been enhanced.

31 § 4. Paragraph (b) of subdivision 35 of section 2807-c of the public
32 health law is amended by adding a new subparagraph (iv-a) to read as
33 follows:

34 (iv-a) Effective April first, two thousand twenty, such rates for
35 public general hospitals or public health systems, other than those
36 operated by the state of New York or the state university of New York,
37 located in a city having a population of one million or more shall
38 include a rate add-on that reflects reimbursement for costs, to the
39 extent permitted under 42 CFR 447.272(b)(1) and based on actual utiliza-
40 tion of services. Such rate add-on shall be contingent upon federal
41 financial participation and approval, and subject to the terms of a
42 binding memorandum of understanding executed between the department of
43 health and the public general hospital or public health system receiving
44 the rate add-on. If payment of such rate add-on is projected to cause
45 Medicaid disbursements for such period to exceed the projected depart-
46 ment of health Medicaid state funds in the enacted budget financial plan
47 pursuant to subdivision three of section twenty-three of the state
48 finance law, as determined by the director of the budget, or memorandum
49 of understanding is not executed or is breached, the commissioner, in
50 consultation with the director of budget, may either cancel or reduce
51 payment of such rate add-on to achieve compliance with the enacted budg-
52 et financial plan.

53 § 5. Paragraph (e) of subdivision 2-a of section 2807 of the public
54 health law is amended by adding a new subparagraph (iv) to read as
55 follows:

1 (iv) Effective April first, two thousand twenty, regulations issued
2 pursuant to this paragraph for public general hospitals or public health
3 systems, other than those operated by the state of New York or the state
4 university of New York, located in a city having a population of one
5 million or more shall reflect additional reimbursement for costs, to the
6 extent permitted under 42 CFR 447.321(b)(1) and based on actual utiliza-
7 tion of services. Such rate add-on shall be contingent upon federal
8 financial participation and approval, and subject to the terms of a
9 binding memorandum of understanding executed between the department of
10 health and the public general hospital or public health system receiving
11 the rate add-on. If payment of such rate add-on is projected to cause
12 Medicaid disbursements for such period to exceed the projected depart-
13 ment of health Medicaid state funds in the enacted budget financial plan
14 pursuant to subdivision three of section twenty-three of the state
15 finance law, as determined by the director of the budget, or the memo-
16 randum of understanding is not executed or is breached, the commis-
17 sioner, in consultation with the director of the budget, may either cancel
18 or reduce payment of such rate add-on to achieve compliance with the
19 enacted budget financial plan.

20 § 6. Notwithstanding any inconsistent provision of law or regulation
21 to the contrary, and subject to the availability of federal financial
22 participation pursuant to title XIX of the federal social security act,
23 effective for the period April 1, 2020 through March 31, 2021, and state
24 fiscal years thereafter, the department of health is authorized to pay a
25 rate adjustment either directly as fee for service medical assistance
26 payments to, or to managed care organizations authorized under article
27 44 of the public health law or article 43 of the insurance law that have
28 in their network, public general hospitals, as defined in subdivision 10
29 of section 2801 of the public health law, other than those operated by
30 the state of New York or the state university of New York, located in a
31 city with a population of over 1 million, as medical assistance payments
32 for inpatient services pursuant to title 11 of article 5 of the social
33 services law for patients eligible for federal financial participation
34 under title XIX of the federal social security act, contingent upon the
35 execution of a memorandum of understanding between the department of
36 health and the New York city health and hospitals corporation. The memo-
37 randum of understanding shall govern the terms, conditions, criteria and
38 methodologies for such rate adjustments and shall, at a minimum, set
39 forth: (a) the estimated amounts to be paid pursuant to such rate
40 adjustment; (b) the timing and methodology by which the city of New York
41 will fund any local share contribution, consistent with section 1905(cc)
42 of the federal social security act, or any successor provision, toward
43 the aggregate amount to be paid as part of the rate adjustment; and (c)
44 the methodology by which the anticipated total amount to be paid through
45 such rate adjustment will be funded in advance through an estimated
46 local share contribution and then reconciled with actual utilization of
47 services and application of the annual upper payment limit demonstration
48 to the extent required by the secretary of the United States Department
49 of Health and Human Services pursuant to 42 CFR 431.16, or any successor
50 provision. If the annual upper payment limit demonstration yields an
51 amount that is less than the aggregate amount paid in the rate adjust-
52 ment provided by the public health law, then the rate adjustment shall
53 be reduced to reflect the demonstration amount and other actions as
54 authorized by the memorandum of understanding. If the annual upper
55 payment limit demonstration yields an amount that is more than the
56 aggregate amount paid in the rate adjustment provided by the public



1 health law, the rate adjustment shall be adjusted to reflect the demon-
2 stration amount.

3 § 7. Notwithstanding any inconsistent provision of law, rule or regu-
4 lation to the contrary, and subject to the availability of federal
5 financial participation pursuant to title XIX of the federal social
6 security act, effective for the period April 1, 2020 through March 31,
7 2021, and state fiscal years thereafter, the department of health is
8 authorized to increase the operating cost component of rates of payment
9 for general hospital outpatient services and general hospital emergency
10 room services issued pursuant to paragraph (g) of subdivision 2 of
11 section 2807 of the public health law for public general hospitals, as
12 defined in subdivision 10 of section 2801 of the public health law,
13 other than those operated by the state of New York or the state univer-
14 sity of New York, and located in a city with a population over one
15 million, as a rate adjustment either directly as fee for service medical
16 assistance payments or to managed care organizations authorized under
17 article 44 of the public health law or article 43 of the insurance law
18 that have in their network such hospitals, as medical assistance
19 payments for outpatient services pursuant to title 11 of article 5 of
20 the social services law for patients eligible for federal financial
21 participation under title XIX of the federal social security act,
22 contingent upon the execution of a memorandum of understanding between
23 the department of health and the New York city health and hospitals
24 corporation. The memorandum of understanding shall govern the terms,
25 conditions, criteria and methodologies for such rate adjustments and
26 shall, at a minimum, set forth: (a) the estimated amounts to be paid
27 pursuant to this rate adjustment; (b) the timing and methodology by
28 which the city of New York will fund any local share contribution,
29 consistent with section 1905(cc) of the federal social security act, or
30 any successor provision, toward the aggregate amount to be paid as part
31 of the rate adjustment; and (c) the methodology by which the anticipated
32 total amount to be paid through such rate adjustment will be funded in
33 advance through an estimated local share contribution and then recon-
34 ciled with actual utilization of services and application of the annual
35 upper payment limit demonstration to the extent required by the secre-
36 tary of the United States Department of Health and Human Services pursu-
37 ant to 42 CFR 431.16, or any successor provision. If the annual upper
38 payment limit demonstration yields an amount that is less than the
39 aggregate amount paid in the rate adjustment provided by the public
40 health law, then the rate adjustment shall be reduced to reflect the
41 demonstration amount and other actions as authorized by the memorandum
42 of understanding. If the annual upper payment limit demonstration yields
43 an amount that is more than the aggregate amount paid in the rate
44 adjustment provided by the public health law, the rate adjustment shall
45 be adjusted to reflect the demonstration amount.

46 § 8. This act shall take effect immediately and shall be deemed to
47 have been in full force and effect on and after April 1, 2020, provided,
48 further that sections three through nine of this act shall expire and be
49 deemed repealed March 31, 2023; provided further, however, that the
50 director of the budget may, in consultation with the commissioner of
51 health, delay the effective dates prescribed herein for a period of time
52 which shall not exceed ninety days following the conclusion or termi-
53 nation of an executive order issued pursuant to section 28 of the execu-
54 tive law declaring a state disaster emergency for the entire state of
55 New York, upon such delay the director of budget shall notify the chairs
56 of the assembly ways and means committee and senate finance committee



1 and the chairs of the assembly and senate health committee; provided
2 further, however, that the director of the budget shall notify the
3 legislative bill drafting commission upon the occurrence of a delay in
4 the effective date of this act in order that the commission may maintain
5 an accurate and timely effective data base of the official text of the
6 laws of the state of New York in furtherance of effectuating the
7 provisions of section 44 of the legislative law and section 70-b of the
8 public officers law.

9 PART LL

10 Section 1. Intentionally omitted.

11 § 2. Subdivision 4 of section 365-h of the social services law, as
12 separately amended by section 50 of part B and section 24 of part D of
13 chapter 57 of the laws of 2015, is amended to read as follows:

14 4. (a) The commissioner of health is authorized to assume responsibil-
15 ity from a local social services official for the provision and
16 reimbursement of transportation costs under this section. If the commis-
17 sioner elects to assume such responsibility, the commissioner shall
18 notify the local social services official in writing as to the election,
19 the date upon which the election shall be effective and such information
20 as to transition of responsibilities as the commissioner deems prudent.
21 The commissioner is authorized to contract with a transportation manager
22 or managers to manage transportation services in any local social
23 services district, other than transportation services provided or
24 arranged for enrollees of managed long term care plans issued certifi-
25 cates of authority under section forty-four hundred three-f of the
26 public health law. Any transportation manager or managers selected by
27 the commissioner to manage transportation services shall have proven
28 experience in coordinating transportation services in a geographic and
29 demographic area similar to the area in New York state within which the
30 contractor would manage the provision of services under this section.
31 Such a contract or contracts may include responsibility for: review,
32 approval and processing of transportation orders; management of the
33 appropriate level of transportation based on documented patient medical
34 need; and development of new technologies leading to efficient transpor-
35 tation services. If the commissioner elects to assume such responsibil-
36 ity from a local social services district, the commissioner shall exam-
37 ine and, if appropriate, adopt quality assurance measures that may
38 include, but are not limited to, global positioning tracking system
39 reporting requirements and service verification mechanisms. Any and all
40 reimbursement rates developed by transportation managers under this
41 subdivision shall be subject to the review and approval of the commis-
42 sioner.

43 (b)(i) Subject to federal financial participation, for periods on and
44 after April first, two thousand twenty-one, in order to more cost-effec-
45 tively provide non-emergency transportation to Medicaid beneficiaries
46 who need access to medical care and services, the commissioner is
47 authorized to contract with one or more transportation management
48 brokers to manage such transportation on a statewide or regional basis,
49 as determined by the commissioner, in accordance with the federal social
50 security act as follows:

51 (A) The transportation management broker or brokers shall be selected
52 through a competitive bidding process based on an evaluation of the
53 broker's experience, performance, references, resources, qualifications
54 and costs; provided, however, that the department's selection process

1 shall be memorialized in a procurement record as defined in section one
2 hundred sixty-three of the state finance law;

3 (B) The transportation management broker or brokers shall have over-
4 sight procedures to monitor Medicaid beneficiary access and complaints
5 and ensure that enrolled Medicaid transportation providers are licensed,
6 qualified, competent and courteous.

7 (C) The transportation management broker or brokers shall be subject
8 to regular auditing and oversight by the department in order to ensure
9 the quality of the transportation services provided and adequacy of
10 Medicaid beneficiary access to medical care and services.

11 (D) The transportation management broker or brokers shall comply with
12 requirements related to prohibitions on referrals and conflicts of
13 interest required by the federal social security act.

14 (ii) The transportation management broker or brokers may be paid a per
15 member per month capitated fee or a combination of capitation and fixed
16 cost reimbursement and the contract shall include, but not be limited
17 to, responsibility for:

18 (A) establishing a network of high-quality Medicaid enrolled provid-
19 ers; provided, however, that in developing such network the transporta-
20 tion management broker shall evaluate the qualifications of current
21 Medicaid transportation providers on a priority basis for participation
22 in its network, and leverage reputable transportation providers with a
23 proven record of serving Medicaid beneficiaries with high-quality
24 services;

25 (B) continuing outreach to Medicaid enrolled providers to assess and
26 resolve service quality issues;

27 (C) developing mandatory corrective actions for any Medicaid enrolled
28 provider that falls under quality performance standards;

29 (D) establishing a prior approval process which shall include verify-
30 ing Medicaid eligibility and reviewing, approving and processing trans-
31 portation orders;

32 (E) managing the appropriate level of transportation based on docu-
33 mented patient medical need to ensure that Medicaid beneficiaries are
34 using the most medically appropriate mode of transportation, including
35 public transportation, which shall be maximized statewide, including in
36 rural areas; provided that when determining the appropriate level of
37 transportation, the transportation management broker shall ensure that
38 patients have reasonable and timely access to medically appropriate
39 transportation services;

40 (F) implementing technologies to effectuate efficient transportation
41 services, such as GPS, to improve match to mode of transportation;

42 (G) establishing fees to reimburse enrolled Medicaid transportation
43 providers;

44 (H) adjudicating and paying claims submitted by enrolled Medicaid
45 transportation providers;

46 (I) reporting on performance encompassing all aspects of the transpor-
47 tation program, including but not limited to Medicaid beneficiary
48 complaints including the length of time to make a compliant, wait times
49 related to the receipt of services by a recipient, and tracking medical
50 justifications to modes of transportation provided;

51 (J) collaborating with Medicaid beneficiaries and consumer groups to
52 identify and resolve issues to increase consumer satisfaction;

53 (K) auditing cancellation data on a quarterly basis to ensure accura-
54 cy;



1 (L) coordinating medical benefits and transportation with Medicaid
2 managed care organizations, including development of value based
3 payments for transportation services; and

4 (M) such contracts shall include penalties for incorrect denials,
5 unresolved complaint rates, unfulfilled trips, and any other criteria
6 determined by the commissioner and specified in the competitive bidding
7 process.

8 (iii) A transportation management broker with which the commissioner
9 contracts shall file with the commissioner a bond issued by an insurer
10 authorized to write fidelity and surety insurance in this state, in an
11 amount and form to be determined by the commissioner. The purpose of
12 the surety bond shall be to provide the sole source of recourse to
13 providers of Medicaid transportation services, other than the transpor-
14 tation management broker, that cannot receive payment for services prop-
15 erly provided if the transportation management broker becomes insolvent.
16 To the extent permitted by law, the surety bond shall provide that any
17 funds that remain after such provider liabilities are satisfied shall be
18 paid to that state.

19 (iv) A transportation management broker with which the commissioner
20 contracts shall provide to Medicaid enrolled providers annually a
21 conspicuous written disclosure that states the following: "The New York
22 State Department of Health has contracted with this transportation
23 management broker to arrange non-emergency transportation for Medicaid
24 beneficiaries who need access to medical care and services and is paying
25 the transportation management broker a per member per month capitated
26 fee or a combination of capitation and fixed cost reimbursement. This
27 transportation management broker is not licensed by the New York State
28 Department of Financial Services as an insurer and is not subject to its
29 supervision as an insurer. This transportation management broker is not
30 protected by New York security funds and there will not be any right to
31 recover against the department of health, department of financial
32 services, or this state in the event of the transportation management
33 broker's insolvency.

34 (v) To the extent practicable, the competitive bidding and contracting
35 process maybe completed by April first, two thousand twenty-one;
36 provided, however, such contract may be effective at some date after
37 April first, two thousand twenty-one, if the process takes longer to
38 complete.

39 (vi) Responsibility for transportation services provided or arranged
40 for enrollees of managed long term care plans issued certificates of
41 authority under section forty-four hundred three-f of the public health
42 law, not including a program designated as a Program of All-Inclusive
43 Care for the Elderly (PACE) as authorized by Federal Public law 1053-33,
44 subtitle I of title IV of the Balanced Budget Act of 1997, and, at the
45 commissioner's discretion, other plans that integrate benefits for dual-
46 ly eligible Medicare and Medicaid beneficiaries based on a demonstration
47 by the plan that inclusion of transportation within the benefit package
48 will result in cost efficiencies and quality improvement, shall be
49 transferred to a transportation management broker that has a contract
50 with the commissioner in accordance with this paragraph. Providers of
51 adult day health care may elect to, but shall not be required to, use
52 the services of the transportation management broker.

53 § 2-a. For periods on and after April 1, 2020, Medicaid transporta-
54 tion rates for the taxi/livery/van (non-ambulette) category of service
55 in effect on April 1, 2020 shall be reduced by 7.5%, relative to rates
56 in effect on March 31, 2020, and for periods on and after December 1,



2020, such rates in effect on November 30, 2020, shall be further reduced by 7.5%, relative to rates in effect on March 31, 2020; provided, however, such rate reductions may be adjusted if the commissioner of health determines there are Medicaid transportation access issues in a region, including rural areas.

§ 2-b. Providers of adult day health care may elect to, but shall not be required to, use the services of the transportation manager or managers described in section 365-h of the social services law.

§ 3. The commissioner of health shall seek, pursuant to a state plan amendment, authorization to establish and administer a program for the federal financial participation in reimbursement for ground emergency medical transportation services provided to Medicaid beneficiaries by eligible transportation providers on a voluntary basis. The commissioner of health may promulgate regulations, including emergency regulations, in order to implement the provisions of this section.

1. Such program shall establish a payment methodology for supplemental reimbursement that shall require the eligible transportation provider file cost reports and data as required by the commissioner of health, and certify that:

(a) in accordance with 42 C.F.R. section 433.51 or any successor regulation, the claimed expenditures for the ground emergency medical transportation services are eligible for federal financial participation; and

(b) the amount certified pursuant to paragraph (a) of this subdivision when combined with amounts received from all other sources of reimbursement from the Medicaid program does not exceed one hundred percent of actual costs, as determined in accordance with the Medicaid state plan, for ground emergency transportation services.

2. Eligible transportation providers receiving supplemental reimbursement pursuant to this subdivision shall not receive non-comparable cost reimbursement for the Medicaid costs associated with ambulance services as provided in subparagraph (i) of paragraph (b) of subdivision 35 of section 2807-c of the public health law and as may be further defined regulations issued by the commissioner of health and shall not report such costs as Medicaid reimbursable costs in the institutional cost report.

3. For the purposes of this section, an "eligible transportation provider" shall mean:

(a) a provider who provides ground emergency medical transportation services to Medicaid beneficiaries; and

(b) is enrolled as a Medicaid provider for the period being claimed; and

(c) is owned or operated by the state, a political subdivision or local government, that employs or contracts with persons or entities licensed to provide emergency medical services in New York state, and includes private entities to the extent permissible under federal law.

§ 4. Section 365-h of the social services law is amended by adding a new subdivision 6 to read as follows:

6. (a) The commissioner of health shall require transportation providers enrolled in the Medicaid program and specified by the commissioner pursuant to regulation, to report the costs incurred in providing transportation services to Medicaid beneficiaries pursuant to this section; provided, however, this requirement shall only apply if there is no transportation management broker contract authorized in subdivision four of this section. The commissioner shall specify the frequency and format of such reports and determine the type and amount of information required to be submitted, including supporting documentation, provided



1 that such reports shall be no more frequent than quarterly. The commis-
2 sioner shall give all transportation providers no less than ninety
3 calendar days' notice before such reports are due.

4 (b) If the commissioner determines that the cost report submitted by a
5 Medicaid transportation provider is inaccurate or incomplete, the
6 commissioner shall notify such provider in writing and advise the
7 provider of the correction or additional information that the provider
8 must submit. The provider shall submit the corrected or additional
9 information within thirty calendar days from the date the provider
10 receives the notice.

11 (c) The commissioner shall grant a provider an additional thirty
12 calendar days to submit the original cost report, or corrected or addi-
13 tional information required pursuant to paragraph (b) of this subdivi-
14 sion only when the provider submits a written request to the commission-
15 er for an extension prior to the due date and establishes to the
16 satisfaction of the commissioner that the provider cannot submit the
17 cost report or corrected or additional information by the due date for
18 reasons beyond the provider's control.

19 § 5. Intentionally omitted.

20 § 6. Intentionally omitted.

21 § 7. Intentionally omitted.

22 § 8. Intentionally omitted.

23 § 9. This act shall take effect immediately and shall be deemed to
24 have been in full force and effect on and after April 1, 2020; provided,
25 however, that section two of this act shall take effect April 1, 2021;
26 provided, further that the amendments to subdivisions 4 and 6 of section
27 365-h of the social services law made by sections two and four of this
28 act shall be subject to the expiration and reversion of such section
29 pursuant to subdivision (a) of section 40 of part B of chapter 109 of
30 the laws of 2010, as amended; provided further, however, that the direc-
31 tor of the budget may, in consultation with the commissioner of health,
32 delay the effective dates prescribed herein for a period of time which
33 shall not exceed ninety days following the conclusion or termination of
34 an executive order issued pursuant to section 28 of the executive law
35 declaring a state disaster emergency for the entire state of New York,
36 upon such delay the director of the budget shall notify the chairs of
37 the assembly ways and means committee and the senate finance committee
38 and the chairs of the assembly and senate health committee; provided
39 further, however, that the director of the budget shall notify the
40 legislative bill drafting commission upon the occurrence of a delay in
41 the effective date of this act in order that the commission may maintain
42 an accurate and timely effective data base of the official text of the
43 laws of the state of New York in furtherance of effectuating the
44 provisions of section 44 of the legislative law and section 70-b of the
45 public officers law.

46 PART MM

47 Section 1. Intentionally omitted.

48 § 2. Subparagraphs (i) and (ii) of paragraph (e) of subdivision 2 of
49 section 365-a of the social services law, as amended by section 36-a of
50 part B of chapter 57 of the laws of 2015, are amended to read as
51 follows:

52 (i) personal care services, including personal emergency response
53 services, shared aide and an individual aide, subject to the provisions
54 of subparagraphs (ii), (iii), [and] (iv), (v) and (vi) of this para-



1 graph, furnished to an individual who is not an inpatient or resident of
2 a hospital, nursing facility, intermediate care facility for [the
3 mentally retarded] individuals with intellectual disabilities, or insti-
4 tution for mental disease, as determined to meet the recipient's needs
5 for assistance when cost effective and appropriate, and when prescribed
6 by a qualified independent physician selected or approved by the depart-
7 ment of health, in accordance with the recipient's plan of treatment and
8 provided by individuals who are qualified to provide such services, who
9 are supervised by a registered nurse and who are not members of the
10 recipient's family, and furnished in the recipient's home or other
11 location;

12 (ii) the commissioner is authorized to adopt standards, pursuant to
13 emergency regulation, for the provision [and], management and assessment
14 of services available under this paragraph for individuals whose need
15 for such services exceeds a specified level to be determined by the
16 commissioner, and who with the provision of such services is capable of
17 safely remaining in the community in accordance with the standards set
18 forth in Olmstead v. LC by Zimring, 527 US 581 (1999) and consider
19 whether an individual is capable of safely remaining in the community;

20 § 2-a. Paragraph (e) of subdivision 2 of section 365-a of the social
21 services law is amended by adding two new subparagraphs (v) and (vi) to
22 read as follows:

23 (v) subject to the availability of federal financial participation,
24 personal care services other than personal emergency response services
25 available pursuant to this paragraph shall be available only to individ-
26 uals assessed as needing at least limited assistance with physical
27 maneuvering with more than two activities of daily living, or for indi-
28 viduals with a dementia or Alzheimer's diagnosis, assessed as needing at
29 least supervision with more than one activity of daily living, as
30 defined and determined by using an evidenced based validated assessment
31 instrument approved by the commissioner and in accordance with regu-
32 lations of the department and any applicable state and federal laws by
33 an independent assessor. The provisions of this subparagraph shall only
34 apply to individuals who receive an initial authorization for such
35 services on or after October first, two thousand twenty;

36 (vi) In establishing any standards for the provision, management or
37 assessment of personal care services the state shall meet the standards
38 set forth in Olmstead v. LC by Zimring, 527 US 581 (1999) and consider
39 whether an individual is capable of safely remaining in the community;

40 § 2-b. Paragraph (a) of subdivision 2 of section 365-f of the social
41 services law, as added by chapter 81 of the laws of 1995, is amended to
42 read as follows:

43 (a) is eligible for long term care and services provided by a certi-
44 fied home health agency, long term home health care program or AIDS home
45 care program authorized pursuant to article thirty-six of the public
46 health law, or is eligible for personal care services provided pursuant
47 to this article, and who with the provision of such services is capable
48 of safely remaining in the community in accordance with the standards
49 set forth in Olmstead v. LC by Zimring, 527 US 581 (1999) and consider
50 whether an individual is capable of safely remaining in the community;

51 § 3. Paragraph (c) of subdivision 2 of section 365-f of the social
52 services law, as amended by chapter 511 of the laws of 2015, is amended
53 to read as follows:

54 (c) has been determined by the social services district, pursuant to
55 an assessment of the person's appropriateness for the program, conducted
56 with an appropriate long term home health care program, a certified home



1 health agency, or an AIDS home care program or pursuant to the personal
2 care program, as being in need of home care services or private duty
3 nursing and as needing at least limited assistance with physical maneu-
4 vering with more than two activities of daily living, or for persons
5 with a dementia or Alzheimer's diagnosis, as needing at least super-
6 vision with more than one activity of daily living, provided that the
7 provisions related to activities of daily living in this paragraph shall
8 only apply to persons who initially seek eligibility for the program on
9 or after October first, two thousand twenty, and who is able and willing
10 or has a designated representative, including a legal guardian able and
11 willing to make informed choices, or a designated relative or other
12 adult who is able and willing to assist in making informed choices, as
13 to the type and quality of services, including but not limited to such
14 services as nursing care, personal care, transportation and respite
15 services; and

16 § 4. Paragraph (a) of subdivision 6 of section 4403-f of the public
17 health law, as amended by section 41-b of part H of chapter 59 of the
18 laws of 2011, is amended to read as follows:

19 (a) An applicant shall be issued a certificate of authority as a
20 managed long term care plan upon a determination by the commissioner
21 that the applicant complies with the operating requirements for a
22 managed long term care plan under this section. The commissioner shall
23 issue no more than seventy-five certificates of authority to managed
24 long term care plans pursuant to this section. Nothing in this section
25 shall be construed as requiring the department to contract with or to
26 contract for a particular line of business with an entity certified
27 under this section for the provision of services available under title
28 eleven of article five of the social services law.

29 § 5. Subdivision 6 of section 4403-f of the public health law is
30 amended by adding three new paragraphs (d), (e) and (f) to read as
31 follows:

32 (d) (i) Effective April first, two thousand twenty, and expiring March
33 thirty-first, two thousand twenty-two, the commissioner shall place a
34 moratorium on the processing and approval of applications seeking a
35 certificate of authority as a managed long term care plan pursuant to
36 this section, including applications seeking authorization to expand an
37 existing managed long term care plan's approved service area or scope of
38 eligible enrollee populations. Such moratorium shall not apply to:

39 (A) applications submitted to the department prior to January first,
40 two thousand twenty;

41 (B) applications seeking approval to transfer ownership or control of
42 an existing managed long term care plan;

43 (C) applications demonstrating to the commissioner's satisfaction that
44 submission of the application for consideration would be appropriate to
45 address a serious concern with care delivery, such as a lack of adequate
46 access to managed long term care plans in a geographic area or a lack of
47 adequate and appropriate care, language and cultural competence, or
48 special needs services; and

49 (D) applications seeking to operate under the PACE (Program of All-In-
50 clusive Care for the Elderly) model as authorized by federal public law
51 105-33, subtitle I of title IV of the Balanced Budget Act of 1997, or to
52 serve individuals dually eligible for services and benefits under titles
53 XVIII and XIX of the federal social security act in conjunction with an
54 affiliated Medicare Dual Eligible Special Needs Plan, based on the need
55 for such plans and the experience of applicants in serving dually eligi-
56 ble individuals as determined by the commissioner in their discretion.



1 (ii) For the duration of the moratorium, the commissioner shall assess
2 the public need for managed long term care plans that are not integrated
3 with an affiliated Medicare plan, the ability of such plans to provide
4 high quality and cost effective care for their membership, and based on
5 such assessment develop a process and conduct an orderly wind-down and
6 elimination of such plans, which shall coincide with the expiration of
7 the moratorium unless the commissioner determines that a longer wind-
8 down period is needed.

9 (e) For the duration of the moratorium under paragraph (d) of this
10 subdivision, the commissioner shall establish, and enforce by means of a
11 premium withholding equal to three percent of the base rate, an annual
12 cap on total enrollment (enrollment cap) for each managed long term care
13 plan, subject to subparagraphs (ii) and (iii) of this paragraph, based
14 on a percentage of each plan's reported enrollment as of October first,
15 two thousand twenty.

16 (i) The specific percentage of each plan's enrollment cap shall be
17 established by the commissioner based on: (A) the ability of individuals
18 eligible for such plans to access health and long term care services,
19 (B) plan quality of care scores, (C) historical plan disenrollment, (D)
20 the projected growth of individuals eligible for such plans in different
21 regions of the state, (E) historical plan enrollment of patients with
22 varying levels of need and acuity, and (F) other factors in the commis-
23 sioner's discretion to ensure compliance with federal requirements,
24 appropriate access to plan services, and choice by eligible individuals.

25 (ii) In the event that a plan exceeds its annual enrollment cap, the
26 commissioner is authorized under this paragraph to retain all or a
27 portion of the premium withheld based on the amount over which a plan
28 exceeds its enrollment cap. Penalties assessed pursuant to this subdivi-
29 sion shall be determined by regulation.

30 (iii) The commissioner may not establish an annual cap on total
31 enrollment under this paragraph for plans' lines of business operating
32 under the PACE (Program of All-Inclusive Care for the Elderly) model as
33 authorized by federal public law 105-33, subtitle I of title IV of the
34 Balanced Budget Act of 1997, or that serve individuals dually eligible
35 for services and benefits under titles XVIII and XIX of the federal
36 social security act in conjunction with an affiliated Medicare Dual
37 Eligible Special Needs Plan.

38 (f) In implementing the provisions of paragraphs (d) and (e) of this
39 subdivision, the commissioner shall, to the extent practicable, consider
40 and select methodologies that seek to maximize continuity of care and
41 minimize disruption to the provider labor workforce, and shall, to the
42 extent practicable and consistent with the ratios set forth herein,
43 continue to support contracts between managed long term care plans and
44 licensed home care services agencies that are based on a commitment to
45 quality and value.

46 § 5-a. Subparagraph (vi) of paragraph (b) of subdivision 7 of section
47 4403-f of the public health law, as added by section 41-b of part H of
48 chapter 59 of the laws of 2011, is amended to read as follows:

49 (vi) persons required to enroll in the managed long term care program
50 or other care coordination model established pursuant to this paragraph
51 shall have no less than thirty days to select a managed long term care
52 provider, and shall be provided with information to make an informed
53 choice. Where a participant has not selected such a provider, the
54 commissioner shall assign such participant to a managed long term care
55 provider, taking into account consistency with any prior community-based
56 direct care workers having recently served the recipient, quality



1 performance criteria, capacity and geographic accessibility. During the
2 period prior to receiving services from a managed long term care provid-
3 er assigned under this subparagraph, the person may receive services
4 under fee for service Medicaid.

5 § 6. Paragraph (b) of subdivision 7 of section 4403-f of the public
6 health law is amended by adding a new subparagraph (iii) to read as
7 follows:

8 (iii) Notwithstanding and in addition to any provision of subparagraph
9 (i) of this paragraph and subject to any federal requirements, persons
10 dually eligible for medical assistance and benefits under the federal
11 Medicare program who are enrolled in a Medicare Dual Eligible Special
12 Needs Plan and who do not require community-based long term care
13 services, as specified by the commissioner, for a continuous period of
14 more than one hundred and twenty days shall be required to enroll with
15 an available affiliated plan certified pursuant to this section when
16 program features and reimbursement rates are approved by the commission-
17 er.

18 § 7. Subdivision 4-a of section 71 of part C of chapter 60 of the laws
19 of 2014, amending the social services law relating to fair hearings
20 within the Fully Integrated Duals Advantage program, as amended by chap-
21 ter 106 of the laws of 2018, is amended to read as follows:

22 4-a. section twenty-two of this act shall take effect April 1, 2014,
23 and shall be deemed expired January 1, [2021] 2024;

24 § 8. Subdivision 2-a of section 22 of the social services law, as
25 added by section 22 of part C of chapter 60 of the laws of 2014, is
26 amended to read as follows:

27 2-a. With regard to fair hearings held in connection with appeals
28 [under the fully integrated duals advantage demonstration program] for
29 integrated fair hearing and appeals processes for individuals dually
30 eligible for medical assistance and benefits available under titles
31 XVIII and XIX of the federal social security act, the commissioner may
32 contract for the sole purpose of assisting staff of the office for such
33 purpose.

34 § 9. Subdivision 1 of section 4013 of the public health law, as added
35 by section 26 of part J of chapter 82 of the laws of 2002, is amended to
36 read as follows:

37 1. The commissioner shall, subject to the provisions of subdivision
38 two of this section, increase medical assistance rates of payment by up
39 to three percent for hospice services provided on and after December
40 first, two thousand two, for purposes of improving recruitment and
41 retention of non-supervisory workers or workers with direct patient care
42 responsibility.

43 § 10. The public health law is amended by adding a new section 3605-c
44 to read as follows:

45 § 3605-c. Authorization to enroll and provide medical assistance. 1.
46 A licensed home care services agency (LHCSA) shall not enroll as a
47 provider in the medical assistance program operated pursuant to title
48 eleven of article five of the social services law or provide or claim
49 for services pursuant thereto, whether provided under the state plan, a
50 waiver thereto or through a managed care organization, without being
51 authorized to do so by contract with the department entered into pursu-
52 ant to this section. Authorization under this section shall not substi-
53 tute for or duplicate the requirements of licensure under this article
54 or the screening and enrollment process required for participation in
55 the medical assistance program.



1 2. Notwithstanding any inconsistent provision of section one hundred
2 sixty-three of the state finance law, or sections one hundred forty-two
3 and one hundred forty-three of the economic development law, the commis-
4 sioner shall enter into a sufficient number of contracts with LHCSAs to
5 ensure medical assistance recipients have access to care and services,
6 provided, however, that:

7 (a) the department shall post on its website for a period of no less
8 than thirty days:

9 (i) a description of the proposed services to be provided pursuant to
10 the contract or contracts;

11 (ii) the criteria for selection of LHCSA contractors, including but
12 not limited to: licensure under this article, the ability to appropri-
13 ately serve medical assistance recipients as determined by the commis-
14 sioner, a geographic distribution of LHCSAs to ensure access statewide
15 including in rural and underserved areas, demonstrated cultural and
16 language competencies specific to the population of recipients and those
17 of the available workforce, ability to provide timely assistance to
18 recipients, experience serving individuals with disabilities, efficient
19 and economic administration of LHCSA services, and demonstrated compli-
20 ance with all applicable federal and state laws and regulations includ-
21 ing, but not limited to, past compliance with labor law and existing
22 wage and labor standards, and compliance with equal employment opportu-
23 nity requirements and anti-discrimination laws;

24 (iii) the period of time during which a prospective contractor may
25 seek selection, which shall be no less than thirty days after such
26 information is first posted on the website; and

27 (iv) the manner by which a prospective contractor may submit a
28 proposal for selection, which may include submission by electronic
29 means;

30 (b) the commissioner shall review in a timely fashion all reasonable
31 and responsive submissions that are received from prospective contrac-
32 tors;

33 (c) the commissioner shall select such contractors that, in the
34 commissioner's discretion, are best suited to efficiently and econom-
35 ically administer medical assistance services;

36 (d) all decisions made and approaches taken pursuant to this section
37 shall be documented in a procurement record as defined in section one
38 hundred sixty-three of the state finance law;

39 (e) the commissioner may institute a continuous recruitment process
40 provided that the information required under paragraph (a) of this
41 subdivision remains on the department's website for the entire duration
42 of the recruitment process, until such date as the commissioner may
43 determine upon no less than ten days notice being posted on the website;
44 and

45 (f) the commissioner may reoffer contracts under the same terms of
46 this subdivision, if determined necessary by the commissioner, on a
47 statewide or regional basis.

48 3. (a) The department may terminate a LHCSA's contract under this
49 section or suspend or limit the LHCSA's rights and privileges under the
50 contract upon thirty day's written notice to the LHCSA if the commis-
51 sioner finds that the LHCSA has failed to comply with the provisions of
52 this section or any regulations promulgated hereunder. The written
53 notice shall include:

54 (i) a description of the conduct and the issues related thereto that
55 have been identified as failure of compliance; and

56 (ii) the time frame of the conduct that fails compliance.



1 (b) Notwithstanding paragraph (a) of this subdivision, upon determin-
2 ing that a medical assistance recipient's health or safety would be
3 imminently endangered by the continued operation or actions of the
4 LHCSA, the commissioner may terminate the LHCSA's contract or suspend or
5 limit the LHCSA's rights and privileges under the contract immediately
6 upon written notice.

7 (c) All orders or determinations under this subdivision shall be
8 subject to review as provided in article seventy-eight of the civil
9 practice law and rules.

10 (d) Any procedural rights or privileges afforded pursuant to this
11 subdivision shall apply only to actions taken under this subdivision
12 with respect to compliance with the terms of the contract. Actions taken
13 under this subdivision shall not constitute and shall not be construed
14 to constitute an action with respect to a LHCSA's licensure or enroll-
15 ment in the medical assistance program, which the department may under-
16 take separately or in conjunction with an action pursuant to this subdi-
17 vision.

18 4. The provisions of this section shall not apply unless any and all
19 necessary approvals under federal law and regulation have been obtained
20 to receive federal financial participation in the costs of services that
21 would be provided by LHCSAs in accordance with the terms of contracts
22 entered into pursuant to this section.

23 § 11. Section 365-a of the social services law is amended by adding a
24 new subdivision 10 to read as follows:

25 10. The department of health shall establish or procure the services
26 of an independent assessor or assessors no later than October 1, 2022,
27 in a manner and schedule as determined by the commissioner of health, to
28 take over from local departments of social services, Medicaid Managed
29 Care providers, and Medicaid managed long term care plans performance of
30 assessments and reassessments required for determining individuals'
31 needs for personal care services, including as provided through the
32 consumer directed personal assistance program, and other services or
33 programs available pursuant to the state's medical assistance program as
34 determined by such commissioner for the purpose of improving efficiency,
35 quality, and reliability in assessment and to determine individuals'
36 eligibility for Medicaid managed long term care plans. Notwithstanding
37 the provisions of section one hundred sixty-three of the state finance
38 law, or sections one hundred forty-two and one hundred forty-three of
39 the economic development law, or any contrary provision of law,
40 contracts may be entered or the commissioner may amend and extend the
41 terms of a contract awarded prior to the effective date and entered into
42 pursuant to subdivision twenty-four of section two hundred six of the
43 public health law, as added by section thirty-nine of part C of chapter
44 fifty-eight of the laws of two thousand eight, and a contract awarded
45 prior to the effective date and entered into to conduct enrollment
46 broker and conflict-free evaluation services for the Medicaid program,
47 if such contract or contract amendment is for the purpose of procuring
48 such assessment services from an independent assessor; provided, howev-
49 er, in the case of a contract entered into after the effective date of
50 this section, that:

51 (a) The department of health shall post on its website, for a period
52 of no less than thirty days:

53 (i) A description of the proposed services to be provided pursuant to
54 the contract or contracts;

55 (ii) The criteria for selection of a contractor or contractors includ-
56 ing, but not limited to, being unaffiliated with any entity certified



1 under article forty-four of the public health law or any service provid-
2 er licensed under article thirty-six of the public health law, demon-
3 strated cultural and linguistic competence, experience in evaluating the
4 service needs of individuals with disabilities seeking to live in the
5 community, and demonstrated compliance with all applicable state and
6 federal laws. Furthermore, the selection criteria shall consider and
7 give preference to whether a prospective contractor is a not-for-profit
8 organization;

9 (iii) The period of time during which a prospective contractor may
10 seek selection, which shall be no less than thirty days after such
11 information is first posted on the website; and

12 (iv) The manner by which a prospective contractor may submit a
13 proposal for selection, which may include submission by electronic
14 means;

15 (b) All reasonable and responsive submissions that are received from
16 prospective contractors in a timely fashion shall be reviewed by the
17 commissioner of health;

18 (c) The commissioner of health shall select such contractor or
19 contractors that are best suited to serve the purposes of this section
20 and the needs of recipients; and

21 (d) All decisions made and approaches taken pursuant to this section
22 shall be documented in a procurement record as defined in section one
23 hundred sixty-three of the state finance law.

24 § 12. Section 8 of part C of chapter 57 of the laws of 2018, amending
25 the social services law and the public health law relating to health
26 homes and penalties for managed care providers, is amended to read as
27 follows:

28 § 8. Notwithstanding any inconsistent provision of [sections 112 and]
29 section 163 of the state finance law, or sections 142 and 143 of the
30 economic development law, or any other contrary provision of law,
31 excepting the 13 responsible vendor requirements of the state finance
32 law, including, but not limited to, sections 163 and 139-k of the state
33 finance law, the commissioner of health is authorized to amend or other-
34 wise extend the terms of a contract awarded prior to the effective date
35 and entered into pursuant to subdivision 24 of section 206 of the public
36 health law, as added by section 39 of part C of chapter 58 of the laws
37 of 2008, and a contract awarded prior to the effective date and entered
38 into to conduct enrollment broker and conflict-free evaluation services
39 for the Medicaid program, both for a period of three years, without a
40 competitive bid or request for proposal process, upon determination that
41 the existing contractor is qualified to continue to provide such
42 services, and provided that efficiency savings are achieved during the
43 period of extension; and provided, further, that the department of
44 health shall submit a request for applications for such contract during
45 the time period specified in this section and may terminate the contract
46 identified herein prior to expiration of the extension authorized by
47 this section.

48 § 13. Clause (vi) of subparagraph 1 of paragraph (e) of subdivision 5
49 of section 366 of the social services law, as added by section 26-a of
50 part C of chapter 109 of the laws of 2006, is amended and two new claus-
51 es (xi) and (xii) are added to read as follows:

52 (vi) "look-back period" means the sixty-month period immediately
53 preceding the date that an institutionalized individual is both institu-
54 tionalized and has applied for medical assistance, or in the case of a
55 non-institutionalized individual, subject to federal approval, the thir-
56 ty-month period immediately preceding the date that such non-institu-



1 tionalized individual applies for medical assistance coverage of long
2 term care services. Nothing herein precludes a review of eligibility for
3 retroactive authorization for medical expenses incurred during the three
4 months prior to the month of application for medical assistance.

5 (xi) "non-institutionalized individual" means an individual who is not
6 an institutionalized individual, as defined in clause (vii) of this
7 subparagraph.

8 (xii) "long term care services" means home health care services,
9 private duty nursing services, personal care services, assisted living
10 program services and such other services for which medical assistance is
11 otherwise available under this chapter which are designated as long term
12 care services in the regulations of the department.

13 § 14. The opening paragraph of subparagraph 3 of paragraph (e) of
14 subdivision 5 of section 366 of the social services law, as added by
15 section 26-a of part C of chapter 109 of the laws of 2006, is amended to
16 read as follows:

17 In determining the medical assistance eligibility of an institutional-
18 ized individual, any transfer of an asset by the individual or the indi-
19 vidual's spouse for less than fair market value made within or after the
20 look-back period shall render the individual ineligible for nursing
21 facility services for the period of time specified in subparagraph five
22 of this paragraph. In determining the medical assistance eligibility of
23 a non-institutionalized individual, any transfer of an asset by the
24 individual or the individual's spouse for less than fair market value
25 made within or after the look-back period shall render the individual
26 ineligible for community based long term care services for the period of
27 time specified in subparagraph five of this paragraph. For purposes of
28 this paragraph:

29 § 15. Intentionally omitted.

30 § 16. Intentionally omitted.

31 § 17. The opening paragraph of subdivision 2 of section 365-f of the
32 social services law, as amended by section 38 of part D of chapter 58 of
33 the laws of 2009, is amended to read as follows:

34 All eligible individuals receiving home care [shall be provided notice
35 of the availability of the program, and no less frequently than annually
36 thereafter, and] shall have the opportunity to apply for participation
37 in the program no less than annually. Each social services district
38 shall file an implementation plan with the commissioner of the depart-
39 ment of health, which shall be updated annually. Such updates shall be
40 submitted no later than November thirtieth of each year. Beginning on
41 June thirtieth, two thousand nine, the plans and updates submitted by
42 districts shall require the approval of the department. Implementation
43 plans shall include district enrollment targets, describe methods for
44 the provision of notice and assistance to interested individuals eligi-
45 ble for enrollment in the program, and shall contain such other informa-
46 tion as shall be required by the department. An "eligible individual",
47 for purposes of this section is a person who:

48 § 18. Clauses 12 and 13 of subparagraph (v) of paragraph (b) of subdi-
49 vision 7 of section 4403-f of the public health law, as amended by
50 section 5 of part B of chapter 57 of the laws of 2018, are amended and a
51 new clause 14 is added to read as follows:

52 (12) Native Americans; [and]

53 (13) a person who is permanently placed in a nursing home for a
54 consecutive period of three months or more. In implementing this
55 provision, the department shall continue to support service delivery and
56 outcomes that result in community living for enrollees[.]; and



1 (14) a person who has not been assessed as needing at least limited
2 assistance with physical maneuvering with more than two activities of
3 daily living, or for individuals with a dementia or Alzheimer's diagno-
4 sis, assessed as needing at least supervision with more than one activ-
5 ity of daily living, as defined and determined using an evidenced based
6 validated assessment instrument approved by the commissioner and in
7 accordance with applicable state and federal law and regulations of the
8 department, provided that the provisions of this clause shall not apply
9 to a person who has been continuously enrolled in a managed long term
10 care program beginning prior to October first, two thousand twenty.

11 § 19. Paragraph (d) of subdivision 1 of section 4403-f of the public
12 health law, as amended by section 41 of part H of chapter 59 of the laws
13 of 2011, is amended to read as follows:

14 (d) "Health and long term care services" means services including, but
15 not limited to home and community-based and institution-based long term
16 care and ancillary services (that shall include medical supplies and
17 nutritional supplements) that are necessary to meet the needs of persons
18 whom the plan is authorized to enroll. The managed long term care plan
19 may also cover primary care [and], acute care and behavioral health
20 services if so authorized.

21 § 20. The department of health shall establish or procure services of
22 an independent panel or panels of clinical professionals no later than
23 October 1, 2022, in a manner and schedule as determined by the commis-
24 sioner of health, to provide as appropriate independent physician or
25 other applicable clinician orders for personal care services, including
26 as provided through the consumer directed personal assistance program,
27 available pursuant to the state's medical assistance program and to
28 determine eligibility for the consumer directed personal assistance
29 program. Notwithstanding the provisions of section 163 of the state
30 finance law, or sections 142 and 143 of the economic development law, or
31 any contrary provision of law, contracts may be entered or the commis-
32 sioner may amend and extend the terms of a contract awarded prior to the
33 effective date and entered into pursuant to subdivision twenty-four of
34 section two hundred six of the public health law, as added by section
35 thirty-nine of part C of chapter fifty-eight of the laws of two thousand
36 eight, and a contract awarded prior to the effective date and entered
37 into to conduct enrollment broker and conflict-free evaluation services
38 for the Medicaid program, if such contract or contract amendment is for
39 the purpose of establishing an independent panel or panels of clinical
40 professionals as described in this section; provided, however, in the
41 case of a contract entered into after the effective date of this
42 section, that:

43 (a) The department of health shall post on its website, for a period
44 of no less than 30 days:

45 (i) A description of the proposed services to be provided pursuant to
46 the contract or contracts;

47 (ii) The criteria for selection of a contractor or contractors;

48 (iii) The period of time during which a prospective contractor may
49 seek to be selected by the department of health, which shall be no less
50 than 30 days after such information is first posted on the website; and

51 (iv) The manner by which a prospective contractor may submit a
52 proposal for selection, which may include submission by electronic
53 means;

54 (b) All reasonable and responsive submissions that are received from
55 prospective contractors in timely fashion shall be reviewed by the
56 commissioner of health; and



1 (c) The commissioner of health shall select such contractor or
2 contractors that, in such commissioner's discretion, are best suited to
3 serve the purposes of this section and the needs of recipients; and

4 (d) all decisions made and approaches taken pursuant to this section
5 shall be documented in a procurement record as defined in section one
6 hundred sixty-three of the state finance law.

7 § 21. The department of health shall develop, directly or through
8 procurement, and shall implement an evidenced based validated uniform
9 task-based assessment tool no later than April 1, 2021, to assist
10 managed care plans and local departments of social services to make
11 appropriate and individualized determinations for utilization of home
12 care services in accordance with applicable state and federal law and
13 regulations, including the number of personal care services and consumer
14 directed personal assistance hours of care each day, provided pursuant
15 to the state's medical assistance program, and how Medicaid recipients'
16 needs for assistance with activities of daily living can be met, such as
17 through telehealth, provided that services rendered via telehealth meet
18 equivalent quality and safety standards of services provided through
19 non-electronic means, and other available alternatives, including family
20 and social supports. Notwithstanding the provisions of section 163 of
21 the state finance law, or sections 142 and 143 of the economic develop-
22 ment law, or any contrary provision of law, a contract may be entered
23 without a competitive bid or request for proposal process if such
24 contract is for the purpose of developing the evidence based validated
25 uniform task-based assessment tool described in this section, provided
26 that:

27 (a) The department of health shall post on its website, for a period
28 of no less than 30 days:

29 (i) A description of the evidence based validated uniform task-based
30 assessment tool to be developed pursuant to the contract;

31 (ii) The criteria for contractor selection;

32 (iii) The period of time during which a prospective contractor may
33 seek to be selected by the department of health, which shall be no less
34 than 30 days after such information is first posted on the website; and

35 (iv) The manner by which a prospective contractor may submit a
36 proposal for selection, which may include submission by electronic
37 means;

38 (b) All reasonable and responsive submissions that are received from
39 prospective contractors in a timely fashion shall be reviewed by the
40 commissioner of health;

41 (c) The commissioner of health shall select such contractor that is
42 best suited to serve the purposes of this section and the needs of
43 recipients; and

44 (d) All decisions made and approaches taken pursuant to this section
45 shall be documented in a procurement record as defined in section one
46 hundred sixty-three of the state finance law.

47 § 22. Subparagraph (iv) of paragraph (g) of subdivision 7 of section
48 4403-f of the public health law, as amended by section 41-b of part H of
49 chapter 59 of the laws of 2011, is amended to read as follows:

50 (iv) Continued enrollment in a managed long term care plan or demon-
51 stration paid for by government funds shall be based upon a comprehen-
52 sive assessment of the medical, social and environmental needs of the
53 recipient of the services. Such assessment shall be performed at least
54 [every six months] annually by the managed long term care plan serving
55 the enrollee. The commissioner shall prescribe the forms on which the
56 assessment will be made.



1 § 23. This act shall take effect immediately and shall be deemed to
2 have been in full force and effect on and after April 1, 2020; provided,
3 however, that sections two, two-a, two-b, three, thirteen and fourteen
4 of this act shall take effect October 1, 2020; provided further, howev-
5 er, that the amendments to section 4403-f of the public health law made
6 by sections four, five, five-a, six, eighteen, nineteen and twenty-two
7 of this act shall not affect the repeal of such section and shall be
8 deemed repealed therewith; provided further, however, that the amend-
9 ments to paragraph (b) of subdivision 7 of section 4403-f of the public
10 health law made by section eighteen of this act shall not affect the
11 expiration of such paragraph and shall expire therewith; provided
12 further, however, that the director of the budget may, in consultation
13 with the commissioner of health, delay the effective dates prescribed
14 herein for a period of time which shall not exceed ninety days following
15 the conclusion or termination of an executive order issued pursuant to
16 section 28 of the executive law declaring a state disaster emergency for
17 the entire state of New York, upon such delay the director of the budget
18 shall notify the chairs of the assembly ways and means committee and
19 senate finance committee and the chairs of the assembly and senate
20 health committee; provided further, however, that the director of the
21 budget shall notify the legislative bill drafting commission upon the
22 occurrence of a delay in the effective date of this act in order that
23 the commission may maintain an accurate and timely effective data base
24 of the official text of the laws of the state of New York in furtherance
25 of effectuating the provisions of section 44 of the legislative law and
26 section 70-b of the public officers law.

27

PART NN

28 Section 1. Subparagraph (iv) of paragraph (b) of subdivision 2-b of
29 section 2808 of the public health law, as amended by section 14 of part
30 00 of chapter 57 of the laws of 2008, is amended to read as follows:

31 (iv) The capital cost component of rates on and after January first,
32 two thousand nine shall: (A) fully reflect the cost of local property
33 taxes and payments made in lieu of local property taxes, as reported in
34 each facility's cost report submitted for the year two years prior to
35 the rate year[.]; (B) provided, however, notwithstanding any inconsis-
36 ent provision of this article, commencing April first, two thousand
37 twenty for rates of payment for patients eligible for payments made by
38 state governmental agencies, the capital cost component determined in
39 accordance with this subparagraph and inclusive of any shared savings
40 for eligible facilities that elect to refinance their mortgage loans
41 pursuant to paragraph (d) of subdivision two-a of this section, shall be
42 reduced by the commissioner by five percent.

43 § 2. Paragraph d of subdivision 20 of section 2808 of the public
44 health law, as added by section 8 of part H of chapter 59 of the laws of
45 2011, is amended to read as follows:

46 d. Notwithstanding any contrary provision of law, rule or regulation,
47 for rate periods on and after April first, two thousand eleven, the
48 commissioner may reduce or eliminate the payment factor for return on or
49 return of equity in the capital cost component of Medicaid rates of
50 payment for services provided by residential health care facilities, and
51 for rate periods on and after April first, two thousand twenty, there
52 shall be no payment factor for residual equity reimbursement in the
53 capital cost component of Medicaid rates of payment for services
54 provided by residential health care facilities.



1 § 3. This act shall take effect immediately and shall be deemed to
2 have been in full force and effect on and after April 1, 2020; provided
3 further, however, that the director of the budget may, in consultation
4 with the commissioner of health, delay the effective dates prescribed
5 herein for a period of time which shall not exceed ninety days following
6 the conclusion or termination of an executive order issued pursuant to
7 section 28 of the executive law declaring a state disaster emergency for
8 the entire state of New York, upon such delay the director of the budget
9 shall notify the chairs of the assembly ways and means committee and
10 senate finance committee and the chairs of the assembly and senate
11 health committees; provided further, however, that the director of the
12 budget shall notify the legislative bill drafting commission upon the
13 occurrence of a delay in the effective date of this act in order that
14 the commission may maintain an accurate and timely effective data base
15 of the official text of the laws of the state of New York in furtherance
16 of effectuating the provisions of section 44 of the legislative law and
17 section 70-b of the public officers law.

18

PART OO

19 Section 1. Section 3614-c of the public health law, as amended by
20 section 5 of part S of chapter 57 of the laws of 2017, subdivision 2 as
21 amended by section 10 of part G of chapter 57 of the laws of 2019, is
22 amended to read as follows:

23 § 3614-c. Home care worker wage parity. 1. As used in this section,
24 the following terms shall have the following meaning:

25 (a) "Living wage law" means any law enacted by Nassau, Suffolk or
26 Westchester county or a city with a population of one million or more
27 which establishes a minimum wage for some or all employees who perform
28 work on contracts with such county or city.

29 (b) "Total compensation" means all wages and other direct compensation
30 paid to or provided on behalf of the employee including, but not limited
31 to, wages, health, education or pension benefits, supplements in lieu of
32 benefits and compensated time off, except that it does not include
33 employer taxes or employer portion of payments for statutory benefits,
34 including but not limited to FICA, disability insurance, unemployment
35 insurance and workers' compensation.

36 (c) "Prevailing rate of total compensation" means the average hourly
37 amount of total compensation paid to all home care aides covered by
38 whatever collectively bargained agreement covers the greatest number of
39 home care aides in a city with a population of one million or more. For
40 purposes of this definition, any set of collectively bargained agree-
41 ments in such city with substantially the same terms and conditions
42 relating to total compensation shall be considered as a single collec-
43 tively bargained agreement.

44 (d) "Home care aide" means a home health aide, personal care aide,
45 home attendant, personal assistant performing consumer directed personal
46 assistance services pursuant to section three hundred sixty-five-f of
47 the social services law, or other licensed or unlicensed person whose
48 primary responsibility includes the provision of in-home assistance with
49 activities of daily living, instrumental activities of daily living or
50 health-related tasks; provided, however, that home care aide does not
51 include any individual (i) working on a casual basis, or (ii) (except
52 for a person employed under the consumer directed personal assistance
53 program under section three hundred sixty-five-f of the social services
54 law) who is a relative through blood, marriage or adoption of: (1) the



1 employer; or (2) the person for whom the worker is delivering services,
2 under a program funded or administered by federal, state or local
3 government.

4 (e) "Managed care plan" means any managed care program, organization
5 or demonstration covering personal care or home health aide services,
6 and which receives premiums funded, in whole or in part, by the New York
7 state medical assistance program, including but not limited to all Medi-
8 caid managed care, Medicaid managed long term care, Medicaid advantage,
9 and Medicaid advantage plus plans and all programs of all-inclusive care
10 for the elderly.

11 (f) "Episode of care" means any service unit reimbursed, in whole or
12 in part, by the New York state medical assistance program, whether
13 through direct reimbursement or covered by a premium payment, and which
14 covers, in whole or in part, any service provided by a home care aide,
15 including but not limited to all service units defined as visits, hours,
16 days, months or episodes.

17 (g) "Cash portion of the minimum rate of home care aide total compen-
18 sation" means the minimum amount of home care aide total compensation
19 that may be paid in cash wages, as determined by the department in
20 consultation with the department of labor.

21 (h) "Benefit portion of the minimum rate of home care aide total
22 compensation" means the portion of home care aide total compensation
23 that may be paid in cash or health, education or pension benefits, wage
24 differentials, supplements in lieu of benefits and compensated time off,
25 as determined by the department in consultation with the department of
26 labor. Cash wages paid pursuant to increases in the state or federal
27 minimum wage cannot be used to satisfy the benefit portion of the mini-
28 mum rate of home care aide total compensation.

29 (i) "Fiscal intermediary" means a fiscal intermediary in the consumer
30 directed personal assistance program under section three hundred sixty-
31 five-f of the social services law.

32 2. Notwithstanding any inconsistent provision of law, rule or regu-
33 lation, no payments by government agencies shall be made to certified
34 home health agencies, long term home health care programs, managed care
35 plans, [the consumer directed personal assistance program under section
36 three hundred sixty-five-f of the social services law] fiscal interme-
37 diaries, the nursing home transition and diversion waiver program under
38 section three hundred sixty-six of the social services law, or the trau-
39 matic brain injury waiver program under section [two thousand seven]
40 twenty-seven hundred forty of this chapter for any episode of care
41 furnished, in whole or in part, by any home care aide who is compensated
42 at amounts less than the applicable minimum rate of home care aide total
43 compensation established pursuant to this section.

44 3. (a) The minimum rate of home care aide total compensation in a city
45 with a population of one million or more shall be:

46 (i) for the period March first, two thousand twelve through February
47 twenty-eighth, two thousand thirteen, ninety percent of the total
48 compensation mandated by the living wage law of such city;

49 (ii) for the period March first, two thousand thirteen through Febru-
50 ary twenty-eighth, two thousand fourteen, ninety-five percent of the
51 total compensation mandated by the living wage law of such city;

52 (iii) for the period March first, two thousand fourteen through March
53 thirty-first two thousand sixteen, no less than the prevailing rate of
54 total compensation as of January first, two thousand eleven, or the
55 total compensation mandated by the living wage law of such city, which-
56 ever is greater;



(iv) for all periods on or after April first, two thousand sixteen, the cash portion of the minimum rate of home care aide total compensation shall be ten dollars or the minimum wage as laid out in paragraph (a) of subdivision one of section six hundred fifty-two of the labor law, whichever is higher. The benefit portion of the minimum rate of home care aide total compensation shall be four dollars and nine cents.

(b) The minimum rate of home care aide total compensation in the counties of Nassau, Suffolk and Westchester shall be:

(i) for the period March first, two thousand thirteen through February twenty-eighth, two thousand fourteen, ninety percent of the total compensation mandated by the living wage law as set on March first, two thousand thirteen of a city with a population of a million or more;

(ii) for the period March first, two thousand fourteen through February twenty-eighth, two thousand fifteen, ninety-five percent of the total compensation mandated by the living wage law as set on March first, two thousand fourteen of a city with a population of a million or more;

(iii) for the period March first, two thousand fifteen, through February twenty-eighth, two thousand sixteen, one hundred percent of the total compensation mandated by the living wage law as set on March first, two thousand fifteen of a city with a population of a million or more;

(iv) for all periods on or after March first, two thousand sixteen, the cash portion of the minimum rate of home care aide total compensation shall be ten dollars or the minimum wage as laid out in paragraph (b) of subdivision one of section six hundred fifty-two of the labor law, whichever is higher. The benefit portion of the minimum rate of home care aide total compensation shall be three dollars and twenty-two cents.

4. The terms of this section shall apply equally to services provided by home care aides who work on episodes of care as direct employees of certified home health agencies, long term home health care programs, or managed care plans, or as employees of licensed home care services agencies, limited licensed home care services agencies, or [the consumer directed personal assistance program under section three hundred sixty-five-f of the social services law] fiscal intermediaries, or under any other arrangement.

5. No payments by government agencies shall be made to certified home health agencies, licensed home care services agencies, long term home health care programs, managed care plans, [or the consumer directed personal assistance program under section three hundred sixty-five-f of the social services law,] fiscal intermediaries for any episode of care without the certified home health agency, licensed home care services agency, long term home health care program, managed care plan or the [consumer directed personal assistance program] fiscal intermediary, having delivered prior written certification to the commissioner annually, at a time prescribed by the commissioner, on forms prepared by the department in consultation with the department of labor, that all services provided under each episode of care during the period covered by the certification are in full compliance with the terms of this section and any regulations promulgated pursuant to this section and that no portion of the dollars spent or to be spent to satisfy the wage or benefit portion under this section shall be returned to the certified home health agency, licensed home care services agency, long term home health care program, managed care plan, or fiscal intermediary, related persons or entities, other than to a home care aide as defined in this



1 section to whom the wage or benefits are due, as a refund, dividend,
2 profit, or in any other manner. Such written certification shall also
3 verify that the certified home health agency, long term home health care
4 program, or managed care plan has received from the licensed home care
5 services agency, fiscal intermediary, or other third party an annual
6 statement of wage parity hours and expenses on a form provided by the
7 department of labor accompanied by an independently-audited financial
8 statement verifying such expenses.

9 6. If a certified home health agency [or], long term home health care
10 program or managed care plan elects to provide home care aide services
11 through contracts with licensed home care services agencies, fiscal
12 intermediaries, or through other third parties, provided that the
13 episode of care on which the home care aide works is covered under the
14 terms of this section, the certified home health agency, long term home
15 health care program, or managed care plan [must obtain] shall include in
16 its contracts, a requirement that it be provided with a written certifi-
17 cation, verified by oath, from the licensed home care services agency,
18 fiscal intermediary, or other third party, on forms prepared by the
19 department in consultation with the department of labor, which attests
20 to the licensed home care services agency's, fiscal intermediary's, or
21 other third party's compliance with the terms of this section. Such
22 [certifications] contracts shall also obligate the licensed home care
23 services agency, fiscal intermediary, or other third party to provide
24 the certified home health agency, long term home health care program, or
25 managed care plan [to obtain, on no less than a quarterly basis,] all
26 information from the licensed home care services agency, fiscal interme-
27 diary or other third [parties] party necessary to verify compliance with
28 the terms of this section, which shall include an annual compliance
29 statement of wage parity hours and expenses on a form provided by the
30 department of labor accompanied by an independently-audited financial
31 statement verifying such expenses. Such annual statements shall be
32 available no less than annually for the previous calendar year, at a
33 time as prescribed by the commissioner. Such certifications [and], the
34 information [exchanged pursuant to them] necessary to verify compliance,
35 and the annual compliance statement and financial statements shall be
36 retained by all certified home health agencies, long term home health
37 care programs, or managed care plans, and all licensed home care
38 services agencies, fiscal intermediaries, or other third parties for a
39 period of no less than ten years, and made available to the department
40 upon request. Any licensed home care services agency, fiscal interme-
41 diary, or other third party who shall upon oath verify any statement
42 required to be transmitted under this section and any regulations
43 promulgated pursuant to this section which is known by such party to be
44 false shall be guilty of perjury and punishable as provided by the penal
45 law.

46 6-a. The certified home health agency, long term home health care
47 program, or managed care plan shall review and assess the annual compli-
48 ance statement of wage parity hours and expenses and make a written
49 referral to the department of labor for any reasonably suspected fail-
50 ures of licensed home care services agencies, fiscal intermediaries, or
51 third parties to conform to the wage parity requirements of this
52 section.

53 7. The commissioner shall distribute to all certified home health
54 agencies, long term home health care programs, managed care plans,
55 licensed home care services agencies, and fiscal intermediaries [in the
56 consumer directed personal assistance program under section three

1 hundred sixty-five-f of the social services law,] official notice of the
2 minimum rates of home care aide compensation at least one hundred twenty
3 days prior to the effective date of each minimum rate for each social
4 services district covered by the terms of this section.

5 7-a. Any certified home health agency, licensed home care services
6 agency, long term home health care program, managed care plan, or fiscal
7 intermediary, or other third party that willfully pays less than such
8 stipulated minimums regarding wages and supplements, as established in
9 this section, shall be guilty of a misdemeanor and upon conviction shall
10 be punished, for a first offense by a fine of five hundred dollars or by
11 imprisonment for not more than thirty days, or by both fine and impri-
12 sonment; for a second offense by a fine of one thousand dollars, and in
13 addition thereto the contract on which the violation has occurred shall
14 be forfeited; and no such person or corporation shall be entitled to
15 receive any sum nor shall any officer, agent or employee of the state
16 pay the same or authorize its payment from the funds under his or her
17 charge or control to any person or corporation for work done upon any
18 contract, on which the certified home health agency, licensed home care
19 services agency, long term home health care program, managed care plan,
20 or fiscal intermediary, or other third party has been convicted of a
21 second offense in violation of the provisions of this section.

22 8. The commissioner is authorized to promulgate regulations, and may
23 promulgate emergency regulations, to implement the provisions of this
24 section.

25 9. Nothing in this section should be construed as applicable to any
26 service provided by certified home health agencies, licensed home care
27 services agencies, long term home health care programs, managed care
28 plans, or [consumer directed personal assistance program under section
29 three hundred sixty-five-f of the social services law] fiscal interme-
30 diaries except for all episodes of care reimbursed in whole or in part
31 by the New York Medicaid program.

32 10. No certified home health agency, managed care plan, or long term
33 home health care program[, or fiscal intermediary in the consumer
34 directed personal assistance program under section three hundred sixty-
35 five-f of the social services law] shall be liable for recoupment of
36 payments or any other penalty under this section for services provided
37 through a licensed home care services agency, fiscal intermediary, or
38 other third party with which the certified home health agency, long term
39 home health care program, or managed care plan has a contract because
40 the licensed agency, fiscal intermediary, or other third party failed to
41 comply with the provisions of this section if the certified home health
42 agency, long term home health care program, or managed care plan[, or
43 fiscal intermediary] has reasonably and in good faith collected certifi-
44 cations and all information required pursuant to [subdivisions five and
45 six of] this section and conducts the monitoring and reporting required
46 by this section.

47 § 1-a. Section 3614-c of the public health law is amended by adding a
48 new subdivision 5-a to read as follows:

49 5-a. No portion of the dollars spent or to be spent to satisfy the
50 wage or benefit portion under this section shall be returned to the
51 certified home health agency, licensed home care services agency, long
52 term home health care program, managed care plan, or fiscal interme-
53 diary, related persons or entities, other than to a home care aide as
54 defined in this section to whom the wage or benefits are due, as a
55 refund, dividend, profit, or in any other manner.



1 § 2. Paragraph (a) of subdivision 1 and subdivisions 3 and 4 of
2 section 195 of the labor law, as amended by a chapter of the laws of
3 2020, amending the labor law relating to additional information provided
4 to employees on public work contracts, as proposed in legislative bills
5 numbers S. 7307 and A. 9000, are amended to read as follows:

6 (a) provide his or her employees, in writing in English and in the
7 language identified by each employee as the primary language of such
8 employee, at the time of hiring, a notice containing the following
9 information: the rate or rates of pay and basis thereof, whether paid by
10 the hour, shift, day, week, salary, piece, commission, or other; allow-
11 ances, if any, claimed as part of the minimum wage, including tip, meal,
12 or lodging allowances; the benefit portion of the minimum rate of home
13 care aide total compensation as defined in section thirty-six hundred
14 fourteen-c of the public health law ("home care aide benefits"), if
15 applicable; prevailing wage supplements, if any, claimed as part of any
16 prevailing wage or similar requirement pursuant to article eight of this
17 chapter; the regular pay day designated by the employer in accordance
18 with section one hundred ninety-one of this article; the name of the
19 employer; any "doing business as" names used by the employer; the phys-
20 ical address of the employer's main office or principal place of busi-
21 ness, and a mailing address if different; the telephone number of the
22 employer; plus such other information as the commissioner deems material
23 and necessary. Where such prevailing wage supplements are claimed, or
24 such home care aide benefits are provided, the notice shall identify,
25 for each type of supplement claimed or each type of home care aide bene-
26 fits provided: (i) the hourly rate claimed; (ii) the type of supple-
27 ment or type of home care aide benefits, including when applicable, but
28 not limited to, pension or healthcare; (iii) the names and addresses of
29 the person or entity providing such supplement or such home care aide
30 benefits; and (iv) the agreement, if any, requiring or providing for
31 such supplement or such home care aide benefits, together with informa-
32 tion on how copies of such agreements or summaries thereof may be
33 obtained by an employee. Each time the employer provides such notice to
34 an employee, the employer shall obtain from the employee a signed and
35 dated written acknowledgement, in English and in the primary language of
36 the employee, of receipt of this notice, which the employer shall
37 preserve and maintain for six years. Such acknowledgement shall include
38 an affirmation by the employee that the employee accurately identified
39 his or her primary language to the employer, and that the notice
40 provided by the employer to such employee pursuant to this subdivision
41 was in the language so identified or otherwise complied with paragraph
42 (c) of this subdivision, and shall conform to any additional require-
43 ments established by the commissioner with regard to content and form.
44 For all employees who are not exempt from overtime compensation as
45 established in the commissioner's minimum wage orders or otherwise
46 provided by New York state law or regulation, the notice must state the
47 regular hourly rate and overtime rate of pay;

48 3. furnish each employee with a statement with every payment of wages,
49 listing the following: the dates of work covered by that payment of
50 wages; name of employee; name of employer; address and phone number of
51 employer; rate or rates of pay and basis thereof, whether paid by the
52 hour, shift, day, week, salary, piece, commission, or other; gross
53 wages; deductions; allowances, if any, claimed as part of the minimum
54 wage; the benefit portion of the minimum rate of home care aide total
55 compensation as defined in section thirty-six hundred fourteen-c of the
56 public health law ("home care aide benefits"), if applicable; prevailing

1 wage supplements, if any, claimed as part of any prevailing wage or
2 similar requirement pursuant to article eight of this chapter; and net
3 wages. Where such prevailing wage supplements are claimed, or such home
4 care aide benefits are provided, the statement shall either: (i) identi-
5 fy the type of each supplement claimed, or the type of each home care
6 aide benefits provided, and the hourly rate for each; or (ii) be accom-
7 panied by a copy of the applicable notice required under subdivisions
8 one and two of this section. For all employees who are not exempt from
9 overtime compensation as established in the commissioner's minimum wage
10 orders or otherwise provided by New York state law or regulation, the
11 statement shall include the regular hourly rate or rates of pay; the
12 overtime rate or rates of pay; the number of regular hours worked, and
13 the number of overtime hours worked. For all employees paid a piece
14 rate, the statement shall include the applicable piece rate or rates of
15 pay and number of pieces completed at each piece rate. Upon the request
16 of an employee, an employer shall furnish an explanation in writing of
17 how such wages were computed;

18 4. establish, maintain and preserve for not less than six years
19 contemporaneous, true, and accurate payroll records showing for each
20 week worked the hours worked; the rate or rates of pay and basis there-
21 of, whether paid by the hour, shift, day, week, salary, piece, commis-
22 sion, or other; gross wages; deductions; allowances, if any, claimed as
23 part of the minimum wage; the benefit portion of the minimum rate of
24 home care aide total compensation as defined in section thirty-six
25 hundred fourteen-c of the public health law ("home care aide benefits"),
26 if applicable; prevailing wage supplements, if any, claimed as part of
27 any prevailing wage or similar requirement pursuant to article eight of
28 this chapter; and net wages for each employee. Where such prevailing
29 wage supplements are claimed, or such home care aide benefits are
30 provided, the payroll records shall include copies of all notices
31 required by subdivisions one and two of this section. For all employees
32 who are not exempt from overtime compensation as established in the
33 commissioner's minimum wage orders or otherwise provided by New York
34 state law or regulation, the payroll records shall include the regular
35 hourly rate or rates of pay, the overtime rate or rates of pay, the
36 number of regular hours worked, and the number of overtime hours worked.
37 For all employees paid a piece rate, the payroll records shall include
38 the applicable piece rate or rates of pay and number of pieces completed
39 at each piece rate;

40 § 3. This act shall take effect immediately; provided, however, that
41 sections one and two of this act shall take effect on October 1, 2020,
42 provided, however, that if a chapter of the laws of 2020, amending the
43 labor law relating to additional information provided to employees on
44 public work contracts, as proposed in legislative bills numbers S. 7307
45 and A. 9000, shall not have taken effect on or before such date, then
46 section two of this act shall take effect on the same date and in the
47 same manner as such chapter of the laws of 2020 takes effect; provided
48 further, however, that the director of the budget may, in consultation
49 with the commissioner of health, delay the effective date prescribed
50 herein for a period of time which shall not exceed ninety days following
51 the conclusion or termination of an executive order issued pursuant to
52 section 28 of the executive law declaring a state disaster emergency for
53 the entire state of New York, upon such delay the director of the budget
54 shall notify the chairs of the assembly ways and means committee and
55 senate finance committee and the chairs of the assembly and senate
56 health committees; provided further, however, that the director of the

1 budget shall notify the legislative bill drafting commission upon the
2 occurrence of a delay in the effective date of this act in order that
3 the commission may maintain an accurate and timely effective data base
4 of the official text of the laws of the state of New York in furtherance
5 of effectuating the provisions of section 44 of the legislative law and
6 section 70-b of the public officers law.

7 PART PP

8 Section 1. The social services law is amended by adding a new section
9 364-n to read as follows:

10 § 364-n. Diabetes and chronic disease self-management pilot program.
11 The commissioner of health may establish a diabetes and chronic disease
12 self-management pilot program in one or more counties or regions of the
13 state for the purpose of improving clinical outcomes. Payments under
14 such program may be made for education, consultation, and peer support
15 services for persons with chronic health conditions, as defined by the
16 commissioner, to be eligible to receive such services. The commissioner
17 is authorized to establish fees for such counseling services, subject to
18 the approval of the director of the division of the budget. The
19 provisions of this section shall not take effect unless all necessary
20 approvals under federal law and regulation have been obtained to receive
21 federal financial participation for the costs of services provided under
22 this section.

23 § 2. Section 367-r of the social services law, as amended by section
24 58-a of part A of chapter 57 of the laws of 2006, subdivision 1-a as
25 amended by section 10 of part C of chapter 109 of the laws of 2006, is
26 amended to read as follows:

27 § 367-r. Private duty nursing services worker recruitment and
28 retention program. 1. (a) The commissioner of health, with the approval
29 of the director of the budget, shall establish fees for the reimburse-
30 ment of private duty nursing services.

31 (b) The commissioner of health shall, subject to the provisions of
32 paragraph (b) of subdivision two of this section and to the availability
33 of federal financial participation, increase medical assistance rates of
34 payment by three percent for services provided on and after December
35 first, two thousand two, for private duty nursing services for the
36 purposes of improving recruitment and retention of private duty nurses.

37 [1-a.] 2. Medically fragile children. (a) In addition, the commission-
38 er shall further increase rates for private duty nursing services that
39 are provided to medically fragile children to ensure the availability of
40 such services to such children. In establishing rates of payment under
41 this subdivision, the commissioner shall consider the cost neutrality of
42 such rates as related to the cost effectiveness of caring for medically
43 fragile children in a non-institutional setting as compared to an insti-
44 tutional setting. Medically fragile children shall, for the purposes of
45 this subdivision, have the same meaning as in subdivision three-a of
46 section thirty-six hundred fourteen of the public health law. Such
47 increased rates for services rendered to such children may take into
48 consideration the elements of cost, geographical differentials in the
49 elements of cost considered, economic factors in the area in which the
50 private duty nursing service is provided, costs associated with the
51 provision of private duty nursing services to medically fragile chil-
52 dren, and the need for incentives to improve services and institute
53 economies and such increased rates shall be payable only to those
54 private duty nurses who can demonstrate, to the satisfaction of the

1 department of health, satisfactory training and experience to provide
2 services to such children. Such increased rates shall be determined
3 based on application of the case mix adjustment factor for AIDS home
4 care program services rates as determined pursuant to applicable regu-
5 lations of the department of health. The commissioner may promulgate
6 regulations to implement the provisions of this subdivision.

7 [2.] (b) Private duty nursing services providers which have their
8 rates adjusted pursuant to paragraph (b) of subdivision one of this
9 section and paragraph (a) of this subdivision shall use such funds sole-
10 ly for the purposes of recruitment and retention of private duty nurses
11 or to ensure the delivery of private duty nursing services to medically
12 fragile children and are prohibited from using such funds for any other
13 purpose. Funds provided under paragraph (b) of subdivision one of this
14 section and paragraph (a) of this subdivision are not intended to
15 supplant support provided by a local government. Each such provider,
16 with the exception of self-employed private duty nurses, shall submit,
17 at a time and in a manner to be determined by the commissioner of
18 health, a written certification attesting that such funds will be used
19 solely for the purpose of recruitment and retention of private duty
20 nurses or to ensure the delivery of private duty nursing services to
21 medically fragile children. The commissioner of health is authorized to
22 audit each such provider to ensure compliance with the written certifi-
23 cation required by this subdivision and shall recoup all funds deter-
24 mined to have been used for purposes other than recruitment and
25 retention of private duty nurses or the delivery of private duty nursing
26 services to medically fragile children. Such recoupment shall be in
27 addition to any other penalties provided by law.

28 (c) The commissioner of health shall, subject to the provisions of
29 paragraph (b) of this subdivision, and the provisions of subdivision
30 three of this section, and subject to the availability of federal finan-
31 cial participation, annually increase fees for the fee-for-service
32 reimbursement of private duty nursing services provided to medically
33 fragile children by fee-for-service private duty nursing services
34 providers who enroll and participate in the provider directory pursuant
35 to subdivision three of this section, over a period of three years,
36 commencing October first, two thousand twenty, by one-third annual
37 increments, until such fees for reimbursement equal the final benchmark
38 payment designed to ensure adequate access to the service. In developing
39 such benchmark the commissioner of health may utilize the average two
40 thousand eighteen Medicaid managed care payments for reimbursement of
41 such private duty nursing services. The commissioner may promulgate
42 regulations to implement the provisions of this paragraph.

43 3. Provider directory for fee-for-service private duty nursing
44 services provided to medically fragile children. The commissioner of
45 health is authorized to establish a directory of qualified providers for
46 the purpose of promoting the availability and ensuring delivery of fee-
47 for-service private duty nursing services to medically fragile children
48 and individuals transitioning out of such category of care. Qualified
49 providers enrolling in the directory shall ensure the availability and
50 delivery of and shall provide such services to those individuals as are
51 in need of such services, and shall receive increased reimbursement for
52 such services pursuant to paragraph (c) of subdivision two of this
53 section. The directory shall offer enrollment to all private duty nurs-
54 ing services providers to promote and ensure the participation in the
55 directory of all nursing services providers available to serve medically
56 fragile children.



1 § 3. Paragraph (h) of subdivision 2 of section 365-a of the social
2 services law, as amended by section 5 of part A of chapter 57 of the
3 laws of 2018, is amended to read as follows:

4 (h) speech therapy, and when provided at the direction of a physician
5 or nurse practitioner, physical therapy including related rehabilitative
6 services and occupational therapy; [provided, however, that speech ther-
7 apy and occupational therapy each shall be limited to coverage of twenty
8 visits per year; physical therapy shall be limited to coverage of forty
9 visits per year; such limitation shall not apply to persons with devel-
10 opmental disabilities or, notwithstanding any other provision of law to
11 the contrary, to persons with traumatic brain injury;]

12 § 4. Paragraph (b) of subdivision 4 of section 365-a of the social
13 services law, as amended by chapter 444 of the laws of 1979, is amended
14 to read as follows:

15 (b) care and services of chiropractors and supplies related to the
16 practice of chiropractic, except as provided for by the commissioner
17 pursuant to a pilot program approved under federal law and regulation;

18 § 5. The commissioner of health is authorized to establish pilot
19 programs in one or more counties or regions of the state for the purpose
20 of promoting the use of alternatives to opioid treatment for individuals
21 suffering from chronic lower back pain by offering access to nonpharma-
22 cologic treatments such as acupuncture and chiropractic services. Such
23 access may be provided in select areas that have the highest need for
24 such services and for select populations. The provisions of this
25 section shall not take effect unless all necessary approvals under
26 federal law and regulation have been obtained to receive federal finan-
27 cial participation in the costs of services provided under this section.

28 § 6. Subdivision 2 of section 365-a of the social services law is
29 amended by adding a new paragraph (hh) to read as follows:

30 (hh) The commissioner is authorized to establish one or more maternal
31 health promotion pilot programs in one or more counties or regions of
32 the state, for the purpose of providing Medicaid reimbursement of the
33 prenatal maternal childbirth education and preparation classes for
34 enrollees, and transportation to and from such classes, for the purpose
35 of improving maternal outcomes and reducing maternal-infant mortality.
36 The commissioner is authorized to establish fees for the reimbursement
37 of such classes, subject to the approval of the state director of the
38 budget.

39 § 7. This act shall take effect October 1, 2020. Provided, however,
40 that:

41 1. the director of the budget may, in consultation with the commis-
42 sioner of health, delay the effective date prescribed herein for a peri-
43 od of time which shall not exceed ninety days following the conclusion
44 or termination of an executive order issued pursuant to section 28 of
45 article 2-B of the executive law declaring a state disaster emergency
46 for the entire state of New York, upon such delay the director of the
47 budget shall notify the chairs of the assembly ways and means committee
48 and senate finance committee and the chairs of the assembly and senate
49 health committee; provided further, however, that the director of the
50 budget shall notify the legislative bill drafting commission upon any
51 delay of such effective date in order that the commission may maintain
52 an accurate and timely effective data base of the official text of the
53 laws of the state of New York in furtherance of effectuating the
54 provisions of section 44 of the legislative law and section 70-b of the
55 public officers law; and

2. provided that the division of budget shall notify the legislative bill drafting commission upon the occurrence of the necessary approvals under federal law and regulation provided for in section one of this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

PART QQ

Section 1. Subdivision 4 of section 145-b of the social services law, as amended by section 51 of part C of chapter 58 of the laws of 2007, is amended to read as follows:

4. (a) The Medicaid inspector general, in consultation with the department of health, may require the payment of a monetary penalty as restitution to the medical assistance program by any person who fails to comply with the standards of the medical assistance program or [of] standards of generally accepted medical practice in a substantial number of cases or grossly and flagrantly violated such standards and:

(i) receives, or causes to be received by another person, payment from the medical assistance program when such person knew, or had reason to know, that:

[(i)] (A) the payment involved the providing or ordering of care, services or supplies that were medically improper, unnecessary or in excess of the documented medical needs of the person to whom they were furnished;

[(ii)] (B) the care, services or supplies were not provided as claimed;

[(iii)] (C) the person who ordered [or], prescribed, or furnished the care, services or supplies which [was] were medically improper, unnecessary or in excess of the documented medical need of the person to whom they were furnished was suspended or excluded from the medical assistance program at the time the care, services or supplies were furnished; or

[(iv)] (D) the services or supplies for which payment was received were not, in fact, provided; or

(ii) such person fails to grant timely access to facilities and records, upon reasonable notice, to the Medicaid inspector general, the Medicaid fraud control unit of the attorney general's office, or the department of health for the purpose of audits, investigations, reviews, or other statutory functions. For purposes of this subparagraph, "reasonable notice" means a written request made by a properly identified agent of the Medicaid inspector general, the Medicaid fraud control unit of the attorney general's office, or the department of health either, during hours that the individual or entity is open for business, or mailed to the individual or entity to an address on file with the department of health or last known address. The request shall include a statement of the authority for the request, the definition of "reasonable notice", and the penalties for failure to comply;

(iii) such person knew or should have known that an overpayment has been identified and does not report, return and explain the overpayment in accordance with subdivision six of section three hundred sixty-three-d of this article;

(iv) such person arranges or contracts, by employment, agreement, or otherwise, with an individual or entity that the person knows or should know is suspended or excluded from the medical assistance program at the



1 time such arrangement or contract regarding activities related to the
2 medical assistance program is made.

3 (v) For purposes of this paragraph, "person" as used in subparagraph
4 (i) does not include recipients of the medical assistance program; and
5 "person" as used in subparagraphs (ii) -- (iv), is as defined in para-
6 graph (e) of subdivision (6) of section three hundred sixty-three-d of
7 this chapter.

8 (b) [For each claim, the department of health is authorized to recover
9 any overpayment, unauthorized payment, or otherwise inappropriate
10 payment and if twenty-five percent or more of those claims which were
11 the subject of an audit by the department of health result in overpay-
12 ments, unauthorized payments or otherwise inappropriate payments and for
13 which the claims were submitted by a person for payment under the
14 medical assistance program, the department may also impose a monetary
15 penalty against any person, or persons, who received the overpayment,
16 unauthorized payment, or otherwise inappropriate payment for such claim.
17 If less than twenty-five percent of identified claims result in overpay-
18 ments, unauthorized payments or otherwise inappropriate payments then
19 the department of health may recover such monies or may impose a mone-
20 tary penalty, but not both. In addition, the department of health is
21 also authorized to recover any overpayment, unauthorized payment, or
22 otherwise inappropriate payment and impose a monetary penalty against
23 any person, or persons, other than a recipient of an item or service
24 under the medical assistance program, who caused the overpayment, unau-
25 thorized payment, or otherwise inappropriate payment to be received by
26 the other person or persons. All of the foregoing actions may be taken
27 by the department of health for the same claim.] In determining the
28 amount of any monetary penalty to be imposed, the Medicaid inspector
29 general, in consultation with the department of health [must], shall
30 take into consideration the following:

31 (i) the number and total value of the claims for payment from the
32 medical assistance program which were the underlying basis of the deter-
33 mination to impose a monetary penalty;

34 (ii) the effect, if any, on the quality of medical care provided to
35 recipients of medical assistance as a result of the acts of the person;

36 (iii) the degree of culpability of the person in committing the
37 proscribed actions and any mitigating circumstances;

38 (iv) any prior violations committed by the person relating to the
39 medical assistance program, Medicare or other social services programs
40 which resulted in either a criminal or administrative sanction, penalty,
41 or recoupment; and

42 (v) any other facts relating to the nature and seriousness of the
43 violations including any exculpatory facts. [However, in no event can
44 the department of health recover overpayments, unauthorized payments, or
45 otherwise inappropriate payments from any person, or persons, for a
46 single claim, in an amount that exceeds the amount paid for such claim.
47 In]

48 (c) (i) For subparagraphs (i), (iii), and (iv) of paragraph (a) of
49 this subdivision, in no event shall the monetary penalty imposed exceed
50 ten thousand dollars for each item or service which was the subject of
51 the determination herein, except that where a penalty under this section
52 has been imposed on a person within the previous five years, such penal-
53 ty shall not exceed thirty thousand dollars for each item or service
54 which was the subject of the determination herein.

1 [(c)] (ii) For subparagraph (ii) of paragraph (a) of this subdivision,
2 in no event shall the monetary penalty exceed fifteen thousand dollars
3 for each day of the failure described in such subparagraph.

4 (d) Amounts collected pursuant to this subdivision shall be appor-
5 tioned between the local social services district and the state in
6 accordance with the regulations of the department of health.

7 (e) For the purposes of this subdivision, "gross and flagrant
8 violation" shall mean conduct which has an adverse effect on the fiscal
9 integrity of the medical assistance program and:

10 (i) which substantially impairs the delivery of high quality medical
11 care, services, or supplies; or

12 (ii) which substantially impairs the oversight and administration of
13 the program.

14 (f) A person against whom a monetary penalty is imposed pursuant to
15 this subdivision shall be entitled to notice and an opportunity to be
16 heard, including the right to request a hearing pursuant to section
17 twenty-two of this chapter.

18 § 2. Subdivision 2 of section 363-d of the social services law, as
19 added by chapter 442 of the laws of 2006, is amended to read as follows:

20 2. Every provider of medical assistance program items and services
21 that is subject to subdivision four of this section shall adopt and
22 implement a compliance program. The office of Medicaid inspector general
23 shall create and make available on its website guidelines, which may
24 include a model compliance program, that reflect the requirements of
25 this section. Such [program shall at a minimum be applicable to bill-
26 ings to and payments from the medical assistance program but need not be
27 confined to such matters] compliance programs shall meet the require-
28 ments included in this subdivision as a condition of payment from the
29 medical assistance program. The compliance program required pursuant to
30 this section may be a component of more comprehensive compliance activ-
31 ities by the medical assistance provider so long as the requirements of
32 this section are met. [A compliance program shall include the following
33 elements:

34 (a) written policies and procedures that describe compliance expecta-
35 tions as embodied in a code of conduct or code of ethics, implement the
36 operation of the compliance program, provide guidance to employees and
37 others on dealing with potential compliance issues, identify how to
38 communicate compliance issues to appropriate compliance personnel and
39 describe how potential compliance problems are investigated and
40 resolved;

41 (b) designate an employee vested with responsibility for the day-to-
42 day operation of the compliance program; such employee's duties may
43 solely relate to compliance or may be combined with other duties so long
44 as compliance responsibilities are satisfactorily carried out; such
45 employee shall report directly to the entity's chief executive or other
46 senior administrator and shall periodically report directly to the
47 governing body on the activities of the compliance program;

48 (c) training and education of all affected employees and persons asso-
49 ciated with the provider, including executives and governing body
50 members, on compliance issues, expectations and the compliance program
51 operation; such training shall occur periodically and shall be made a
52 part of the orientation for a new employee, appointee or associate,
53 executive and governing body member;

54 (d) communication lines to the responsible compliance position, as
55 described in paragraph (b) of this subdivision, that are accessible to
56 all employees, persons associated with the provider, executives and

1 governing body members, to allow compliance issues to be reported; such
2 communication lines shall include a method for anonymous and confiden-
3 tial good faith reporting of potential compliance issues as they are
4 identified;

5 (e) disciplinary policies to encourage good faith participation in the
6 compliance program by all affected individuals, including policies that
7 articulate expectations for reporting compliance issues and assist in
8 their resolution and outline sanctions for: (1) failing to report
9 suspected problems; (2) participating in non-compliant behavior; or (3)
10 encouraging, directing, facilitating or permitting non-compliant behav-
11 ior; such disciplinary policies shall be fairly and firmly enforced;

12 (f) a system for routine identification of compliance risk areas
13 specific to the provider type, for self-evaluation of such risk areas,
14 including internal audits and as appropriate external audits, and for
15 evaluation of potential or actual non-compliance as a result of such
16 self-evaluations and audits;

17 (g) a system for responding to compliance issues as they are raised;
18 for investigating potential compliance problems; responding to compli-
19 ance problems as identified in the course of self-evaluations and
20 audits; correcting such problems promptly and thoroughly and implement-
21 ing procedures, policies and systems as necessary to reduce the poten-
22 tial for recurrence; identifying and reporting compliance issues to the
23 department or the office of Medicaid inspector general; and refunding
24 overpayments;

25 (h) a policy of non-intimidation and non-retaliation for good faith
26 participation in the compliance program, including but not limited to
27 reporting potential issues, investigating issues, self-evaluations,
28 audits and remedial actions, and reporting to appropriate officials as
29 provided in sections seven hundred forty and seven hundred forty-one of
30 the labor law.] Every provider shall adopt and implement an effective
31 compliance program, which shall include measures that prevent, detect,
32 and correct non-compliance with medical assistance program requirements
33 as well as measures that prevent, detect, and correct fraud, waste, and
34 abuse. The compliance program shall include the following requirements:

35 (a) Written policies, procedures, and standards of conduct that:

36 (1) articulate the organization's commitment to comply with all appli-
37 cable federal and state standards;

38 (2) describe compliance expectations as embodied in the standards of
39 conduct;

40 (3) implement the operation of the compliance program;

41 (4) provide guidance to employees and others on dealing with potential
42 compliance issues;

43 (5) identify how to communicate compliance issues to appropriate
44 compliance personnel;

45 (6) describe how potential compliance issues are investigated and
46 resolved by the organization;

47 (7) include a policy of non-intimidation and non-retaliation for good
48 faith participation in the compliance program, including but not limited
49 to reporting potential issues, investigating issues, conducting self-e-
50 valuations, audits and remedial actions, and reporting to appropriate
51 officials; and

52 (8) all requirements listed under 42 U.S.C.1396-a(a)(68).

53 (b) Designation of a compliance officer and a compliance committee who
54 report directly and are accountable to the organization's chief execu-
55 tive or other senior management.



1 (c)(1) Each provider shall establish and implement effective training
2 and education for its compliance officer and organization employees, the
3 chief executive and other senior administrators, managers and governing
4 body members.

5 (2) Such training and education shall occur at a minimum annually and
6 shall be made a part of the orientation for a new employee and new
7 appointment of a chief executive, manager, or governing body member.

8 (d) Establishment and implementation of effective lines of communi-
9 cation, ensuring confidentiality, between the compliance officer,
10 members of the compliance committee, the organization's employees,
11 managers and governing body, and the organizations first tier, down-
12 stream, and related entities. Such lines of communication shall be
13 accessible to all and allow compliance issues to be reported including a
14 method for anonymous and confidential good faith reporting of potential
15 compliance issues as they are identified.

16 (e) Well-publicized disciplinary standards through the implementation
17 of procedures which encourage good faith participation in the compliance
18 program by all affected individuals.

19 (f) Establishment and implementation of an effective system for
20 routine monitoring and identification of compliance risks. The system
21 should include internal monitoring and audits and, as appropriate,
22 external audits, to evaluate the organization's compliance with the
23 medical assistance program requirements and the overall effectiveness of
24 the compliance program.

25 (g) Establishment and implementation of procedures and a system for
26 promptly responding to compliance issues as they are raised, investigat-
27 ing potential compliance problems as identified in the course of self-e-
28 valuations and audits, correcting such problems promptly and thoroughly
29 to reduce the potential for recurrence, and ensure ongoing compliance
30 with the medical assistance programs requirements.

31 § 3. Subdivision 3 of section 363-d of the social services law is
32 amended by adding two new paragraphs (d) and (e) to read as follows:

33 (d)(1) In the first instance of the Medicaid inspector general's
34 determination that the provider, including a Medicaid managed care
35 provider, that has failed to adopt and implement a compliance program
36 which satisfactorily meets the requirements of this section, the Medi-
37 caid inspector general may impose a monetary penalty of five thousand
38 dollars per calendar month, for a maximum of twelve calendar months
39 against a provider, including Medicaid managed care providers.

40 (2) The Medicaid inspector general may impose a monetary penalty of up
41 to ten thousand dollars per calendar month, for a maximum of twelve
42 calendar months against a provider, including a Medicaid managed care
43 provider, that has failed to adopt and implement a compliance program
44 which satisfactorily meets the requirements of this section, if a penal-
45 ty was previously imposed under subparagraph one of this paragraph with-
46 in the previous five years.

47 (e) A provider, including a Medicaid managed care provider, against
48 whom a monetary penalty is imposed pursuant to paragraph (d) of this
49 subdivision shall be entitled to notice and an opportunity to be heard,
50 including the right to request a hearing pursuant to section twenty-two
51 of this chapter.

52 § 4. Subdivision 4 of section 363-d of the social services law, as
53 added by chapter 442 of the laws of 2006, is amended to read as follows:

54 4. [The Medicaid inspector general, in consultation with the depart-
55 ment of health, shall promulgate regulations establishing those provid-



ers] Providers that shall be subject to the provisions of this section [including] include, but are not limited to[,]

(a) those subject to the provisions of articles twenty-eight and thirty-six of the public health law[,];

(b) those subject to the provisions of articles sixteen and thirty-one of the mental hygiene law[,];

(c) notwithstanding the provisions of section forty-four hundred fourteen of the public health law, managed care providers, as defined in section three hundred sixty-four-j of this title and includes managed long-term care plans; and

(d) other providers of care, services and supplies under the medical assistance program for which the medical assistance program is a substantial portion of their business operations.

§ 5. Section 363-d of the social services law is amended by adding three new subdivisions 5, 6 and 7 to read as follows:

5. (a) The Medicaid inspector general, in consultation with the department of health, shall promulgate any regulations necessary to implement this section.

(b) The Medicaid inspector general shall accept programs and processes implemented pursuant to section forty-four hundred fourteen of the public health law as satisfying the obligations of this section and the regulations promulgated thereunder when such programs and processes incorporate the objectives contemplated by this section.

6. (a) If a person has received an overpayment under the medical assistance program, the person shall:

(1) report and return the overpayment to the department; and

(2) notify the Medicaid inspector general in writing of the reason for the overpayment.

(b) An overpayment shall be reported and returned under paragraph (a) of this subdivision by the later of: (1) the date which is sixty days after the date on which the overpayment was identified; or (2) the date any corresponding cost report is due, if applicable. A person has identified an overpayment when the person has or should have through the exercise of reasonable diligence, determined that the person has received an overpayment and quantified the amount of the overpayment. A person should have determined that the person received an overpayment and quantified the amount of the overpayment if the person fails to exercise reasonable diligence and the person in fact received an overpayment.

(c) The deadline for returning overpayments shall be tolled when the following occurs:

(1) the Medicaid inspector general acknowledges receipt of a submission to the Medicaid inspector general's self-disclosure program under subdivision seven of this section, and shall remain tolled until such time as a self-disclosure and compliance agreement, pursuant to subdivision seven of this section is fully executed, the person withdraws from the self-disclosure program, the person repays the overpayment and any interest due, or the person is removed from the self-disclosure program by the Medicaid inspector general; or

(2) in the absence of a finding of fraud a person may repay an overpayment through installment payments as described in subdivision seven of this section and shall remain tolled until such time as the provider repays the overpayment and any interest due, the Medicaid inspector general rejects the installment payment schedule requested by the provider, or the provider fails to comply with the terms of the installment payment schedule.



1 (d) Any overpayment retained by a person after the deadline for
2 reporting and returning the overpayment under paragraph (b) of this
3 subdivision shall be subject to a monetary penalty pursuant to subdivi-
4 sion four of section one hundred forty-five-b of this article.

5 (e) For purposes of this subdivision, "person" means a provider of
6 services or supplies, managed care provider, as defined in paragraph (b)
7 of subdivision one of section three hundred sixty-four-j of this title
8 and includes managed long-term care plans, and does not include recipi-
9 ents of the medical assistance program.

10 7. Self-disclosure program. (a) Notwithstanding the provisions of any
11 other law to the contrary, there is hereby established a voluntary self-
12 disclosure program to be administered by the Medicaid inspector general,
13 in consultation with the commissioner, for all persons described in this
14 section owing any overpayment to the medical assistance program.

15 (b) For purposes of this subdivision, "person" means any person
16 providing services or receiving payment under the medical assistance
17 program, a managed care provider as defined in paragraph (b) of subdivi-
18 sion one of section three hundred sixty-four-j of this title, including
19 managed long-term care plans, and any subcontractors or network provid-
20 ers thereof.

21 (c) In order to be eligible to participate in the self-disclosure
22 program, a person shall satisfy the following conditions:

23 (1) the person is not currently under audit, investigation or review
24 by the Medicaid inspector general, unless the overpayment and the
25 related conduct being disclosed does not relate to the Medicaid inspec-
26 tor general's audit, investigation or review;

27 (2) the person is disclosing an overpayment and related conduct that
28 the Medicaid inspector general has not determined, calculated,
29 researched or identified at the time of the disclosure;

30 (3) the overpayment and related conduct is reported by the deadline
31 specified in subdivision six of this section; and

32 (4) the person is not currently a party to any criminal investigation
33 being conducted by the deputy attorney general for the Medicaid fraud
34 control unit or an agency of the United States government or any poli-
35 tical subdivision thereof.

36 (d) Notwithstanding subdivision three of section one hundred forty-
37 five-b of this article, the Medicaid inspector general may waive inter-
38 est on any overpayment reported, returned, and explained by an eligible
39 person under this subdivision. Furthermore, an eligible person's good
40 faith participation in the self-disclosure program may be considered as
41 a mitigating factor in the determination of an administrative enforce-
42 ment action.

43 (e) To participate in the self-disclosure program, an eligible person
44 shall apply by submitting a self-disclosure statement in the form and
45 manner prescribed by the Medicaid inspector general. The statement shall
46 contain all the information required by the Medicaid inspector general
47 to effectively administer the self-disclosure program.

48 (f) (1) The eligible person shall pay the overpayment amount deter-
49 mined by the Medicaid inspector general to the department within fifteen
50 days of the Medicaid inspector general notifying the person of the
51 amount due.

52 (2) In the event the Medicaid inspector general is satisfied that the
53 person cannot make immediate full payment of the disclosed overpayment,
54 the Medicaid inspector general may permit the person to repay the over-
55 payment and any interest due through installment payments. The Medicaid
56 inspector general may require a financial disclosure statement setting



1 forth information concerning the person's current assets, liabilities,
2 earnings, and other financial information before entering into an
3 installment payment plan with the person.

4 (3) If the person and the overpayment are eligible under the self-dis-
5 closure program, the Medicaid inspector general shall be authorized to
6 enter into a self-disclosure and compliance agreement with the person.
7 The self-disclosure and compliance agreement shall be in a form to be
8 established by the Medicaid inspector general and include such terms as
9 the Medicaid inspector general shall require for the repayment of the
10 person's disclosed overpayment and enable and require the person to
11 comply with the requirements of the medical assistance program in the
12 future. The person shall execute the self-disclosure and compliance
13 agreement within fifteen days of receiving said agreement from the Medi-
14 caid inspector general, or such other timeframe permitted by the Medi-
15 caid inspector general, provided however, that such other period is not
16 less than fifteen days.

17 (4) If the person provides false material information or omits materi-
18 al information in his or her submissions to the Medicaid inspector
19 general, or attempts to defeat or evade an overpayment due pursuant to
20 the self-disclosure and compliance agreement executed under this subdi-
21 vision, or fails to comply with the terms of the self-disclosure and
22 compliance agreement, or refuses to execute the self-disclosure and
23 compliance agreement in the timeframes specified under this section,
24 such agreement shall be deemed rescinded and the provider's partic-
25 ipation in the self-disclosure program terminated.

26 (5) A person against whom a self-disclosure and compliance agreement
27 is rescinded and participation in the self-disclosure program is termi-
28 nated pursuant to subparagraph four of this paragraph shall be entitled
29 to notice.

30 (g) The Medicaid inspector general, in consultation with the commis-
31 sioner, may promulgate regulations, issue forms and instructions, and
32 take any and all other actions necessary to implement the provisions of
33 the self-disclosure program established under this section to maximize
34 public awareness and participation in such program.

35 § 6. Paragraph (b) of subdivision 2 of section 367-a of the social
36 services law, as amended by section 116 of part C of chapter 58 of the
37 laws of 2009, is amended to read as follows:

38 (b) Any inconsistent provision of this chapter or other law notwith-
39 standing, upon furnishing assistance under this title to any applicant
40 or recipient of medical assistance, the local social services district
41 or the department shall be subrogated, to the extent of the expenditures
42 by such district or department for medical care furnished, to any rights
43 such person may have to medical support or reimbursement from liable
44 third parties, including but not limited to health insurers, self-in-
45 sured plans, group health plans, service benefit plans, managed care
46 organizations, pharmacy benefit managers, or other parties that are, by
47 statute, contract, or agreement, legally responsible for payment of a
48 claim for a health care item or service. For purposes of this section,
49 the term medical support shall mean the right to support specified as
50 support for the purpose of medical care by a court or administrative
51 order. The right of subrogation does not attach to insurance benefits
52 paid or provided under any health insurance policy prior to the receipt
53 of written notice of the exercise of subrogation rights by the carrier
54 issuing such insurance, nor shall such right of subrogation attach to
55 any benefits which may be claimed by a social services official or the
56 department, by agreement or other established procedure, directly from

1 an insurance carrier. No right of subrogation to insurance benefits
2 available under any health insurance policy shall be enforceable unless
3 written notice of the exercise of such subrogation right is received by
4 the carrier within three years from the date services for which benefits
5 are provided under the policy or contract are rendered. Liable third
6 parties shall not deny a claim made by a social services official or the
7 department in conformance with this paragraph solely on the basis of the
8 date of submission of the claim, the type or format of the claim form, a
9 failure to obtain prior authorization, or a failure to present proper
10 documentation at the point-of-sale that is the basis of the claim.
11 Liable third parties shall respond to a request for payment within sixty
12 calendar days after receipt of written proof of loss or claim for
13 payment for health care services provided to a recipient of Medicaid who
14 is covered by the third party and shall not charge a fee to process or
15 adjudicate a claim. The local social services district or the department
16 shall also notify the carrier when the exercise of subrogation rights
17 has terminated because a person is no longer receiving assistance under
18 this title. Such carrier shall establish mechanisms to maintain the
19 confidentiality of all individually identifiable information or records.
20 Such carrier shall limit the use of such information or record to the
21 specific purpose for which such disclosure is made, and shall not
22 further disclose such information or records.

23 § 7. Section 364-j of the social services law is amended by adding two
24 new subdivisions 38 and 39 to read as follows:

25 38. Penalties for the submission of misstated cost reports. (a) For
26 purposes of this subdivision, managed care provider shall also include
27 managed long-term care plans.

28 (b) The Medicaid inspector general may, in his or her discretion and
29 in consultation with the commissioner, impose a penalty on a managed
30 care provider whose filed cost report contained a misstatement of fact
31 including:

32 (i) unsubstantiated or improper costs;

33 (ii) number of member months;

34 (iii) number of events.

35 For purposes of this paragraph, number of events shall include, but
36 not be limited to understated births or deliveries.

37 (c) (i) For misstatements found in subparagraph (i) of paragraph (b)
38 of this subdivision, the penalty shall be equal to the amount of the
39 misstatement multiplied by two.

40 (ii) For misstatements found in subparagraph (ii) of paragraph (b) of
41 this subdivision, the penalty shall be the amount of the premium capita-
42 tion paid by the department for the region per member month.

43 (iii) For misstatements found in subparagraph (iii) of paragraph (b)
44 of this subdivision, the penalty shall be the amount of the supplemental
45 capitation paid by the department for the region per member event.

46 (d) Any penalty imposed under this subdivision may be recovered by the
47 department in any manner authorized by law.

48 (e) The managed care provider against whom a penalty is imposed pursu-
49 ant to this subdivision shall be entitled to notice and an opportunity
50 to be heard in accordance with section twenty-two of this chapter.

51 39. Medicaid fraud, waste and abuse prevention. (a) For purposes of
52 this subdivision, managed care provider shall also include managed long-
53 term care plans.

54 (b) Managed care providers shall adopt and implement policies and
55 procedures designed to detect and prevent fraud, waste and abuse. This
56 shall include the adoption and implementation of a compliance program as



1 required by section three hundred sixty-three-d of this title and the
2 terms of the contract between the managed care provider and the state,
3 and for managed care providers with an enrolled population of one thou-
4 sand or more persons in the aggregate in any given year, the establish-
5 ment of a special investigation unit which will have primary responsi-
6 bility for implementing the managed care provider's policies and
7 procedures to detect and prevent fraud, waste and abuse, as it relates
8 to the managed care provider's participation in the medical assistance
9 program.

10 (c) The managed care provider shall coordinate its fraud, waste and
11 abuse prevention activities with the Medicaid inspector general and the
12 department of health. The Medicaid inspector general, in consultation
13 with the department of health, may promulgate regulations establishing
14 standards and requirements for the operation of managed care provider
15 fraud, waste and abuse prevention activities, including requirements for
16 special investigation units. The provisions of this subdivision
17 notwithstanding, the managed care provider shall continue to comply with
18 all the requirements of section forty-four hundred fourteen of the
19 public health law.

20 § 8. Section 3613 of the public health law is amended by adding a new
21 subdivision 1-a to read as follows:

22 1-a. Each home care services worker shall obtain an individual unique
23 identifier from the state by or before a date determined by the commis-
24 sioner in consultation with the Medicaid inspector general. Any personal
25 information submitted to obtain such unique identifier shall be main-
26 tained as confidential pursuant to article six-A of the public officers
27 law ("New York state privacy protection law").

28 § 9. Subdivision 3 of section 365-f of the social services law, as
29 amended by chapter 511 of the laws of 2015, is amended to read as
30 follows:

31 3. Division of responsibilities. Eligible individuals who elect to
32 participate in the program assume the responsibility for services under
33 such program as mutually agreed to by the eligible individual and
34 provider and as documented in the eligible individual's record, includ-
35 ing, but not limited to, recruiting, hiring and supervising their
36 personal assistants. For the purposes of this section, personal assist-
37 ant shall mean an adult who has obtained an individual unique identifier
38 from the state by or before a date determined by the commissioner of
39 health in consultation with the Medicaid inspector general, and provides
40 services under this section to the eligible individual under the eligi-
41 ble individual's instruction, supervision and direction or under the
42 instruction, supervision and direction of the eligible individual's
43 designated representative, provided that a person legally responsible
44 for an eligible individual's care and support, an eligible individual's
45 spouse or designated representative may not be the personal assistant
46 for the eligible individual; however, a personal assistant may include
47 any other adult relative of the eligible individual, provided, however,
48 that the program determines that the services provided by such relative
49 are consistent with an individual's plan of care and that the aggregate
50 cost for such services does not exceed the aggregate costs for equiv-
51 alent services provided by a non-relative personal assistant. Any
52 personal information submitted to obtain such unique identifier shall be
53 maintained as confidential pursuant to article six-A of the public offi-
54 cers law ("New York state privacy protection law"). Such individuals
55 shall be assisted as appropriate with service coverage, supervision,
56 advocacy and management. Providers shall not be liable for fulfillment

1 of responsibilities agreed to be undertaken by the eligible individual.
2 This subdivision, however, shall not diminish the participating provid-
3 er's liability for failure to exercise reasonable care in properly
4 carrying out its responsibilities under this program, which shall
5 include monitoring such individual's continuing ability to fulfill those
6 responsibilities documented in his or her records. Failure of the indi-
7 vidual to carry out his or her agreed to responsibilities may be consid-
8 ered in determining such individual's continued appropriateness for the
9 program.

10 § 10. Subparagraph (C) of paragraph 3 of subsection (e) of section
11 3212 of the insurance law, as amended by section 117-b of part C of
12 chapter 58 of the laws of 2009, is amended to read as follows:

13 (C) No right of subrogation to insurance benefits available under any
14 health insurance policy shall be enforceable unless written notice of
15 the exercise of such subrogation right is received by the carrier within
16 three years from the date services for which benefits are provided under
17 the policy or contract are rendered. An insurer shall not deny a claim
18 made in conformance with paragraph (b) of subdivision two of section
19 three hundred sixty-seven-a of the social services law solely on the
20 basis of the date of submission of the claim, the type or format of the
21 claim form, a failure to obtain prior authorization, or a failure to
22 present proper documentation at the point-of-sale that is the basis of
23 the claim.

24 § 11. This act shall take effect immediately and shall be deemed to
25 have been in full force and effect on and after April 1, 2020; provided
26 however, section three of this act shall apply to compliance reviews for
27 calendar years beginning on or after January 1, 2021; provided further,
28 section seven of this act shall apply to cost reports submitted for
29 calendar years beginning on or after January 1, 2014; provided further,
30 however, the amendments to section 364-j of the social services law made
31 by section seven of this act, shall not affect the repeal of such
32 section and shall be deemed repealed therewith; and provided further,
33 however, that the director of the budget may, in consultation with the
34 commissioner of health, delay the effective dates prescribed herein for
35 a period of time which shall not exceed ninety days following the
36 conclusion or termination of an executive order issued pursuant to
37 section 28 of the executive law declaring a state disaster emergency for
38 the entire state of New York, and upon such delay the director of the
39 budget shall notify the chairs of the assembly ways and means committee
40 and senate finance committee and the chairs of the assembly and senate
41 health committee; and provided further, however, that the director of
42 the budget shall notify the legislative bill drafting commission upon
43 the occurrence of a delay in the effective date of this act, in order
44 that the commission may maintain an accurate and timely effective data
45 base of the official text of the laws of the state of New York in furth-
46 erance of effecting the provisions of section 44 of the legislative law
47 and section 70-b of the public officers law.

48 PART RR

49 Section 1. Subdivision (b) of section 25-z of the general city law, as
50 amended by section 3 of part E of chapter 61 of the laws of 2017, is
51 amended and a new subdivision (g) is added to read as follows:

52 (b) No eligible business shall be authorized to receive a credit under
53 any local law enacted pursuant to this article until the premises with
54 respect to which it is claiming the credit meet the requirements in the



1 definition of eligible premises and until it has obtained a certifi-
2 cation of eligibility from the mayor of such city or an agency desig-
3 nated by such mayor, and an annual certification from such mayor or an
4 agency designated by such mayor as to the number of eligible aggregate
5 employment shares maintained by such eligible business that may qualify
6 for obtaining a tax credit for the eligible business' taxable year. Any
7 written documentation submitted to such mayor or such agency or agencies
8 in order to obtain any such certification shall be deemed a written
9 instrument for purposes of section 175.00 of the penal law. Such local
10 law may provide for application fees to be determined by such mayor or
11 such agency or agencies. No such certification of eligibility shall be
12 issued under any local law enacted pursuant to this article to an eligi-
13 ble business on or after July first, two thousand [twenty] twenty-five
14 unless:

15 (1) prior to such date such business has purchased, leased or entered
16 into a contract to purchase or lease particular premises or a parcel on
17 which will be constructed such premises or already owned such premises
18 or parcel;

19 (2) prior to such date improvements have been commenced on such prem-
20 ises or parcel, which improvements will meet the requirements of subdi-
21 vision (e) of section twenty-five-y of this article relating to expendi-
22 tures for improvements;

23 (3) prior to such date such business submits a preliminary application
24 for a certification of eligibility to such mayor or such agency or agen-
25 cies with respect to a proposed relocation to such particular premises;
26 and

27 (4) such business relocates to such particular premises not later than
28 thirty-six months or, in a case in which the expenditures made for the
29 improvements specified in paragraph two of this subdivision are in
30 excess of fifty million dollars within seventy-two months from the date
31 of submission of such preliminary application.

32 (g) For the duration of the benefit period, a recipient of a credit
33 under any local law enacted pursuant to this article shall file annual-
34 ly, along with the aforementioned original and annual certificates of
35 eligibility, the average wage and benefits offered to the applicable
36 relocated employees used in determining eligible aggregate employment
37 shares, pursuant to subdivision (i) of section twenty-five-y of this
38 article. The department shall have the authority to require that state-
39 ments filed under this subdivision be certified.

40 § 2. Subdivision (b) of section 25-ee of the general city law, as
41 amended by section 4 of part E of chapter 61 of the laws of 2017, is
42 amended and a new subdivision (e) is added to read as follows:

43 (b) No eligible business or special eligible business shall be author-
44 ized to receive a credit against tax under any local law enacted pursu-
45 ant to this article until the premises with respect to which it is
46 claiming the credit meet the requirements in the definition of eligible
47 premises and until it has obtained a certification of eligibility from
48 the mayor of such city or any agency designated by such mayor, and an
49 annual certification from such mayor or an agency designated by such
50 mayor as to the number of eligible aggregate employment shares main-
51 tained by such eligible business or such special eligible business that
52 may qualify for obtaining a tax credit for the eligible business' taxa-
53 ble year. No special eligible business shall be authorized to receive a
54 credit against tax under the provisions of this article unless the
55 number of relocated employee base shares calculated pursuant to subdivi-
56 sion (o) of section twenty-five-dd of this article is equal to or great-



er than the lesser of twenty-five percent of the number of New York city base shares calculated pursuant to subdivision (p) of such section and two hundred fifty employment shares. Any written documentation submitted to such mayor or such agency or agencies in order to obtain any such certification shall be deemed a written instrument for purposes of section 175.00 of the penal law. Such local law may provide for application fees to be determined by such mayor or such agency or agencies. No certification of eligibility shall be issued under any local law enacted pursuant to this article to an eligible business on or after July first, two thousand [twenty] twenty-five unless:

(1) prior to such date such business has purchased, leased or entered into a contract to purchase or lease premises in the eligible Lower Manhattan area or a parcel on which will be constructed such premises;

(2) prior to such date improvements have been commenced on such premises or parcel, which improvements will meet the requirements of subdivision (e) of section twenty-five-dd of this article relating to expenditures for improvements;

(3) prior to such date such business submits a preliminary application for a certification of eligibility to such mayor or such agency or agencies with respect to a proposed relocation to such premises; and

(4) such business relocates to such premises as provided in subdivision (j) of section twenty-five-dd of this article not later than thirty-six months or, in a case in which the expenditures made for the improvements specified in paragraph two of this subdivision are in excess of fifty million dollars within seventy-two months from the date of submission of such preliminary application.

(e) For the duration of the benefit period, the recipient of benefits shall file annually, along with the aforementioned original and annual certificates of eligibility, the average wage and benefits offered to the applicable relocated employees used in determining eligible aggregate employment shares, pursuant to subdivision (i) of section twenty-five-y of this chapter. The department shall have the authority to require that statements filed under this subdivision be certified.

§ 3. Subdivision (b) of section 22-622 of the administrative code of the city of New York, as amended by section 5 of part E of chapter 61 of the laws of 2017, is amended to read as follows:

(b) No eligible business shall be authorized to receive a credit against tax or a reduction in base rent subject to tax under the provisions of this chapter, and of title eleven of the code as described in subdivision (a) of this section, until the premises with respect to which it is claiming the credit meet the requirements in the definition of eligible premises and until it has obtained a certification of eligibility from the mayor or an agency designated by the mayor, and an annual certification from the mayor or an agency designated by the mayor as to the number of eligible aggregate employment shares maintained by such eligible business that may qualify for obtaining a tax credit for the eligible business' taxable year. Any written documentation submitted to the mayor or such agency or agencies in order to obtain any such certification shall be deemed a written instrument for purposes of section 175.00 of the penal law. Application fees for such certifications shall be determined by the mayor or such agency or agencies. No certification of eligibility shall be issued to an eligible business on or after July first, two thousand [twenty] twenty-five unless:

(1) prior to such date such business has purchased, leased or entered into a contract to purchase or lease particular premises or a parcel on



1 which will be constructed such premises or already owned such premises
2 or parcel;

3 (2) prior to such date improvements have been commenced on such prem-
4 ises or parcel which improvements will meet the requirements of subdivi-
5 sion (e) of section 22-621 of this chapter relating to expenditures for
6 improvements;

7 (3) prior to such date such business submits a preliminary application
8 for a certification of eligibility to such mayor or such agency or agen-
9 cies with respect to a proposed relocation to such particular premises;
10 and

11 (4) such business relocates to such particular premises not later than
12 thirty-six months or, in a case in which the expenditures made for
13 improvements specified in paragraph two of this subdivision are in
14 excess of fifty million dollars within seventy-two months from the date
15 of submission of such preliminary application.

16 § 4. Section 22-622 of the administrative code of the city of New York
17 is amended by adding a new subdivision (g) to read as follows:

18 (g) For the duration of the benefit period, the recipient of benefits
19 shall file annually, along with the aforementioned original and annual
20 certificates of eligibility, the average wage and benefits offered to
21 the applicable relocated employees used in determining eligible aggre-
22 gate employment shares, pursuant to subdivision (i) of section 22-621 of
23 this chapter. The department shall have the authority to require that
24 statements filed under this subdivision be certified.

25 § 5. Subdivision (b) of section 22-624 of the administrative code of
26 the city of New York, as amended by section 6 of part E of chapter 61 of
27 the laws of 2017, is amended and a new subdivision (e) is added to read
28 as follows:

29 (b) No eligible business or special eligible business shall be author-
30 ized to receive a credit against tax under the provisions of this chap-
31 ter, and of title eleven of the code as described in subdivision (a) of
32 this section, until the premises with respect to which it is claiming
33 the credit meet the requirements in the definition of eligible premises
34 and until it has obtained a certification of eligibility from the mayor
35 or an agency designated by the mayor, and an annual certification from
36 the mayor or an agency designated by the mayor as to the number of
37 eligible aggregate employment shares maintained by such eligible busi-
38 ness or special eligible business that may qualify for obtaining a tax
39 credit for the eligible business' taxable year. No special eligible
40 business shall be authorized to receive a credit against tax under the
41 provisions of this chapter and of title eleven of the code unless the
42 number of relocated employee base shares calculated pursuant to subdivi-
43 sion (o) of section 22-623 of this chapter is equal to or greater than
44 the lesser of twenty-five percent of the number of New York city base
45 shares calculated pursuant to subdivision (p) of such section 22-623,
46 and two hundred fifty employment shares. Any written documentation
47 submitted to the mayor or such agency or agencies in order to obtain any
48 such certification shall be deemed a written instrument for purposes of
49 section 175.00 of the penal law. Application fees for such certifi-
50 cations shall be determined by the mayor or such agency or agencies. No
51 certification of eligibility shall be issued to an eligible business on
52 or after July first, two thousand [twenty] twenty-five unless:

53 (1) prior to such date such business has purchased, leased or entered
54 into a contract to purchase or lease premises in the eligible Lower
55 Manhattan area or a parcel on which will be constructed such premises;



1 (2) prior to such date improvements have been commenced on such prem-
2 ises or parcel, which improvements will meet the requirements of subdi-
3 vision (e) of section 22-623 of this chapter relating to expenditures
4 for improvements;

5 (3) prior to such date such business submits a preliminary application
6 for a certification of eligibility to such mayor or such agency or agen-
7 cies with respect to a proposed relocation to such premises; and

8 (4) such business relocates to such premises not later than thirty-six
9 months or, in a case in which the expenditures made for the improvements
10 specified in paragraph two of this subdivision are in excess of fifty
11 million dollars within seventy-two months from the date of submission of
12 such preliminary application.

13 (e) For the duration of the benefit period, the recipient of benefits
14 shall file annually, along with the aforementioned original and annual
15 certificates of eligibility, the average wage and benefits offered to
16 the applicable relocated employees used in determining eligible aggre-
17 gate employment shares, pursuant to subdivision (i) of section 22-623 of
18 this chapter. The department shall have the authority to require that
19 statements filed under this subdivision be certified.

20 § 6. This act shall take effect immediately.

21 PART SS

22 Section 1. Subdivision 3 of section 489-cccccc of the real property
23 tax law is amended by adding a new paragraph (d) to read as follows:

24 (d) Self-storage facilities. For purposes of this title, "self-storage
25 facility" shall mean any real property or a portion thereof that is
26 designed and used for the purpose of occupying storage space by occu-
27 pants who are to have access thereto for the purpose of storing and
28 removing personal property, pursuant to subdivision one of section one
29 hundred eighty-two of the lien law. No benefits shall be granted pursu-
30 ant to this title for construction work on real property where any
31 portion of such property is to be used as a self-storage facility.

32 § 2. Subdivision 4 and paragraph (c) of subdivision 5 of section 489-
33 ccccccc of the real property tax law, as added by chapter 119 of the laws
34 of 2008, are amended to read as follows:

35 4. Hotel uses. Benefits shall be available for commercial construction
36 work or renovation construction work on a building or structure for the
37 property's square footage used to provide lodging and support services
38 for transient guests, provided the applicant is not otherwise disquali-
39 fied pursuant to paragraph (c) of subdivision five of this section, or
40 section four hundred eighty-nine-eeeeee or four hundred eighty-nine-iii-
41 iii of this title.

42 (c) Applicant affidavit. No benefits pursuant to this title shall be
43 granted for any construction work unless the applicant provides, togeth-
44 er with the final application, an affidavit setting forth the following
45 information:

46 (i) a statement that within the seven years immediately preceding the
47 date of the preliminary application for benefits, neither the applicant,
48 nor any person owning a substantial interest in the property as defined
49 in subparagraph (iii) of this paragraph, nor any officer, director or
50 general partner of the applicant or such person was finally adjudicated
51 by a court of competent jurisdiction to have violated section two
52 hundred thirty-five of the real property law or any section of article
53 one hundred fifty of the penal law or any similar arson law of another
54 state with respect to any building, or finally adjudicated by a compe-

1 tent authority, agency, or a court of competent jurisdiction to have
2 violated any state, city, or municipal business regulations or ordi-
3 nances related to payment of taxes, payment of wages, or fraudulent
4 representation to governmental entities, or was an officer, director or
5 general partner of a person at the time such person was finally adjudi-
6 cated to have violated such [law] state, city, or municipal laws, busi-
7 ness regulations, and ordinances related to payment of taxes, payment of
8 wages, or fraudulent representation to governmental entities; and

9 (ii) a statement setting forth any pending charges alleging violation
10 of section two hundred thirty-five of the real property law or any
11 section of article one hundred fifty of the penal law or any similar
12 arson law of another jurisdiction with respect to any building and pend-
13 ing charges alleging violation of state, city, or municipal business
14 regulations or ordinances related to payment of taxes, payment of wages,
15 or fraudulent representation to governmental entities by the applicant
16 or any person owning a substantial interest in the property as defined
17 in subparagraph (iii) of this paragraph, or any officer, director or
18 general partner of the applicant or such person.

19 (iii) "Substantial interest" as used in this subdivision shall mean
20 ownership and control of an interest of ten percent or more in a proper-
21 ty or any person owning a property.

22 (iv) If any person described in the statement required by subparagraph
23 (ii) of this paragraph is finally adjudicated by a court of competent
24 jurisdiction to be guilty of any charge listed in such statement, the
25 recipient shall cease to be eligible for benefits pursuant to this title
26 and shall pay with interest any taxes for which an abatement was claimed
27 pursuant to this title.

28 § 3. Paragraph (a) of subdivision 1 of section 489-dddddd of the real
29 property tax law, as amended by section 25 of part E of chapter 61 of
30 the laws of 2017, is amended to read as follows:

31 (a) Application for benefits pursuant to this title may be made imme-
32 diately following the effective date of a local law enacted pursuant to
33 this title and continuing until March first, two thousand [twenty-two]
34 twenty-five.

35 § 4. Subdivision 3 of section 489-dddddd of the real property tax law,
36 as amended by section 26 of part E of chapter 61 of the laws of 2017, is
37 amended to read as follows:

38 3. (a) No benefits pursuant to this title shall be granted for
39 construction work performed pursuant to a building permit issued after
40 April first, two thousand [twenty-two] twenty-five.

41 (b) If no building permit was required, then no benefits pursuant to
42 this title shall be granted for construction work that is commenced
43 after April first, two thousand [twenty-two] twenty-five.

44 § 5. Subdivision 1 of section 489-eeeeee of the real property tax law,
45 as amended by chapter 28 of the laws of 2011, is amended and a new
46 subdivision 4 is added to read as follows:

47 1. Continuing use. For the duration of the benefit period, the recipi-
48 ent of benefits shall file biennially with the department, on or before
49 the appropriate taxable status date, a statement of the continuing use
50 of such property and any changes in use that have occurred, provided,
51 however, that any recipient of benefits receiving benefits for property
52 defined as a peaking unit shall file such statement biannually. Such
53 filings shall include a statement that the recipient has not been found
54 by a competent authority, agency or court to have violated state, city,
55 or municipal business regulations or ordinances related to payment of
56 taxes, payment of wages, or fraudulent representation to governmental



1 entities. This statement shall be in a form determined by the depart-
2 ment and may be in any format the department determines, in its
3 discretion, is appropriate, including electronic format. The department
4 shall have authority to terminate such benefits upon failure of a recip-
5 ient to file such statement by the appropriate taxable status date. The
6 burden of proof shall be on the recipient to establish continuing eligi-
7 bility for benefits and the department shall have the authority to
8 require that statements filed under this subdivision be certified.

9 4. Business operation data. A recipient shall biennially file a report
10 with the department, on or before the appropriate taxable status date,
11 regarding certain business operation data relating to the recipient's
12 economic impact and outcomes for the duration of the benefit period,
13 provided, however, that any recipient of benefits for property defined
14 as a peaking unit shall file such statement biannually. Such report
15 shall contain information including, but not limited to, tenancy data,
16 information regarding employment creation and job retention and any
17 other information deemed relevant by the department.

18 § 6. Section 489-iiiiiii of the real property tax law, as added by
19 chapter 119 of the laws of 2008, is amended to read as follows:

20 § 489-iiiiiii. Code violations; suspension, termination or revocation
21 of benefits. 1. [A local law enacted pursuant to this title may provide
22 that abatement] Abatement benefits shall be suspended, terminated or
23 revoked if the recipient is found to have failed to cure violations of
24 [the] applicable building, fire, or air pollution control codes on the
25 property for which benefits have been granted[. Such local law shall
26 define the circumstances where benefits may be suspended, terminated or
27 revoked and provide procedures for benefit suspension, termination or
28 revocation] or any state, city, or municipal business regulations or
29 ordinances in a manner specified by local law or ordinance related to
30 payment of taxes, payment of wages, or fraudulent representation to
31 governmental entities.

32 2. Abatement benefits shall be suspended, terminated or revoked if the
33 recipient is found to have violated any provision of article fifteen of
34 the executive law by a competent authority, agency or court.

35 3. All taxes plus interest required to be paid retroactively pursuant
36 to this title shall constitute a tax lien as of the date it is deter-
37 mined such taxes and interest are owed. Interest shall be calculated
38 from the date the taxes would have been due but for the abatement
39 claimed pursuant to this title at the interest rate imposed by such city
40 for non-payment of property tax.

41 § 7. Subdivision 2 of section 489-jjjjjj of the real property tax law,
42 as added by chapter 119 of the laws of 2008, is amended to read as
43 follows:

44 2. An application, certificate, report or other document delivered by
45 an applicant or recipient hereunder contains a false or misleading
46 statement as to a material fact or omits to state any material fact
47 necessary to make the statements not false or misleading, and may
48 declare any applicant or recipient who makes such false or misleading
49 statement or omission ineligible for future tax abatements for this
50 property or another property; or

51 3. A recipient is found to have failed to cure any violation of state,
52 city, or municipal business regulations or ordinances related to payment
53 of taxes, payment of wages, or fraudulent representation to governmental
54 entities.



1 § 8. Paragraph 1 of subdivision a of section 11-271 of the administra-
2 tive code of the city of New York, as amended by section 27 of part E of
3 chapter 61 of the laws of 2017, is amended to read as follows:

4 (1) Application for benefits pursuant to this part may be made imme-
5 diately following the effective date of the local law that added this
6 section and continuing until March first, two thousand [twenty-two]
7 twenty-five.

8 § 9. Subdivision c of section 11-271 of the administrative code of the
9 city of New York, as amended by section 28 of part E of chapter 61 of
10 the laws of 2017, is amended to read as follows:

11 c. (1) No benefits pursuant to this part shall be granted for
12 construction work performed pursuant to a building permit issued after
13 April first, two thousand [twenty-two] twenty-five.

14 (2) If no building permit was required, then no benefits pursuant to
15 this part shall be granted for construction work that is commenced after
16 April first, two thousand [twenty-two] twenty-five.

17 § 10. This act shall take effect immediately; provided that section
18 one of this act shall apply to projects for which the first building
19 permit is issued after July 1, 2020 or if no permit is required, for
20 which construction commences after July 1, 2020.

21 PART TT

22 Section 1. Section 2-122-a of the election law is amended by adding
23 two new subdivisions 13 and 14 to read as follows:

24 13. Notwithstanding any inconsistent provision of law to the contrary,
25 prior to forty-five days before the actual date of a presidential prima-
26 ry election, if a candidate for office of the president of the United
27 States who is otherwise eligible to appear on the presidential primary
28 ballot to provide for the election of delegates to a national party
29 convention or a national party conference in any presidential election
30 year, publicly announces that they are no longer seeking the nomination
31 for the office of president of the United States, or if the candidate
32 publicly announces that they are terminating or suspending their
33 campaign, or if the candidate sends a letter to the state board of
34 elections indicating they no longer wish to appear on the ballot, the
35 state board of elections may determine by such date that the candidate
36 is no longer eligible and omit said candidate from the ballot; provided,
37 however, that for any candidate of a major political party, such deter-
38 mination shall be solely made by the commissioners of the state board of
39 elections who have been appointed on the recommendation of such poli-
40 tical party or the legislative leaders of such political party, and no
41 other commissioner of the state board of elections shall participate in
42 such determination.

43 14. Notwithstanding any inconsistent provision of law, candidates for
44 delegates and/or alternate delegates who are pledged to candidates of
45 the office of president of the United States who have been omitted
46 pursuant to subdivision thirteen of this section shall also be omitted
47 from the certificate required by section 4-110 of this chapter and/or
48 shall be determined to not be a candidate pursuant to section 4-114 of
49 this chapter. Upon a timely determination of the state board pursuant to
50 subdivision thirteen of this section any prior certification shall be
51 amended forthwith. There shall be no substitution of any candidate omit-
52 ted pursuant to subdivision thirteen of this section or this subdivi-
53 sion.

1 § 2. This act shall take effect immediately provided, however, that
2 the amendments to section 2-122-a of the election law made by section
3 one of this act shall not affect the repeal of such section and shall be
4 repealed therewith.

5 PART UU

6 Section 1. Subdivision 3-a of section 500.10 of the criminal procedure
7 law, as added by section 1-e of part JJJ of chapter 59 of the laws of
8 2019, is amended and a new subdivision 3-b is added to read as follows:

9 3-a. "Release under non-monetary conditions." A court releases a prin-
10 cipal under non-monetary conditions when, having acquired control over a
11 person, it authorizes the person to be at liberty during the pendency of
12 the criminal action or proceeding involved under conditions ordered by
13 the court, which shall be the least restrictive conditions that will
14 reasonably assure the principal's return to court and reasonably assure
15 the principal's compliance with court conditions. A principal shall not
16 be required to pay for any part of the cost of release on non-monetary
17 conditions. Such conditions may include, among other conditions reason-
18 able under the circumstances:

19 (a) that the principal be in contact with a pretrial services agency
20 serving principals in that county;

21 (b) that the principal abide by reasonable, specified restrictions on
22 travel that are reasonably related to an actual risk of flight from the
23 jurisdiction, or that the principal surrender his or her passport;

24 (c) that the principal refrain from possessing a firearm, destructive
25 device or other dangerous weapon;

26 (d) that, when it is shown pursuant to subdivision four of section
27 510.45 of this title that no other realistic [monetary] non-monetary
28 condition or set of non-monetary conditions will suffice to reasonably
29 assure the person's return to court, the person be placed in reasonable
30 pretrial supervision with a pretrial services agency serving principals
31 in that county;

32 (e) that the principal refrain from associating with certain persons
33 who are connected with the instant charge, including, when appropriate,
34 specified victims, witnesses, or co-defendants;

35 (f) that the principal be referred to a pretrial services agency for
36 placement in mandatory programming, including counseling, treatment, and
37 intimate partner violence intervention programs. Where applicable, the
38 court may direct the principal be removed to a hospital pursuant to
39 section 9.43 of the mental hygiene law;

40 (g) that the principal make diligent efforts to maintain employment,
41 housing, or enrollment in school or educational programming;

42 (h) that the principal obey an order of protection issued by the
43 court, including an order issued pursuant to section 530.11 of this
44 title;

45 (i) that the principal obey conditions set by the court addressed to
46 the safety of a victim of a family offense as defined in section 530.11
47 of this title including conditions that may be requested by or on behalf
48 of the victim; and

49 (j) that, when it is shown pursuant to paragraph (a) of subdivision
50 four of section 510.40 of this title that no other realistic non-mone-
51 tary condition or set of non-monetary conditions will suffice to reason-
52 ably assure the principal's return to court, the principal's location be
53 monitored with an approved electronic monitoring device, in accordance
54 with such subdivision four of section 510.40 of this title. [A principal



1 shall not be required to pay for any part of the cost of release on
2 non-monetary conditions.]

3 3-b. Subdivision three-a of this section presents a non-exclusive list
4 of conditions that may be considered and imposed by law, singularly or
5 in combination, when reasonable under the circumstances of the defend-
6 ant, the case, and the situation of the defendant. The court need not
7 necessarily order one or more specific conditions first before ordering
8 one or more or additional conditions.

9 § 2. Subdivision 4 of section 510.10 of the criminal procedure law, as
10 added by section 2 of part JJJ of chapter 59 of the laws of 2019, is
11 amended to read as follows:

12 4. Where the principal stands charged with a qualifying offense, the
13 court, unless otherwise prohibited by law, may in its discretion release
14 the principal pending trial on the principal's own recognizance or under
15 non-monetary conditions, fix bail, or, where the defendant is charged
16 with a qualifying offense which is a felony, the court may commit the
17 principal to the custody of the sheriff. A principal stands charged with
18 a qualifying offense for the purposes of this subdivision when he or she
19 stands charged with:

20 (a) a felony enumerated in section 70.02 of the penal law, other than
21 [burglary in the second degree as defined in subdivision two of section
22 140.25 of the penal law or] robbery in the second degree as defined in
23 subdivision one of section 160.10 of the penal law, provided, however,
24 that burglary in the second degree as defined in subdivision two of
25 section 140.25 of the penal law shall be a qualifying offense only where
26 the defendant is charged with entering the living area of the dwelling;

27 (b) a crime involving witness intimidation under section 215.15 of the
28 penal law;

29 (c) a crime involving witness tampering under section 215.11, 215.12
30 or 215.13 of the penal law;

31 (d) a class A felony defined in the penal law[, other than in article
32 two hundred twenty of such law with the exception of section 220.77 of
33 such law], provided that for class A felonies under article two hundred
34 twenty of the penal law, only class A-I felonies shall be a qualifying
35 offense;

36 (e) a sex trafficking offense defined in section 230.34 or 230.34-a of
37 the penal law, or a felony sex offense defined in section 70.80 of the
38 penal law, or a crime involving incest as defined in section 255.25,
39 255.26 or 255.27 of such law, or a misdemeanor defined in article one
40 hundred thirty of such law;

41 (f) conspiracy in the second degree as defined in section 105.15 of
42 the penal law, where the underlying allegation of such charge is that
43 the defendant conspired to commit a class A felony defined in article
44 one hundred twenty-five of the penal law;

45 (g) money laundering in support of terrorism in the first degree as
46 defined in section 470.24 of the penal law; money laundering in support
47 of terrorism in the second degree as defined in section 470.23 of the
48 penal law; money laundering in support of terrorism in the third degree
49 as defined in section 470.22 of the penal law; money laundering in
50 support of terrorism in the fourth degree as defined in section 470.21
51 of the penal law; or a felony crime of terrorism as defined in article
52 four hundred ninety of the penal law, other than the crime defined in
53 section 490.20 of such law;

54 (h) criminal contempt in the second degree as defined in subdivision
55 three of section 215.50 of the penal law, criminal contempt in the first
56 degree as defined in subdivision (b), (c) or (d) of section 215.51 of



1 the penal law or aggravated criminal contempt as defined in section
2 215.52 of the penal law, and the underlying allegation of such charge of
3 criminal contempt in the second degree, criminal contempt in the first
4 degree or aggravated criminal contempt is that the defendant violated a
5 duly served order of protection where the protected party is a member of
6 the defendant's same family or household as defined in subdivision one
7 of section 530.11 of this [article] title; [or]

8 (i) facilitating a sexual performance by a child with a controlled
9 substance or alcohol as defined in section 263.30 of the penal law, use
10 of a child in a sexual performance as defined in section 263.05 of the
11 penal law or luring a child as defined in subdivision one of section
12 120.70 of the penal law, promoting an obscene sexual performance by a
13 child as defined in section 263.10 of the penal law or promoting a sexu-
14 al performance by a child as defined in section 263.15 of the penal law;

15 (j) any crime that is alleged to have caused the death of another
16 person;

17 (k) criminal obstruction of breathing or blood circulation as defined
18 in section 121.11 of the penal law, strangulation in the second degree
19 as defined in section 121.12 of the penal law or unlawful imprisonment
20 in the first degree as defined in section 135.10 of the penal law, and
21 is alleged to have committed the offense against a member of the defend-
22 ant's same family or household as defined in subdivision one of section
23 530.11 of this title;

24 (l) aggravated vehicular assault as defined in section 120.04-a of the
25 penal law or vehicular assault in the first degree as defined in section
26 120.04 of the penal law;

27 (m) assault in the third degree as defined in section 120.00 of the
28 penal law or arson in the third degree as defined in section 150.10 of
29 the penal law, when such crime is charged as a hate crime as defined in
30 section 485.05 of the penal law;

31 (n) aggravated assault upon a person less than eleven years old as
32 defined in section 120.12 of the penal law or criminal possession of a
33 weapon on school grounds as defined in section 265.01-a of the penal
34 law;

35 (o) grand larceny in the first degree as defined in section 155.42 of
36 the penal law, enterprise corruption as defined in section 460.20 of the
37 penal law, or money laundering in the first degree as defined in section
38 470.20 of the penal law;

39 (p) failure to register as a sex offender pursuant to section one
40 hundred sixty-eight-t of the correction law or endangering the welfare
41 of a child as defined in subdivision one of section 260.10 of the penal
42 law, where the defendant is required to maintain registration under
43 article six-C of the correction law and designated a level three offen-
44 der pursuant to subdivision six of section one hundred sixty-eight-1 of
45 the correction law;

46 (q) a crime involving bail jumping under section 215.55, 215.56 or
47 215.57 of the penal law, or a crime involving escaping from custody
48 under section 205.05, 205.10 or 205.15 of the penal law;

49 (r) any felony offense committed by the principal while serving a
50 sentence of probation or while released to post release supervision;

51 (s) a felony, where the defendant qualifies for sentencing on such
52 charge as a persistent felony offender pursuant to section 70.10 of the
53 penal law; or

54 (t) any felony or class A misdemeanor involving harm to an identifi-
55 able person or property, where such charge arose from conduct occurring
56 while the defendant was released on his or her own recognizance or



1 released under conditions for a separate felony or class A misdemeanor
2 involving harm to an identifiable person or property, provided, however,
3 that the prosecutor must show reasonable cause to believe that the
4 defendant committed the instant crime and any underlying crime. For the
5 purposes of this subparagraph, any of the underlying crimes need not be
6 a qualifying offense as defined in this subdivision.

7 § 3. Paragraph (b) of subdivision 1 of section 530.20 of the criminal
8 procedure law, as added by section 16 of part JJJ of chapter 59 of the
9 laws of 2019, is amended to read as follows:

10 (b) Where the principal stands charged with a qualifying offense, the
11 court, unless otherwise prohibited by law, may in its discretion release
12 the principal pending trial on the principal's own recognizance or under
13 non-monetary conditions, fix bail, or, where the defendant is charged
14 with a qualifying offense which is a felony, the court may commit the
15 principal to the custody of the sheriff. The court shall explain its
16 choice of release, release with conditions, bail or remand on the record
17 or in writing. A principal stands charged with a qualifying offense when
18 he or she stands charged with:

19 (i) a felony enumerated in section 70.02 of the penal law, other than
20 [burglary in the second degree as defined in subdivision two of section
21 140.25 of the penal law or] robbery in the second degree as defined in
22 subdivision one of section 160.10 of the penal law, provided, however,
23 that burglary in the second degree as defined in subdivision two of
24 section 140.25 of the penal law shall be a qualifying offense only where
25 the defendant is charged with entering the living area of the dwelling;

26 (ii) a crime involving witness intimidation under section 215.15 of
27 the penal law;

28 (iii) a crime involving witness tampering under section 215.11, 215.12
29 or 215.13 of the penal law;

30 (iv) a class A felony defined in the penal law, [other than in article
31 two hundred twenty of such law with the exception of section 220.77 of
32 such law] provided, that for class A felonies under article two hundred
33 twenty of such law, only class A-I felonies shall be a qualifying
34 offense;

35 (v) a sex trafficking offense defined in section 230.34 or 230.34-a of
36 the penal law, or a felony sex offense defined in section 70.80 of the
37 penal law or a crime involving incest as defined in section 255.25,
38 255.26 or 255.27 of such law, or a misdemeanor defined in article one
39 hundred thirty of such law;

40 (vi) conspiracy in the second degree as defined in section 105.15 of
41 the penal law, where the underlying allegation of such charge is that
42 the defendant conspired to commit a class A felony defined in article
43 one hundred twenty-five of the penal law;

44 (vii) money laundering in support of terrorism in the first degree as
45 defined in section 470.24 of the penal law; money laundering in support
46 of terrorism in the second degree as defined in section 470.23 of the
47 penal law; money laundering in support of terrorism in the third degree
48 as defined in section 470.22 of the penal law; money laundering in
49 support of terrorism in the fourth degree as defined in section 470.21
50 of the penal law; or a felony crime of terrorism as defined in article
51 four hundred ninety of the penal law, other than the crime defined in
52 section 490.20 of such law;

53 (viii) criminal contempt in the second degree as defined in subdivi-
54 sion three of section 215.50 of the penal law, criminal contempt in the
55 first degree as defined in subdivision (b), (c) or (d) of section 215.51
56 of the penal law or aggravated criminal contempt as defined in section



1 215.52 of the penal law, and the underlying allegation of such charge of
2 criminal contempt in the second degree, criminal contempt in the first
3 degree or aggravated criminal contempt is that the defendant violated a
4 duly served order of protection where the protected party is a member of
5 the defendant's same family or household as defined in subdivision one
6 of section 530.11 of this article; [or]

7 (ix) facilitating a sexual performance by a child with a controlled
8 substance or alcohol as defined in section 263.30 of the penal law, use
9 of a child in a sexual performance as defined in section 263.05 of the
10 penal law or luring a child as defined in subdivision one of section
11 120.70 of the penal law, promoting an obscene sexual performance by a
12 child as defined in section 263.10 of the penal law or promoting a sexu-
13 al performance by a child as defined in section 263.15 of the penal law;

14 (x) any crime that is alleged to have caused the death of another
15 person;

16 (xi) criminal obstruction of breathing or blood circulation as defined
17 in section 121.11 of the penal law, strangulation in the second degree
18 as defined in section 121.12 of the penal law or unlawful imprisonment
19 in the first degree as defined in section 135.10 of the penal law, and
20 is alleged to have committed the offense against a member of the defend-
21 ant's same family or household as defined in subdivision one of section
22 530.11 of this article;

23 (xii) aggravated vehicular assault as defined in section 120.04-a of
24 the penal law or vehicular assault in the first degree as defined in
25 section 120.04 of the penal law;

26 (xiii) assault in the third degree as defined in section 120.00 of the
27 penal law or arson in the third degree as defined in section 150.10 of
28 the penal law, when such crime is charged as a hate crime as defined in
29 section 485.05 of the penal law;

30 (xiv) aggravated assault upon a person less than eleven years old as
31 defined in section 120.12 of the penal law or criminal possession of a
32 weapon on school grounds as defined in section 265.01-a of the penal
33 law;

34 (xv) grand larceny in the first degree as defined in section 155.42 of
35 the penal law, enterprise corruption as defined in section 460.20 of the
36 penal law, or money laundering in the first degree as defined in section
37 470.20 of the penal law;

38 (xvi) failure to register as a sex offender pursuant to section one
39 hundred sixty-eight-t of the correction law or endangering the welfare
40 of a child as defined in subdivision one of section 260.10 of the penal
41 law, where the defendant is required to maintain registration under
42 article six-C of the correction law and designated a level three offen-
43 der pursuant to subdivision six of section one hundred sixty-eight-1 of
44 the correction law;

45 (xvii) a crime involving bail jumping under section 215.55, 215.56 or
46 215.57 of the penal law, or a crime involving escaping from custody
47 under section 205.05, 205.10 or 205.15 of the penal law;

48 (xviii) any felony offense committed by the principal while serving a
49 sentence of probation or while released to post release supervision;

50 (xix) a felony, where the defendant qualifies for sentencing on such
51 charge as a persistent felony offender pursuant to section 70.10 of the
52 penal law; or

53 (xx) any felony or class A misdemeanor involving harm to an identifi-
54 able person or property, where such charge arose from conduct occurring
55 while the defendant was released on his or her own recognizance or
56 released under conditions for a separate felony or class A misdemeanor



1 involving harm to an identifiable person or property, provided, however,
2 that the prosecutor must show reasonable cause to believe that the
3 defendant committed the instant crime and any underlying crime. For the
4 purposes of this subparagraph, any of the underlying crimes need not be
5 a qualifying offense as defined in this subdivision.

6 § 4. Subdivision 4 of section 530.40 of the criminal procedure law, as
7 added by section 18 of part JJJ of chapter 59 of the laws of 2019, is
8 amended to read as follows:

9 4. Where the principal stands charged with a qualifying offense, the
10 court, unless otherwise prohibited by law, may in its discretion release
11 the principal pending trial on the principal's own recognizance or under
12 non-monetary conditions, fix bail, or, where the defendant is charged
13 with a qualifying offense which is a felony, the court may commit the
14 principal to the custody of the sheriff. The court shall explain its
15 choice of release, release with conditions, bail or remand on the record
16 or in writing. A principal stands charged with a qualifying offense for
17 the purposes of this subdivision when he or she stands charged with:

18 (a) a felony enumerated in section 70.02 of the penal law, other than
19 [burglary in the second degree as defined in subdivision two of section
20 140.25 of the penal law or] robbery in the second degree as defined in
21 subdivision one of section 160.10 of the penal law, provided, however,
22 that burglary in the second degree as defined in subdivision two of
23 section 140.25 of the penal law shall be a qualifying offense only where
24 the defendant is charged with entering the living area of the dwelling;

25 (b) a crime involving witness intimidation under section 215.15 of the
26 penal law;

27 (c) a crime involving witness tampering under section 215.11, 215.12
28 or 215.13 of the penal law;

29 (d) a class A felony defined in the penal law, [other than in article
30 two hundred twenty of such law with the exception of section 220.77 of
31 such law] provided that for class A felonies under article two hundred
32 twenty of such law, only class A-I felonies shall be a qualifying
33 offense;

34 (e) a sex trafficking offense defined in section 230.34 or 230.34-a of
35 the penal law, or a felony sex offense defined in section 70.80 of the
36 penal law or a crime involving incest as defined in section 255.25,
37 255.26 or 255.27 of such law, or a misdemeanor defined in article one
38 hundred thirty of such law;

39 (f) conspiracy in the second degree as defined in section 105.15 of
40 the penal law, where the underlying allegation of such charge is that
41 the defendant conspired to commit a class A felony defined in article
42 one hundred twenty-five of the penal law;

43 (g) money laundering in support of terrorism in the first degree as
44 defined in section 470.24 of the penal law; money laundering in support
45 of terrorism in the second degree as defined in section 470.23 of the
46 penal law; money laundering in support of terrorism in the third degree
47 as defined in section 470.22 of the penal law; money laundering in
48 support of terrorism in the fourth degree as defined in section 470.21
49 of the penal law; or a felony crime of terrorism as defined in article
50 four hundred ninety of the penal law, other than the crime defined in
51 section 490.20 of such law;

52 (h) criminal contempt in the second degree as defined in subdivision
53 three of section 215.50 of the penal law, criminal contempt in the first
54 degree as defined in subdivision (b), (c) or (d) of section 215.51 of
55 the penal law or aggravated criminal contempt as defined in section
56 215.52 of the penal law, and the underlying allegation of such charge of

1 criminal contempt in the second degree, criminal contempt in the first
2 degree or aggravated criminal contempt is that the defendant violated a
3 duly served order of protection where the protected party is a member of
4 the defendant's same family or household as defined in subdivision one
5 of section 530.11 of this article; [or]

6 (i) facilitating a sexual performance by a child with a controlled
7 substance or alcohol as defined in section 263.30 of the penal law, use
8 of a child in a sexual performance as defined in section 263.05 of the
9 penal law or luring a child as defined in subdivision one of section
10 120.70 of the penal law, promoting an obscene sexual performance by a
11 child as defined in section 263.10 of the penal law or promoting a sexu-
12 al performance by a child as defined in section 263.15 of the penal law;

13 (j) any crime that is alleged to have caused the death of another
14 person;

15 (k) criminal obstruction of breathing or blood circulation as defined
16 in section 121.11 of the penal law, strangulation in the second degree
17 as defined in section 121.12 of the penal law or unlawful imprisonment
18 in the first degree as defined in section 135.10 of the penal law, and
19 is alleged to have committed the offense against a member of the defend-
20 ant's same family or household as defined in subdivision one of section
21 530.11 of this article;

22 (l) aggravated vehicular assault as defined in section 120.04-a of the
23 penal law or vehicular assault in the first degree as defined in section
24 120.04 of the penal law;

25 (m) assault in the third degree as defined in section 120.00 of the
26 penal law or arson in the third degree as defined in section 150.10 of
27 the penal law, when such crime is charged as a hate crime as defined in
28 section 485.05 of the penal law;

29 (n) aggravated assault upon a person less than eleven years old as
30 defined in section 120.12 of the penal law or criminal possession of a
31 weapon on school grounds as defined in section 265.01-a of the penal
32 law;

33 (o) grand larceny in the first degree as defined in section 155.42 of
34 the penal law, enterprise corruption as defined in section 460.20 of the
35 penal law, or money laundering in the first degree as defined in section
36 470.20 of the penal law;

37 (p) failure to register as a sex offender pursuant to section one
38 hundred sixty-eight-t of the correction law or endangering the welfare
39 of a child as defined in subdivision one of section 260.10 of the penal
40 law, where the defendant is required to maintain registration under
41 article six-C of the correction law and designated a level three offen-
42 der pursuant to subdivision six of section one hundred sixty-eight-1 of
43 the correction law;

44 (q) a crime involving bail jumping under section 215.55, 215.56 or
45 215.57 of the penal law, or a crime involving escaping from custody
46 under section 205.05, 205.10 or 205.15 of the penal law;

47 (r) any felony offense committed by the principal while serving a
48 sentence of probation or while released to post release supervision;

49 (s) a felony, where the defendant qualifies for sentencing on such
50 charge as a persistent felony offender pursuant to section 70.10 of the
51 penal law; or

52 (t) any felony or class A misdemeanor involving harm to an identifi-
53 able person or property, where such charge arose from conduct occurring
54 while the defendant was released on his or her own recognizance or
55 released under conditions for a separate felony or class A misdemeanor
56 involving harm to an identifiable person or property, provided, however,



1 that the prosecutor must show reasonable cause to believe that the
2 defendant committed the instant crime and any underlying crime. For the
3 purposes of this subparagraph, any of the underlying crimes need not be
4 a qualifying offense as defined in this subdivision.

5 § 5. Section 216 of the judiciary law is amended by adding a new
6 subdivision 5 to read as follows:

7 5. The chief administrator of the courts, in conjunction with the
8 division of criminal justice services, shall collect data and report
9 every six months regarding pretrial release and detention. Such data and
10 report shall contain information categorized by gender, racial and
11 ethnic background; regarding the nature of the criminal offenses,
12 including the top charge of each case; the number and type of charges in
13 each defendant's criminal record; the number of individuals released on
14 recognizance; the number of individuals released on non-monetary condi-
15 tions, including the conditions imposed; the number of individuals
16 committed to the custody of a sheriff prior to trial; the rates of fail-
17 ure to appear and rearrest; the outcome of such cases or dispositions;
18 the length of the pretrial detention stay and any other such information
19 as the chief administrator and the division of criminal justice services
20 may find necessary and appropriate. Such report shall aggregate the data
21 collected by county; court, including city, town and village courts; and
22 judge. The data shall be disaggregated in order to protect the identity
23 of individual defendants. The report shall be released publicly and
24 published on the websites of the office of court administration and the
25 division of criminal justice services. The first report shall be
26 published twelve months after this subdivision shall have become a law,
27 and shall include data from the first six months following the enactment
28 of this section. Reports for subsequent periods shall be published
29 every six months thereafter.

30 § 6. The executive law is amended by adding a new section 837-u to
31 read as follows:

32 § 837-u. The division of criminal justice services, in conjunction
33 with the chief administrator of the courts, shall collect data and
34 report annually regarding pretrial release and detention. Such data and
35 report shall contain information categorized by gender, racial and
36 ethnic background; regarding the nature of the criminal offenses,
37 including the top charge of each case; the number and type of charges in
38 each defendant's criminal record; the number of individuals released on
39 recognizance; the number of individuals released on non-monetary condi-
40 tions, including the conditions imposed; the number of individuals
41 committed to the custody of a sheriff prior to trial; the rates of fail-
42 ure to appear and rearrest; the outcome of such cases or dispositions;
43 whether the defendant was represented by counsel at every court appear-
44 ance regarding the defendant's securing order; the length of the
45 pretrial detention stay and any other such information as the chief
46 administrator and the division of criminal justice services may find
47 necessary and appropriate. Such annual report shall aggregate the data
48 collected by county; court, including city, town and village courts; and
49 judge. The data shall be disaggregated in order to protect the identity
50 of individual defendants. The report shall be released publicly and
51 published on the websites of the office of court administration and the
52 division of criminal justice services. The first report shall be
53 published eighteen months after this section shall have become a law,
54 and shall include data from the first twelve months following the enact-
55 ment of this section. Reports for subsequent years shall be published
56 annually on or before that date thereafter.



1 § 7. Paragraph (c) of subdivision 4 of section 510.40 of the criminal
2 procedure law, as added by section 6 of part JJJ of chapter 59 of the
3 laws of 2019, is amended to read as follows:

4 (c) Electronic monitoring of the location of a principal may be
5 conducted only by a public entity under the supervision and control of a
6 county or municipality or a non-profit entity under contract to the
7 county, municipality or the state. A county or municipality shall be
8 authorized to enter into a contract with another county or municipality
9 in the state to monitor principals under non-monetary conditions of
10 release in its county, but counties, municipalities and the state shall
11 not contract with any private for-profit entity for such purposes. Coun-
12 ties, municipalities and the state may contract with a private for-pro-
13 fit entity to supply electronic monitoring devices or other items,
14 provided that any interaction with persons under electronic monitoring
15 or the data produced by such monitoring shall be conducted solely by
16 employees of a county, municipality, the state, or a non-profit entity
17 under contract with such county, municipality or the state.

18 § 8. Subdivision 1 of section 150.40 of the criminal procedure law, as
19 amended by section 1-c of part JJJ of chapter 59 of the laws of 2019, is
20 amended to read as follows:

21 1. An appearance ticket must be made returnable at a date as soon as
22 possible, but in no event later than twenty days from the date of issu-
23 ance[,]; or at the next scheduled session of the appropriate local crim-
24 inal court if such session is scheduled to occur more than twenty days
25 from the date of issuance; or at a later date, with the court's permis-
26 sion due to enrollment in a pre-arraignment diversion program. The
27 appearance ticket shall be made returnable in a local criminal court
28 designated in section 100.55 of this title as one with which an informa-
29 tion for the offense in question may be filed.

30 § 9. Section 530.45 of the criminal procedure law is amended by adding
31 a new subdivision 2-a to read as follows:

32 2-a. Notwithstanding the provisions of subdivision four of section
33 510.10, paragraph (b) of subdivision one of section 530.20 and subdivi-
34 sion four of section 530.40 of this title, when a defendant charged with
35 an offense that is not such a qualifying offense is convicted, whether
36 by guilty plea or verdict, in such criminal action or proceeding of an
37 offense that is not a qualifying offense, the court may, in accordance
38 with law, issue a securing order: releasing the defendant on the defend-
39 ant's own recognizance or under non-monetary conditions where author-
40 ized, fix bail, or remand the defendant to the custody of the sheriff
41 where authorized.

42 § 10. The opening paragraph of section 530.50 of the criminal proce-
43 dure law is designated subdivision 1 and a new subdivision 2 is added to
44 read as follows:

45 2. Notwithstanding the provisions of subdivision four of section
46 510.10, paragraph (b) of subdivision one of section 530.20 and subdivi-
47 sion four of section 530.40 of this title, when a defendant charged with
48 an offense that is not such a qualifying offense applies, pending deter-
49 mination of an appeal, for an order of recognizance or release on non-
50 monetary conditions, where authorized, or fixing bail, a judge identi-
51 fied in subdivision two of section 460.50 or paragraph (a) of
52 subdivision one of section 460.60 of this chapter may, in accordance
53 with law, and except as otherwise provided by law, issue a securing
54 order: releasing the defendant on the defendant's own recognizance or
55 under non-monetary conditions where authorized, fixing bail, or remand-
56 ing the defendant to the custody of the sheriff where authorized.

1 § 11. Section 510.43 of the criminal procedure law, as added by
2 section 7 of part JJJ of chapter 59 of the laws of 2019, is amended to
3 read as follows:

4 § 510.43 Court appearances: additional notifications.

5 1. The court or, upon direction of the court, a certified pretrial
6 services agency, shall notify all principals released under non-monetary
7 conditions and on recognizance of all court appearances in advance by
8 text message, telephone call, electronic mail or first class mail. The
9 chief administrator of the courts shall, pursuant to subdivision one of
10 section 10.40 of this chapter, develop a form which shall be offered to
11 the principal at court appearances. On such form, which upon completion
12 shall be retained in the court file, the principal may select one such
13 preferred manner of notice.

14 2. Such form may request the information necessary for the defendant
15 to be provided with notice in accordance with such single, selected
16 manner of notice. After notice of such consequence, a defendant who
17 intentionally declines to provide the information necessary for the
18 defendant to be provided with such notice pursuant to this section shall
19 forfeit the opportunity to receive such notice until such information
20 is timely provided. Any failure by the court or certified pretrial
21 services agency to provide notice of a scheduled court appearance in the
22 manner provided in this section shall not in and of itself constitute
23 grounds or authorization for the defendant to fail to appear for such
24 scheduled court appearance.

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

27 PART VV

28 Section 1. Subdivision 2 of section 65.10 of the penal law is amended
29 by adding a new paragraph (k-2) to read as follows:

30 (k-2) (i) Refrain, upon sentencing for a crime involving unlawful
31 sexual conduct committed against a metropolitan transportation authority
32 passenger, customer, or employee or a crime involving assault against a
33 metropolitan transportation authority employee, committed in or on any
34 facility or conveyance of the metropolitan transportation authority or a
35 subsidiary thereof or the New York city transit authority or a subsid-
36 iary thereof, from using or entering any of such authority's subways,
37 trains, buses or other conveyances or facilities specified by the court
38 for a period of up to three years, or a specified period of such
39 probation or conditional discharge, whichever is less. For purposes of
40 this section, a crime involving assault shall mean an offense described
41 in article one hundred twenty of this chapter which has as an element
42 the causing of physical injury or serious physical injury to another as
43 well as the attempt thereof.

44 (ii) The court may, in its discretion, suspend, modify or cancel a
45 condition imposed under this paragraph in the interest of justice at any
46 time. If the person depends on the authority's subways, trains, buses,
47 or other conveyances or facilities for trips of necessity, including,
48 but not limited to, travel to or from medical or legal appointments,
49 school or training classes or places of employment, obtaining food,
50 clothing or necessary household items, or rendering care to family
51 members, the court may modify such condition to allow for a trip or
52 trips as in its discretion are necessary.

53 (iii) A person at liberty and subject to a condition under this para-
54 graph who applies, within thirty days after the date such condition

1 becomes effective, for a refund of any prepaid fare amounts rendered
2 unusable in whole or in part by such condition including, but not limit-
3 ed to, a monthly pass, shall be issued a refund of the amounts so
4 prepaid.

5 § 2. This act shall take effect on the ninetieth day after it shall
6 have become a law. Effective immediately, the metropolitan transporta-
7 tion authority may adopt any rules, regulations, policies or procedures
8 necessary to implement this act prior to the effective date of this act.

9 PART WW

10 Section 1. Legislative findings and intent. The legislature hereby
11 finds, determines and declares the following:

12 The planning, development and operation of the Hudson River Park as a
13 public park continues to be a matter of state concern and importance to
14 the state. As detailed in the 1998 law creating the park and the trust,
15 chapter 592 of the laws of 1998, the creation, development, operation
16 and maintenance of the Hudson River Park will enhance and protect the
17 natural, cultural and historic aspects of the Hudson River, enhance and
18 afford quality public access to the river, allow for an array of
19 cultural and recreational programs and provide a host of other public
20 benefits. The changes to the 1998 law by this act are intended to, after
21 decades of delay and inaction, finally effectuate the park's general
22 project plan as defined in chapter 592 of the laws of 1998, which
23 continues to be the operative planning document guiding park develop-
24 ment, protection and reuse of a portion of the Hudson River waterfront
25 in lower Manhattan south of 59th street, and are intended to ensure the
26 realization of that vision and the park's continuing viability for years
27 to come. Nothing herein is intended to alter or override any prior
28 determinations concerning park planning, development or operation.

29 § 2. Paragraph (c) of subdivision 9 of section 7 of chapter 592 of the
30 laws of 1998, constituting the Hudson river park act, as amended by
31 chapter 517 of the laws of 2013, is amended to read as follows:

32 (c) [The city of New York shall use best efforts to relocate the tow
33 pound on Pier 76. Subsequent to relocation of the tow pound, the city of
34 New York shall promptly convey to the trust a possessory interest in
35 Pier 76 consistent with such interest previously conveyed with respect
36 to other portions of the park, provided that at least fifty percent of
37 the Pier 76 footprint shall be used for park uses that are limited to
38 passive and active open space and which shall be contiguous to water and
39 provided further that the remaining portion shall be for park/commercial
40 use. Upon such conveyance, Pier 76 shall become part of the park.] (i)
41 On or before July 1, 2020, the city of New York shall convey to the
42 state of New York under the jurisdiction of the office of parks, recre-
43 ation and historic preservation its interest in Pier 76, who, upon such
44 conveyance shall immediately lease a possessory interest to the trust.
45 Upon such conveyance, Pier 76 shall become part of the park and shall
46 remain part of the park under the operational control of the trust and
47 following redevelopment at least fifty percent of the Pier 76 footprint
48 shall be used for park uses that are limited to passive and active open
49 space and which shall be contiguous to water; and provided further that
50 the remaining portion shall be for park/commercial use. (ii) The city of
51 New York shall, prior to December 31, 2020, cease using or occupying
52 Pier 76 for any purposes. Should the city of New York continue to use or
53 occupy Pier 76 for any purpose subsequent to December 31, 2020, the city
54 of New York shall (A) compensate the trust in the amount of twelve

1 million dollars, and (B) beginning February 1, 2021, pay fees in the
2 amount of three million dollars for each complete or partial month of
3 occupancy. (iii) On or after the effective date of the chapter of the
4 laws of 2020 which amended this paragraph, the trust shall be entitled
5 to timely and reasonable access to Pier 76 for the purpose of conducting
6 assessments and inspections necessary to further redevelopment of Pier
7 76 following its inclusion in the park. (iv) Beginning July 1, 2020,
8 the city of New York shall periodically prepare and submit a report to
9 the state of New York, with a copy to the trust, detailing actions taken
10 by the city of New York to relocate the tow pound. In the event that the
11 city provides demonstrable evidence of its effort to relocate the tow
12 pound or any other city uses of Pier 76, initiation of and compliance
13 with land use review processes and environmental review processes, such
14 as, issuance of a request for qualifications or request for proposals
15 for design or construction services for the project; and initiation and
16 completion of construction of, and relocation to a replacement tow
17 pound, the state of New York, in its sole discretion, may waive the fees
18 assessed in subparagraph (iii) of this paragraph. (v) This paragraph
19 may be enforced by a court of competent jurisdiction and in any suit
20 brought by the state, through the attorney general, the trust shall not
21 be a necessary party.

22 § 3. This act shall take effect immediately.

23 PART XX

24 Section 1. The insurance law is amended by adding a new section 111 to
25 read as follows:

26 § 111. Investigation by the superintendent with respect to
27 prescription drugs. (a) Whenever it shall appear to the superintendent,
28 either upon complaint or otherwise, that in the advertisement, purchase
29 or sale within this state of any prescription drug, which is contem-
30 plated to be paid by a policy approved by the department for offering
31 within the state, has increased over the course of any twelve months by
32 more than fifty percent to an amount greater than five dollars per unit
33 and if it is suspected that any person, partnership, corporation, compa-
34 ny, trust or association, or any agent or employee thereof, shall have
35 employed, or employs, or is about to employ any device, scheme or arti-
36 fice to defraud or for obtaining money or property by means of any false
37 pretense, representation or promise, or that any person, partnership,
38 corporation, company, trust or association, or any agent or employee
39 thereof, shall have made, makes or attempts to make within or from this
40 state or shall have engaged in or engages in or is about to engage in
41 any practice or transaction or course of business relating to the
42 purchase, exchange, or sale of prescription drugs which is fraudulent or
43 in violation of law and which has operated or which would operate as a
44 fraud upon the purchaser, or that any agent or employee thereof, has
45 sold or offered for sale or is attempting to sell or is offering for
46 sale any prescription drug for which the price has increased fifty
47 percent over the prior calendar year to an amount greater than five
48 dollars per unit, and the superintendent believes it to be in the public
49 interest that an investigation be made, he or she may in their sole
50 discretion either require or permit such person, partnership, corpo-
51 ration, company, trust or association, or any agent or employee thereof,
52 to file with the department a statement in writing under oath or other-
53 wise as to all the facts and circumstances concerning the price increase
54 which he or she believes it to be in the public interest to investigate,



1 and for that purpose may prescribe forms upon which such statements
2 shall be made. The superintendent may also require such other data and
3 information as he or she may deem relevant and may make such special and
4 independent investigations as he or she may deem necessary in connection
5 with the matter.

6 (b) In addition to any other power granted by law, the superintendent,
7 his or her deputy or other officer designated by the superintendent is
8 empowered to subpoena witnesses, compel their attendance, examine them
9 under oath and require the production of any books or papers which he or
10 she deems relevant or material to the inquiry. Such power of subpoena
11 shall be enforced as though the subpoena were issued under section three
12 hundred six of the financial services law.

13 (c) If any person, partnership, corporation, company, trust or associ-
14 ation, fails to submit a written statement required by the superinten-
15 dent under subsection (a) of this section or fails to comply with a
16 subpoena issued pursuant to subsection (b) of this section, the super-
17 intendent may, after notice and a hearing, levy a civil penalty not to
18 exceed to one thousand dollars per day that the failure continues.

19 (d) Notwithstanding any law to the contrary, any information obtained
20 in an investigation under this section shall be confidential and shall
21 not be subject to disclosure by the department except to the drug
22 accountability board, which may review the information and, as neces-
23 sary, include any such information in its report. The superintendent may
24 also disclose any such information necessary to protect the public, but
25 such disclosures shall to the greatest extent possible not identify a
26 specific manufacturer or prices charged for drugs by such manufacturer.

27 § 2. The insurance law is amended by adding a new section 202 to read
28 as follows:

29 § 202. Drug accountability board. (a) A nine member drug accountabil-
30 ity board is hereby created in the department.

31 (b) The members of the board shall be appointed by the superintendent,
32 provided however that one member shall be appointed at the suggestion of
33 the temporary president of the senate and one member shall be appointed
34 at the suggestion of the speaker of the assembly, and shall serve a
35 three-year term. Members may be reappointed upon the completion of other
36 terms. In making appointments to the board the superintendent shall give
37 consideration to persons:

38 (1) licensed and actively engaged in the practice of medicine in the
39 state;

40 (2) licensed and actively practicing in pharmacy in the state;

41 (3) with expertise in drug utilization review who are health care
42 professionals licensed under title eight of the education law and who
43 are pharmacologists;

44 (4) that are consumers or consumer representatives of organizations
45 with a regional or statewide constituency and who have been involved in
46 activities related to health care consumer advocacy;

47 (5) who are health care economists;

48 (6) who are actuaries; and

49 (7) who are experts from the department of health.

50 (c) The superintendent shall designate a person from the department to
51 serve as chairperson of the board.

52 (d) Members of the board and all its agents shall be deemed to be an
53 "employee" for purposes of section seventeen of the public officers law.

54 (e) (1) The department shall have authority on all fiscal matters
55 relating to the board.



1 (2) The board may utilize or request assistance of any state agency or
2 authority subject to the approval of the superintendent.

3 (f) (1) Whenever the superintendent determines it would aid an inves-
4 tigation under section one hundred eleven of this chapter, the super-
5 intendent shall refer a drug to the board for a report thereon to be
6 prepared.

7 (2) If a drug is referred to the board under paragraph one of this
8 subsection the board shall determine:

9 (A) the drug's impact on the premium costs for commercial insurance in
10 this state, and the drug's affordability and value to the public;

11 (B) whether increases in the price of the drug over time were signif-
12 icant and unjustified;

13 (C) whether the drug may be priced disproportionately to its therapeu-
14 tic benefits; and

15 (D) any other question the superintendent may certify to the board in
16 aid of an investigation under section one hundred eleven of this chap-
17 ter.

18 (3) In formulating its determinations, the board may consider:

19 (A) publicly available information relevant to the pricing of the
20 drug;

21 (B) information supplied by the department relevant to the pricing of
22 the drug;

23 (C) information relating to value-based pricing;

24 (D) the seriousness and prevalence of the disease or condition that is
25 treated by the drug;

26 (E) the extent of utilization of the drug;

27 (F) the effectiveness of the drug in treating the conditions for which
28 it is prescribed, or in improving a patient's health, quality of life,
29 or overall health outcomes;

30 (G) the likelihood that use of the drug will reduce the need for other
31 medical care, including hospitalization;

32 (H) the average wholesale price, wholesale acquisition cost, retail
33 price of the drug, and the cost of the drug to the Medicaid program
34 minus rebates received by the state;

35 (I) in the case of generic drugs, the number of pharmaceutical
36 manufacturers that produce the drug;

37 (J) whether there are pharmaceutical equivalents to the drug;

38 (K) information supplied by the manufacturer, if any, explaining the
39 relationship between the pricing of the drug and the cost of development
40 of the drug and/or the therapeutic benefit of the drug, or that is
41 otherwise pertinent to the manufacturer's pricing decision; any such
42 information provided shall be considered confidential and shall not be
43 disclosed by the drug utilization review board in a form that identifies
44 a specific manufacturer or prices charged for drugs by such manufactur-
45 er; and

46 (L) information from the department of health, including from the drug
47 utilization review board.

48 (4) Following its review, the board shall report its findings to the
49 superintendent. Such report shall include the determinations required
50 by paragraph two of this subsection and any other information required
51 by the superintendent.

52 (g) Notwithstanding any law to the contrary, the papers and informa-
53 tion considered by the board and any report thereof shall be confiden-
54 tial and not subject to disclosure. The superintendent, in his or her
55 sole discretion, may determine that the release of the board's report
56 would not harm an ongoing investigation and would be in the public

1 interest, and thereafter may release the report or any portion thereof
2 to the public.

3 (h) The superintendent may call a public hearing on the determinations
4 of the board, notice of such hearing shall be given to the manufacturer
5 of the drug and shall be published on the website of the department for
6 not less than fifteen days before the hearing.

7 § 3. The superintendent of financial services may promulgate any regu-
8 lations necessary to interpret the provisions of this act, including but
9 not limited to regulations relating to the operations of the drug
10 accountability board.

11 § 4. This act shall take effect immediately.

12 PART YY

13 Section 1. Paragraphs 1 and 2 of subsection (a) of section 605 of the
14 financial services law, as amended by chapter 377 of the laws of 2019,
15 are amended to read as follows:

16 (1) When a health care plan receives a bill for emergency services
17 from a non-participating physician or hospital, including a bill for
18 inpatient services which follow an emergency room visit, the health care
19 plan shall pay an amount that it determines is reasonable for the emer-
20 gency services, including inpatient services which follow an emergency
21 room visit, rendered by the non-participating physician or hospital, in
22 accordance with section three thousand two hundred twenty-four-a of the
23 insurance law, except for the insured's co-payment, coinsurance or
24 deductible, if any, and shall ensure that the insured shall incur no
25 greater out-of-pocket costs for the emergency services, including inpa-
26 tient services which follow an emergency room visit, than the insured
27 would have incurred with a participating physician or hospital [pursuant
28 to subsection (c) of section three thousand two hundred forty-one of the
29 insurance law]. If an insured assigns benefits to a non-participating
30 physician or hospital in relation to emergency services, including inpa-
31 tient services which follow an emergency room visit, provided by such
32 non-participating physician or hospital, the non-participating physician
33 or hospital may bill the health care plan for the [emergency] services
34 rendered. Upon receipt of the bill, the health care plan shall pay the
35 non-participating physician or hospital the amount prescribed by this
36 section and any subsequent amount determined to be owed to the physician
37 or hospital in relation to the emergency services provided, including
38 inpatient services which follow an emergency room visit.

39 (2) A non-participating physician or hospital or a health care plan
40 may submit a dispute regarding a fee or payment for emergency services,
41 including inpatient services which follow an emergency room visit, for
42 review to an independent dispute resolution entity.

43 § 2. Paragraph 1 of subsection (b) of section 605 of the financial
44 services law, as amended by chapter 377 of the laws of 2019, is amended
45 to read as follows:

46 (1) A patient that is not an insured or the patient's physician may
47 submit a dispute regarding a fee for emergency services, including inpa-
48 tient services which follow an emergency room visit, for review to an
49 independent dispute resolution entity upon approval of the superinten-
50 dent.

51 § 3. Section 606 of the financial services law, as added by section 26
52 of part H of chapter 60 of the laws of 2014, is amended to read as
53 follows:



1 § 606. Hold harmless and assignment of benefits [for surprise bills]
2 for insureds. (a) When an insured assigns benefits for a surprise bill
3 in writing to a non-participating physician that knows the insured is
4 insured under a health care plan, the non-participating physician shall
5 not bill the insured except for any applicable copayment, coinsurance or
6 deductible that would be owed if the insured utilized a participating
7 physician.

8 (b) When an insured assigns benefits for emergency services, including
9 inpatient services which follow an emergency room visit, to a non-parti-
10 cipating physician or hospital that knows the insured is insured under a
11 health care plan, the non-participating physician or hospital shall not
12 bill the insured except for any applicable copayment, coinsurance or
13 deductible that would be owed if the insured utilized a participating
14 physician or hospital.

15 § 4. The civil practice law and rules is amended by adding a new
16 section 213-d to read as follows:

17 § 213-d. Actions to be commenced within three years; medical debt. An
18 action on a medical debt by a hospital licensed under article twenty-
19 eight of the public health law or a health care professional authorized
20 under title eight of the education law shall be commenced within three
21 years of treatment.

22 § 5. Subsection (j) of section 3217-b of the insurance law, as added
23 by chapter 297 of the laws of 2012, is amended to read as follows:

24 (j) (1) [An] No insurer shall [not] by contract, written policy or
25 procedure, or by any other means, deny payment to a general hospital
26 certified pursuant to article twenty-eight of the public health law for
27 a claim for medically necessary inpatient services [resulting from an
28 emergency admission], observation services, or emergency department
29 services provided by a general hospital solely on the basis that the
30 general hospital did not [timely notify] comply with certain administra-
31 tive requirements of such insurer [that the services had been provided]
32 with respect to those services.

33 (2) Nothing in this subsection shall preclude a general hospital and
34 an insurer from agreeing to certain administrative requirements [for]
35 relating to payment for inpatient services, observation services, or
36 emergency department services, including but not limited to timely
37 notification that medically necessary inpatient services [resulting from
38 an emergency admission] have been provided and to reductions in payment
39 for failure to comply with certain administrative requirements including
40 timely [notify] notification; provided, however that: [(i)] (A) any
41 requirement for timely notification must provide for a reasonable exten-
42 sion of timeframes for notification for [emergency] services provided on
43 weekends or federal holidays, [(ii)] (B) any agreed to reduction in
44 payment for failure to meet administrative requirements, including time-
45 ly [notify] notification shall not exceed [the lesser of two thousand
46 dollars or twelve] seven and one-half percent of the payment amount
47 otherwise due for the services provided, and [(iii)] (C) any agreed to
48 reduction in payment for failure to meet administrative requirements
49 including timely [notify] notification shall not be imposed if the
50 patient's insurance coverage could not be determined by the hospital
51 after reasonable efforts at the time the [inpatient] services were
52 provided.

53 (3) The provisions of this subsection shall not apply to the denial of
54 a claim: (A) based on a reasonable belief by an insurer of fraud or
55 intentional misconduct resulting in misrepresentation of patient diagno-
56 sis or the services provided, or abusive billing; (B) when required by a



1 state or federal government program or coverage that is provided by this
2 state or a municipality thereof to its respective employees, retirees or
3 members; (C) that is a duplicate claim, that is a claim submitted late
4 pursuant to subsection (g) of section thirty-two hundred twenty-four-a
5 of this article, or is for services for a benefit that is not covered
6 under the insured's policy or for a patient determined to be ineligible
7 for coverage; (D) except in the case of medically necessary inpatient
8 services resulting from an emergency admission, where there is not an
9 existing participating provider agreement between an insurer and a
10 general hospital; or (E) where the hospital has repeatedly and systemat-
11 ically, over the previous twelve month period, failed to seek prior
12 authorization for services for which prior authorization was required.

13 (4) For purposes of this subsection, an "administrative requirement"
14 shall not include requirements: (A) imposed on an insurer or provider
15 pursuant to federal or state laws, regulations or guidance; or (B)
16 established by the state or federal government applicable to insurers
17 offering benefits under a state or federal government program.

18 (5) The prohibition on denials set forth in this subsection shall not
19 apply to claims for services for which a request for preauthorization
20 was denied by the insurer prior to delivery of the service.

21 § 6. Subsection (k) of section 4325 of the insurance law, as added by
22 chapter 297 of the laws of 2012, is amended to read as follows:

23 (k) (1) [A] No corporation organized under this article shall [not] by
24 written contract, written policy or procedure, or by any other means,
25 deny payment to a general hospital certified pursuant to article twen-
26 ty-eight of the public health law for a claim for medically necessary
27 inpatient services [resulting from an emergency admission], observation
28 services, or emergency department services provided by a general hospi-
29 tal solely on the basis that the general hospital did not [timely noti-
30 fy] comply with certain administrative requirements of such [insurer
31 that the services had been provided] corporation with respect to those
32 services.

33 (2) Nothing in this subsection shall preclude a general hospital and a
34 corporation from agreeing to certain administrative requirements [for]
35 relating to payment for inpatient services, observation services, or
36 emergency department services, including, but not limited to timely
37 notification that medically necessary inpatient services [resulting from
38 an emergency admission] have been provided and to reductions in payment
39 for failure to comply with certain administrative requirements including
40 timely [notify] notification; provided, however that: [(i)] (A) any
41 requirement for timely notification must provide for a reasonable exten-
42 sion of timeframes for notification for [emergency] services provided on
43 weekends or federal holidays, [(ii)] (B) any agreed to reduction in
44 payment for failure to meet administrative requirements including timely
45 [notify] notification shall not exceed [the lesser of two thousand
46 dollars or twelve] seven and one-half percent of the payment amount
47 otherwise due for the services provided, and [(iii)] (C) any agreed to
48 reduction in payment for failure to meet administrative requirements
49 including timely notification shall not be imposed if the patient's
50 insurance coverage could not be determined by the hospital after reason-
51 able efforts at the time the [inpatient] services were provided.

52 (3) The provisions of this subsection shall not apply to the denial of
53 a claim: (A) based on a reasonable belief of a corporation of fraud or
54 intentional misconduct resulting in misrepresentation of patient diagno-
55 sis or the services provided, or abusive billing by a corporation; (B)
56 when required by a state or federal government program or coverage that



1 is provided by this state or a municipality thereof to its respective
2 employees, retirees or members; (C) that is a duplicate claim, is a
3 claim submitted late pursuant to subsection (g) of section thirty-two
4 hundred twenty-four-a of this article, or is for services for a benefit
5 that is not covered under the insured's contract or for a patient deter-
6 mined to be ineligible for coverage; (D) except in the case of medically
7 necessary inpatient services resulting from an emergency admission,
8 where there is not an existing participating provider agreement between
9 such corporation and a general hospital; or (E) where the hospital has
10 repeatedly and systematically, over the previous twelve month period,
11 failed to seek prior authorization for services for which prior author-
12 ization was required.

13 (4) For purposes of this subsection, an "administrative requirement"
14 shall not include requirements: (A) imposed on a corporation or provider
15 pursuant to federal or state laws, regulations or guidance; (B) estab-
16 lished by the state or federal government applicable to corporations
17 offering benefits under a state or federal government program.

18 (5) The prohibition on denials set forth in this subsection shall not
19 apply to claims for services for which a request for preauthorization
20 was denied by the corporation prior to delivery of the service.

21 § 7. Subdivision 8 of section 4406-c of the public health law, as
22 added by chapter 297 of the laws of 2012, is amended to read as follows:

23 8. (a) [A] No health care plan shall [not] by contract, written policy
24 or procedure, or by any other means, deny payment to a general hospital
25 certified pursuant to article twenty-eight of this chapter for a claim
26 for medically necessary inpatient services [resulting from an emergency
27 admission], observation services, or emergency department services
28 provided by a general hospital solely on the basis that the general
29 hospital did not [timely notify such health care plan that the services
30 had been provided] comply with certain administrative requirements of
31 such health care plan with respect to those services.

32 (b) Nothing in this subdivision shall preclude a general hospital and
33 a health care plan from agreeing to certain administrative requirements
34 [for] relating to payment for inpatient services, observation services,
35 or emergency department services, including, but not limited to, timely
36 notification that medically necessary inpatient services [resulting from
37 an emergency admission] have been provided and to reductions in payment
38 for failure to comply with certain administrative requirements including
39 timely [notify] notification; provided, however that: (i) any require-
40 ment for timely notification must provide for a reasonable extension of
41 timeframes for notification for [emergency] services provided on week-
42 ends or federal holidays, (ii) any agreed to reduction in payment for
43 failure to meet administrative requirements, including timely [notify]
44 notification shall not exceed [the lesser of two thousand dollars or
45 twelve] seven and one-half percent of the payment amount otherwise due
46 for the service provided, and (iii) any agreed to reduction in payment
47 for failure to meet administrative requirements including timely notifi-
48 cation shall not be imposed if the patient's coverage could not be
49 determined by the hospital after reasonable efforts at the time the
50 [inpatient] services were provided.

51 (c) The provisions of this subdivision shall not apply to the denial
52 of a claim: (i) based on a reasonable belief of a health care plan of
53 fraud or intentional misconduct resulting in a misrepresentation of
54 patient diagnosis or the services provided, or abusive billing; (ii)
55 when required by a state or federal government program or coverage that
56 is provided by this state or a municipality thereof to its respective



1 employees, retirees or members; (iii) that is a duplicate claim, is a
2 claim submitted late pursuant to subsection (g) of section thirty-two
3 hundred twenty-four-a of the insurance law, or is for services for a
4 benefit that is not covered under the insured's contract or for a
5 patient determined to be ineligible for coverage; (iv) except in the
6 case of medically necessary inpatient services resulting from an emer-
7 gency admission, where there is not an existing participating provider
8 agreement between a health care plan and a general hospital; or (v)
9 where the hospital has repeatedly and systematically, over the previous
10 twelve month period, failed to seek prior authorization for services
11 for which prior authorization was required.

12 (d) For purposes of this subdivision, an "administrative requirement"
13 shall not include requirements: (i) imposed on a health care plan or
14 provider pursuant to federal or state laws, regulations or guidance; or
15 (ii) established by the state or federal government applicable to health
16 care plans offering benefits under a state or federal government
17 program.

18 (e) The prohibition on denials set forth in this subdivision shall not
19 apply to claims for services for which a request for preauthorization
20 was denied by the health care plan prior to delivery of the service.

21 § 8. Subsection (b) of section 3224-a of the insurance law, as amended
22 by chapter 237 of the laws of 2009, is amended to read as follows:

23 (b) In a case where the obligation of an insurer or an organization or
24 corporation licensed or certified pursuant to article forty-three or
25 forty-seven of this chapter or article forty-four of the public health
26 law to pay a claim or make a payment for health care services rendered
27 is not reasonably clear due to a good faith dispute regarding the eligi-
28 bility of a person for coverage, the liability of another insurer or
29 corporation or organization for all or part of the claim, the amount of
30 the claim, the benefits covered under a contract or agreement, or the
31 manner in which services were accessed or provided, an insurer or organ-
32 ization or corporation shall pay any undisputed portion of the claim in
33 accordance with this subsection and notify the policyholder, covered
34 person or health care provider in writing, and through the internet or
35 other electronic means for claims submitted in that manner, within thir-
36 ty calendar days of the receipt of the claim:

37 (1) that it is not obligated to pay the claim or make the medical
38 payment, stating the specific reasons why it is not liable; or

39 (2) to request all additional information needed to determine liabil-
40 ity to pay the claim or make the health care payment; and

41 (3) of the specific type of plan or product the policyholder or
42 covered person is enrolled in; provided that nothing in this section
43 shall authorize discrimination based on the source of payment.

44 Upon receipt of the information requested in paragraph two of this
45 subsection or an appeal of a claim or bill for health care services
46 denied pursuant to paragraph one of this subsection, an insurer or
47 organization or corporation licensed or certified pursuant to article
48 forty-three or forty-seven of this chapter or article forty-four of the
49 public health law shall comply with subsection (a) of this section;
50 provided, that if the insurer or organization or corporation licensed or
51 certified pursuant to article forty-three or forty-seven of this chapter
52 or article forty-four of the public health law determines that payment
53 or additional payment is due on the claim, such payment shall be made to
54 the policyholder or covered person or health care provider within
55 fifteen days of the determination.



1 § 9. Subsection (d) of section 3224-a of the insurance law, as amended
2 by chapter 666 of the laws of 1997 and paragraph 2 as amended by section
3 57-b of part A of chapter 56 of the laws of 2013, is amended to read as
4 follows:

5 (d) For the purposes of this section:

6 (1) "policyholder" shall mean a person covered under such policy or a
7 representative designated by such person; [and]

8 (2) "health care provider" shall mean an entity licensed or certified
9 pursuant to article twenty-eight, thirty-six or forty of the public
10 health law, a facility licensed pursuant to article nineteen or thirty-
11 one of the mental hygiene law, a fiscal intermediary operating under
12 section three hundred [sixty five-f] sixty-five of the social services
13 law, a health care professional licensed, registered or certified pursu-
14 ant to title eight of the education law, a dispenser or provider of
15 pharmaceutical products, services or durable medical equipment, or a
16 representative designated by such entity or person;

17 (3) "plan or product" shall mean:

18 (i) Medicaid coverage provided pursuant to section three hundred
19 sixty-four-j of the social services law;

20 (ii) a child health insurance plan certified pursuant to section twen-
21 ty-five hundred eleven of the public health law;

22 (iii) basic health program coverage certified pursuant to section
23 three hundred sixty-nine-gg of the social services law, including the
24 specific rating group the policyholder or covered person is enrolled in;

25 (iv) coverage purchased on the New York insurance exchange established
26 pursuant to section two hundred sixty-eight-b of the public health law;
27 and

28 (v) any other comprehensive health insurance coverage subject to arti-
29 cle thirty-two, forty-three, or forty-seven of this chapter, or article
30 forty-four of the public health law; and

31 (4) "emergency services" shall have the meaning set forth in subpara-
32 graph (D) of paragraph nine of subsection (i) of section three thousand
33 two hundred sixteen of this article, subparagraph (D) of paragraph four
34 of subsection (k) of section three thousand two hundred twenty-one of
35 this article and subparagraph (D) of paragraph two of subsection (a) of
36 section four thousand three hundred three of this chapter.

37 § 10. Subsection (i) of section 3224-a of the insurance law, as added
38 by chapter 297 of the laws of 2012, is amended to read as follows:

39 (i) Except where the parties have developed a mutually agreed upon
40 process for the reconciliation of coding disputes that includes a review
41 of submitted medical records to ascertain the correct coding for
42 payment, a general hospital certified pursuant to article twenty-eight
43 of the public health law shall, upon receipt of payment of a claim for
44 which payment has been adjusted based on a particular coding to a
45 patient including the assignment of diagnosis and procedure, have the
46 opportunity to submit the affected claim with medical records supporting
47 the hospital's initial coding of the claim within thirty days of receipt
48 of payment. Upon receipt of such medical records, an insurer or an
49 organization or corporation licensed or certified pursuant to article
50 forty-three or forty-seven of this chapter or article forty-four of the
51 public health law shall review such information to ascertain the correct
52 coding for payment based on national coding guidelines accepted by the
53 centers for Medicare and Medicaid services or the American medical asso-
54 ciation, to the extent there are codes for such services, including
55 ICD-10 guidelines to the extent available, and process the claim,
56 including the correct coding, in accordance with the timeframes set



1 forth in subsection (a) of this section. In the event the insurer,
2 organization, or corporation processes the claim consistent with its
3 initial determination, such decision shall be accompanied by a statement
4 of the insurer, organization or corporation setting forth the specific
5 reasons why the initial adjustment was appropriate. An insurer, organ-
6 ization, or corporation that increases the payment based on the informa-
7 tion submitted by the general hospital, [but fails to do so in accord-
8 ance with the timeframes set forth in subsection (a) of this section,]
9 shall pay to the general hospital interest on the amount of such
10 increase at the rate set by the commissioner of taxation and finance for
11 corporate taxes pursuant to paragraph one of [subdivision] subsection
12 (e) of section one thousand ninety-six of the tax law, to be computed
13 from [the end of the forty-five day period after resubmission of the
14 additional medical record information] the date thirty days after
15 initial receipt of the claim if transmitted electronically or forty-five
16 days after initial receipt of the claim if transmitted by paper or
17 facsimile. Provided, however, a failure to remit timely payment shall
18 not constitute a violation of this section. Neither the initial or
19 subsequent processing of the claim by the insurer, organization, or
20 corporation shall be deemed an adverse determination as defined in
21 section four thousand nine hundred of this chapter if based solely on a
22 coding determination. Nothing in this subsection shall apply to those
23 instances in which the insurer or organization, or corporation has a
24 reasonable suspicion of fraud or abuse or when an insurer, organization,
25 or corporation engages in reasonable fraud, waste and abuse detection
26 efforts; provided, however, to the extent any subsequent payment adjust-
27 ments are made as a result of the fraud, waste and abuse detection proc-
28 esses or efforts, such payment adjustments shall be consistent on the
29 coding guidelines required by this subsection.

30 § 11. Section 3224-a of the insurance law is amended by adding a new
31 subsection (k) to read as follows:

32 (k) The superintendent, in conjunction with the commissioner of
33 health, shall convene a health care administrative simplification work-
34 group. The workgroup shall consist of stakeholders, including but not
35 limited to, insurers, hospitals, physicians and consumers or their
36 representatives, to study and evaluate mechanisms to reduce health care
37 administrative costs and complexities through standardization, simplifi-
38 cation and technology. Areas to be examined by the workgroup shall
39 include claims submission and payment, claims attachments, preauthori-
40 zation practices, provider credentialing, insurance eligibility verifi-
41 cation, and access to electronic medical records. The workgroup shall
42 report on its findings and recommendations to the superintendent, the
43 commissioner of health, the speaker of the assembly and the temporary
44 president of the senate within eighteen months of the effective date of
45 this subsection.

46 § 12. The insurance law is amended by adding a new section 345 to read
47 as follows:

48 § 345. Health care claims reports. An insurer authorized to write
49 accident and health insurance in the state, a corporation organized
50 pursuant to article forty-three of this chapter, or a health maintenance
51 organization certified pursuant to article forty-four of the public
52 health law shall report to the superintendent quarterly and annually on
53 health care claims payment performance with respect to comprehensive
54 health insurance coverage. The reports shall be submitted in the manner
55 and form prescribed by the superintendent after consultation with repre-
56 sentatives of insurers and health care providers but at minimum shall



1 include the number and dollar value of health care claims by major line
2 of business and categorized as follows: health care claims received,
3 health care claims paid, health care claims pended and health care
4 claims denied during the respective quarter or year. The data shall be
5 provided in the aggregate and by major category of health care provider.
6 The reports should address any patterns or suspected areas of revenue
7 maximization that may have contributed to the number of denials. The
8 reports shall be due to the superintendent no later than forty-five days
9 after the end of the respective quarter or year and shall be made
10 publicly available including on the department's website. The super-
11 intendent, in conjunction with the commissioner of health, may promul-
12 gate regulations requiring additional reporting requirements on insur-
13 ers, corporations, or health maintenance organizations or health care
14 providers to assess the effectiveness of the payment policies set forth
15 in this section, which may be informed by the administrative simplifi-
16 cation workgroup authorized by subsection (k) of section three thousand
17 two hundred twenty-four-a of this chapter.

18 § 13. Paragraph (a) of subdivision 2 of section 4903 of the public
19 health law, as amended by chapter 371 of the laws of 2015, is amended to
20 read as follows:

21 (a) A utilization review agent shall make a utilization review deter-
22 mination involving health care services which require pre-authorization
23 and provide notice of a determination to the enrollee or enrollee's
24 designee and the enrollee's health care provider by telephone and in
25 writing within three business days of receipt of the necessary informa-
26 tion, or for inpatient rehabilitation services following an inpatient
27 hospital admission provided by a hospital or skilled nursing facility,
28 within one business day of receipt of the necessary information. To the
29 extent practicable, such written notification to the enrollee's health
30 care provider shall be transmitted electronically, in a manner and in a
31 form agreed upon by the parties. The notification shall identify; (i)
32 whether the services are considered in-network or out-of-network; (ii)
33 and whether the enrollee will be held harmless for the services and not
34 be responsible for any payment, other than any applicable co-payment or
35 co-insurance; (iii) as applicable, the dollar amount the health care
36 plan will pay if the service is out-of-network; and (iv) as applicable,
37 information explaining how an enrollee may determine the anticipated
38 out-of-pocket cost for out-of-network health care services in a
39 geographical area or zip code based upon the difference between what the
40 health care plan will reimburse for out-of-network health care services
41 and the usual and customary cost for out-of-network health care
42 services.

43 § 14. Subsection (a) of section 4902 of the insurance law is amended
44 by adding a new paragraph 13 to read as follows:

45 (13) Establishment of a requirement that emergency department and
46 inpatient hospital services rendered by a general hospital certified
47 pursuant to article twenty-eight of the public health law to an insured
48 to treat COVID-19 during a declared state disaster emergency related to
49 COVID-19 shall not be denied on retrospective review on the basis that
50 such services were not medically necessary.

51 § 15. Subdivision 1 of section 4902 of the public health law is
52 amended by adding a new paragraph (k) to read as follows:

53 (k) Establishment of a requirement that emergency department and inpa-
54 tient hospital services rendered by a general hospital certified pursu-
55 ant to article twenty-eight of this chapter to an enrollee to treat
56 COVID-19 during a declared state disaster emergency related to COVID-19



1 shall not be denied on retrospective review on the basis that such
2 services were not medically necessary.

3 § 16. Paragraph 1 of subsection (b) of section 4903 of the insurance
4 law, as amended by chapter 371 of the laws of 2015, is amended to read
5 as follows:

6 (1) A utilization review agent shall make a utilization review deter-
7 mination involving health care services which require pre-authorization
8 and provide notice of a determination to the insured or insured's desig-
9 nee and the insured's health care provider by telephone and in writing
10 within three business days of receipt of the necessary information, or
11 for inpatient rehabilitation services following an inpatient hospital
12 admission provided by a hospital or skilled nursing facility, within one
13 business day of receipt of the necessary information. To the extent
14 practicable, such written notification to the enrollee's health care
15 provider shall be transmitted electronically, in a manner and in a form
16 agreed upon by the parties. The notification shall identify: (i) wheth-
17 er the services are considered in-network or out-of-network; (ii) wheth-
18 er the insured will be held harmless for the services and not be respon-
19 sible for any payment, other than any applicable co-payment,
20 co-insurance or deductible; (iii) as applicable, the dollar amount the
21 health care plan will pay if the service is out-of-network; and (iv) as
22 applicable, information explaining how an insured may determine the
23 anticipated out-of-pocket cost for out-of-network health care services
24 in a geographical area or zip code based upon the difference between
25 what the health care plan will reimburse for out-of-network health care
26 services and the usual and customary cost for out-of-network health care
27 services.

28 § 17. Subdivision 3 of section 4904 of the public health law, as
29 amended by chapter 586 of the laws of 1998 and paragraph (b) as further
30 amended by section 104 of part A of chapter 62 of the laws of 2011, is
31 amended to read as follows:

32 3. A utilization review agent shall establish a standard appeal proc-
33 ess which includes procedures for appeals to be filed in writing or by
34 telephone. A utilization review agent must establish a period of no less
35 than forty-five days after receipt of notification by the enrollee of
36 the initial utilization review determination and receipt of all neces-
37 sary information to file the appeal from said determination. The utili-
38 zation review agent must provide written acknowledgment of the filing of
39 the appeal to the appealing party within fifteen days of such filing and
40 shall make a determination with regard to the appeal within [sixty]
41 thirty days of the receipt of necessary information to conduct the
42 appeal and, upon overturning the adverse determination, shall comply
43 with subsection (a) of section three thousand two hundred twenty-four-a
44 of the insurance law as applicable. The utilization review agent shall
45 notify the enrollee, the enrollee's designee and, where appropriate, the
46 enrollee's health care provider, in writing, of the appeal determination
47 within two business days of the rendering of such determination. The
48 notice of the appeal determination shall include:

49 (a) the reasons for the determination; provided, however, that where
50 the adverse determination is upheld on appeal, the notice shall include
51 the clinical rationale for such determination; and

52 (b) a notice of the enrollee's right to an external appeal together
53 with a description, jointly promulgated by the commissioner and the
54 superintendent of financial services as required pursuant to subdivision
55 five of section forty-nine hundred fourteen of this article, of the



1 external appeal process established pursuant to title two of this arti-
2 cle and the time frames for such external appeals.

3 § 18. Subsection (c) of section 4904 of the insurance law, as amended
4 by chapter 586 of the laws of 1998, is amended to read as follows:

5 (c) A utilization review agent shall establish a standard appeal proc-
6 ess which includes procedures for appeals to be filed in writing or by
7 telephone. A utilization review agent must establish a period of no less
8 than forty-five days after receipt of notification by the insured of the
9 initial utilization review determination and receipt of all necessary
10 information to file the appeal from said determination. The utilization
11 review agent must provide written acknowledgment of the filing of the
12 appeal to the appealing party within fifteen days of such filing and
13 shall make a determination with regard to the appeal within [sixty]
14 thirty days of the receipt of necessary information to conduct the
15 appeal and, upon overturning the adverse decision, shall comply with
16 subsection (a) of section three thousand two hundred twenty-four-a of
17 this chapter as applicable. The utilization review agent shall notify
18 the insured, the insured's designee and, where appropriate, the
19 insured's health care provider, in writing of the appeal determination
20 within two business days of the rendering of such determination.

21 The notice of the appeal determination shall include:

22 (1) the reasons for the determination; provided, however, that where
23 the adverse determination is upheld on appeal, the notice shall include
24 the clinical rationale for such determination; and

25 (2) a notice of the insured's right to an external appeal together
26 with a description, jointly promulgated by the superintendent and the
27 commissioner of health as required pursuant to subsection (e) of section
28 four thousand nine hundred fourteen of this article, of the external
29 appeal process established pursuant to title two of this article and the
30 time frames for such external appeals.

31 § 19. Subsection (a) of section 4803 of the insurance law is amended
32 by adding a new paragraph 3 to read as follows:

33 (3) A newly-licensed physician, a physician who has recently relocated
34 to this state from another state and has not previously practiced in
35 this state, or a physician who has changed his or her corporate
36 relationship such that it results in the issuance of a new tax identifi-
37 cation number under which such physician's services are billed for and
38 who previously had a participation contract with the insurer immediately
39 prior to the event that changed his or her corporate relationship, who
40 becomes employed by a general hospital or diagnostic and treatment
41 center licensed pursuant to article twenty-eight of the public health
42 law, or a facility licensed under article sixteen, article thirty-one or
43 article thirty-two of the mental hygiene law which has a participating
44 provider contract with an insurer, and whose other employed physicians
45 participate in the in-network portion of an insurer's network, shall be
46 deemed "provisionally credentialed" and may participate in the in-net-
47 work portion of an insurer's network during this time period upon: (A)
48 the insurer's receipt of the hospital and physician's completed sections
49 of the insurer's credentialing application; and (B) the insurer being
50 notified in writing that the health care professional has been granted
51 hospital privileges pursuant to the requirements of section twenty-eight
52 hundred five-k of the public health law. However, a provisionally
53 credentialed physician shall not be designated as an insured's primary
54 care physician until such time as the physician has been fully creden-
55 tialed by the insurer. Notwithstanding any other provision of law, an
56 insurer shall not be required to make any payments to the licensed



1 general hospital, the licensed diagnostic and treatment center or a
2 facility licensed under article sixteen, article thirty-one or article
3 thirty-two of the mental hygiene law for the service provided by a
4 provisionally credentialed physician, until and unless the physician is
5 fully credentialed by the insurer, provided, however, that upon being
6 fully credentialed, the licensed general hospital, the licensed diagnos-
7 tic and treatment center or a facility licensed under article sixteen,
8 article thirty-one or article thirty-two of the mental hygiene law shall
9 be paid for all services provided by the physician for up to sixty days
10 after submission of the completed application that the credentialed
11 physician provided to the insurer's subscribers or members from the date
12 the physician fully met the requirements to be provisionally creden-
13 tialed pursuant to this paragraph. Should the application ultimately be
14 denied by the insurer, the insurer shall not be liable for any payment
15 to the licensed general hospital, the licensed diagnostic and treatment
16 center or a facility licensed under article sixteen, article thirty-one
17 or article thirty-two of the mental hygiene law for the services
18 provided by the provisionally credentialed health care professional that
19 exceeds any out-of-network benefits payable under the insured's contract
20 with the insurer; and the licensed general hospital, the licensed diag-
21 nostic and treatment center or a facility licensed under article
22 sixteen, article thirty-one or article thirty-two of the mental hygiene
23 law shall not pursue reimbursement from the insured, except to collect
24 the copayment or coinsurance or deductible amount that otherwise would
25 have been payable had the insured received services from a health care
26 professional participating in the in-network portion of an insurer's
27 network.

28 § 20. Subdivision 1 of section 4406-d of the public health law is
29 amended by adding a new paragraph (c) to read as follows:

30 (c) A newly-licensed physician, a physician who has recently relocated
31 to this state from another state and has not previously practiced in
32 this state, or a physician who has changed his or her corporate
33 relationship such that it results in the issuance of a new tax identifi-
34 cation number under which such physician's services are billed for and
35 who previously had a participation contract with the health care plan
36 immediately prior to the event that changed his or her corporate
37 relationship, who becomes employed by a general hospital or diagnostic
38 and treatment center licensed pursuant to article twenty-eight of this
39 chapter, or a facility licensed under article sixteen, article thirty-
40 one or article thirty-two of the mental hygiene law which has a partic-
41 ipating provider contract with a health care plan, and whose other
42 employed physicians participate in the in-network portion of a health
43 care plan's network, shall be deemed "provisionally credentialed" and
44 may participate in the in-network portion of a health care plan's
45 network during this time period upon: (i) the health care plan's receipt
46 of the hospital and physician's completed sections of the insurer's
47 credentialing application; and (ii) the health care plan being notified
48 in writing that the health care professional has been granted hospital
49 privileges pursuant to the requirements of section twenty-eight hundred
50 five-k of this chapter. However, a provisionally credentialed physician
51 shall not be designated as an enrollee's primary care physician until
52 such time as the physician has been fully credentialed by the health
53 care plan. Notwithstanding any other provision of law, a health care
54 plan shall not be required to make any payments to the licensed general
55 hospital, the licensed diagnostic and treatment center or a facility
56 licensed under article sixteen, article thirty-one or article thirty-two



1 of the mental hygiene law for the service provided by a provisionally
2 credentialed physician, until and unless the physician is fully creden-
3 tialed by the health care plan, provided, however, that upon being fully
4 credentialed, the licensed general hospital, the licensed diagnostic and
5 treatment center or a facility licensed under article sixteen, article
6 thirty-one or article thirty-two of the mental hygiene law shall be paid
7 for all services provided by the physician for up to sixty days after
8 submission of the completed application that the credentialed physician
9 provided to the health care plan's insureds from the date the physician
10 fully met the requirements to be provisionally credentialed pursuant to
11 this paragraph. Should the application ultimately be denied by the
12 health care plan, the health care plan shall not be liable for any
13 payment to the licensed general hospital, the licensed diagnostic and
14 treatment center or a facility licensed under article sixteen, article
15 thirty-one or article thirty-two of the mental hygiene law for the
16 services provided by the provisionally credentialed health care profes-
17 sional; and the licensed general hospital, the licensed diagnostic and
18 treatment center or a facility licensed under article sixteen, article
19 thirty-one or article thirty-two of the mental hygiene law shall not
20 pursue reimbursement from the insured, except to collect the copayment
21 or coinsurance or deductible amount that otherwise would have been paya-
22 ble had the insured received services from a health care professional
23 participating in the in-network portion of a health care plan's network.

24 § 21. This act shall take effect immediately; provided, however, that
25 sections six through eleven and sections thirteen through eighteen of
26 this act shall apply to services performed on or after January 1, 2021;
27 and provided further, however, that section twelve of this act shall
28 apply to health care reports on and after January 1, 2022; and provided
29 further, however, that sections nineteen and twenty of this act shall
30 apply to credentialing applications received on or after July 1, 2020.
31 Provided further, however, that the director of the budget may, in
32 consultation with the commissioner of health, delay the effective dates
33 prescribed herein for a period of time which shall not exceed ninety
34 days following the conclusion or termination of an executive order
35 issued pursuant to section 28 of the executive law declaring a state
36 disaster emergency for the entire state of New York, upon such delay the
37 director of the budget shall notify the chairs of the assembly ways and
38 means committee and senate finance committee and the chairs of the
39 assembly and senate health committee; provided further, however, that
40 the director of the budget shall notify the legislative bill drafting
41 commission upon the occurrence of a delay in the effective date of this
42 act in order that the commission may maintain an accurate and timely
43 effective data base of the official text of the laws of the state of New
44 York in furtherance of effectuating the provisions of section 44 of the
45 legislative law and section 70-b of the public officers law.

46 PART ZZ

47 Section 1. Subdivision (c) of section 1261 of the tax law is amended
48 by adding a new paragraph 7 to read as follows:

49 (7) In order to provide critical support to financially distressed
50 hospitals and nursing home facilities throughout the state, the comp-
51 troller shall, by April fifteenth, two thousand twenty, and by January
52 first of each year thereafter, determine each county's percentage share
53 of the total aggregate net collections of all counties, excluding a city
54 with a population of one million or more, for the one-year period ending



1 November thirtieth of the preceding year, and withhold from the taxes,
2 penalties and interest imposed by each county, excluding a city having a
3 population of one million or more, an amount equal to the product of
4 such county's percentage share and fifty million dollars. Such amounts
5 shall be withheld in four quarterly installments on January fifteenth,
6 April fifteenth, July fifteenth and October fifteenth, and shall be
7 deposited into the New York State Agency Trust Fund, Distressed Provider
8 Assistance Account. Provided, however, for the tax jurisdictions that
9 are subject to paragraphs three and five-a of this subdivision, the
10 comptroller shall deposit such amount to the New York State Agency Trust
11 Fund, Distressed Provider Assistance Account after funds are distributed
12 pursuant to such paragraphs three and five-a of this subdivision.

13 § 2. Subparagraph (ii) of paragraph 5 of subdivision (c) of section
14 1261 of the tax law, as amended by section 6-b of part G of chapter 59
15 of the laws of 2019, is amended to read as follows:

16 (ii) After withholding the taxes, penalties and interest imposed by
17 the city of New York on and after August first, two thousand eight as
18 provided in subparagraph (i) of this paragraph, the comptroller shall
19 withhold a portion of such taxes, penalties and interest sufficient to
20 deposit annually into the central business district tolling capital
21 lockbox established pursuant to section five hundred fifty-three-j of
22 the public authorities law: (A) in state fiscal year two thousand nine-
23 teen - two thousand twenty, one hundred twenty-seven million five
24 hundred thousand dollars; (B) in state fiscal year two thousand twenty -
25 two thousand twenty-one, one hundred seventy million dollars; [and] (C)
26 in state fiscal year two thousand twenty-one - two thousand twenty-two
27 and every succeeding state fiscal year, an amount equal to one hundred
28 one percent of the amount deposited in the immediately preceding state
29 fiscal year. The funds shall be deposited monthly in equal installments.
30 During the period that the comptroller is required to withhold amounts
31 and make payments described in this paragraph, the city of New York has
32 no right, title or interest in or to those taxes, penalties and interest
33 required to be paid into the above referenced central business district
34 tolling capital lockbox. In addition, the comptroller shall withhold a
35 portion of such taxes, penalties and interest in the amount of two
36 hundred million dollars, to be withheld in four quarterly installments
37 on January fifteenth, April fifteenth, July fifteenth and October
38 fifteenth of each year, and shall deposit such amounts into the New York
39 State Agency Trust Fund, Distressed Provider Assistance Account.

40 § 3. Notwithstanding sections one and two of this act, the comptroller
41 shall defer withholding the total value of withholdings which would have
42 occurred on April 15, 2020, July 15, 2020, October 15, 2020, and January
43 15, 2021 pursuant to sections one and two of this act until January 15,
44 2021 at which time the comptroller shall withhold the full \$50,000,000
45 installment set forth in section one of this act and the full
46 \$200,000,000 installment set forth in section two of this act.

47 § 4. Section 363-c of the social services law is amended by adding a
48 new subdivision 4 to read as follows:

49 4. Notwithstanding any laws or regulations to the contrary, all social
50 services districts, providers and other recipients of medical assistance
51 program funds shall make available to the commissioner or the director
52 of the division of budget in a prompt fashion all fiscal and statistical
53 records and reports, other contemporaneous records demonstrating their
54 right to receive payment, and all underlying books, records, documenta-
55 tion and reports, which may be requested by the commissioner or the
56 director of the division of the budget as may be determined necessary to



1 manage and oversee the Medicaid program provided however, any personally
2 identifying information obtained pursuant to this subdivision shall
3 remain confidential and shall be used solely for the purposes of this
4 subdivision.

5 § 5. This act shall take effect immediately and shall be deemed
6 repealed two years after such effective date.

7 PART AAA

8 Section 1. Paragraph (a) of subdivision 1 of section 18 of chapter 266
9 of the laws of 1986, amending the civil practice law and rules and other
10 laws relating to malpractice and professional medical conduct, as
11 amended by section 1 of part F of chapter 57 of the laws of 2019, is
12 amended to read as follows:

13 (a) The superintendent of financial services and the commissioner of
14 health or their designee shall, from funds available in the hospital
15 excess liability pool created pursuant to subdivision 5 of this section,
16 purchase a policy or policies for excess insurance coverage, as author-
17 ized by paragraph 1 of subsection (e) of section 5502 of the insurance
18 law; or from an insurer, other than an insurer described in section 5502
19 of the insurance law, duly authorized to write such coverage and actual-
20 ly writing medical malpractice insurance in this state; or shall
21 purchase equivalent excess coverage in a form previously approved by the
22 superintendent of financial services for purposes of providing equiv-
23 alent excess coverage in accordance with section 19 of chapter 294 of
24 the laws of 1985, for medical or dental malpractice occurrences between
25 July 1, 1986 and June 30, 1987, between July 1, 1987 and June 30, 1988,
26 between July 1, 1988 and June 30, 1989, between July 1, 1989 and June
27 30, 1990, between July 1, 1990 and June 30, 1991, between July 1, 1991
28 and June 30, 1992, between July 1, 1992 and June 30, 1993, between July
29 1, 1993 and June 30, 1994, between July 1, 1994 and June 30, 1995,
30 between July 1, 1995 and June 30, 1996, between July 1, 1996 and June
31 30, 1997, between July 1, 1997 and June 30, 1998, between July 1, 1998
32 and June 30, 1999, between July 1, 1999 and June 30, 2000, between July
33 1, 2000 and June 30, 2001, between July 1, 2001 and June 30, 2002,
34 between July 1, 2002 and June 30, 2003, between July 1, 2003 and June
35 30, 2004, between July 1, 2004 and June 30, 2005, between July 1, 2005
36 and June 30, 2006, between July 1, 2006 and June 30, 2007, between July
37 1, 2007 and June 30, 2008, between July 1, 2008 and June 30, 2009,
38 between July 1, 2009 and June 30, 2010, between July 1, 2010 and June
39 30, 2011, between July 1, 2011 and June 30, 2012, between July 1, 2012
40 and June 30, 2013, between July 1, 2013 and June 30, 2014, between July
41 1, 2014 and June 30, 2015, between July 1, 2015 and June 30, 2016,
42 between July 1, 2016 and June 30, 2017, between July 1, 2017 and June
43 30, 2018, between July 1, 2018 and June 30, 2019, [and] between July 1,
44 2019 and June 30, 2020, and between July 1, 2020 and June 30, 2021 or
45 reimburse the hospital where the hospital purchases equivalent excess
46 coverage as defined in subparagraph (i) of paragraph (a) of subdivision
47 1-a of this section for medical or dental malpractice occurrences
48 between July 1, 1987 and June 30, 1988, between July 1, 1988 and June
49 30, 1989, between July 1, 1989 and June 30, 1990, between July 1, 1990
50 and June 30, 1991, between July 1, 1991 and June 30, 1992, between July
51 1, 1992 and June 30, 1993, between July 1, 1993 and June 30, 1994,
52 between July 1, 1994 and June 30, 1995, between July 1, 1995 and June
53 30, 1996, between July 1, 1996 and June 30, 1997, between July 1, 1997
54 and June 30, 1998, between July 1, 1998 and June 30, 1999, between July



1 1, 1999 and June 30, 2000, between July 1, 2000 and June 30, 2001,
2 between July 1, 2001 and June 30, 2002, between July 1, 2002 and June
3 30, 2003, between July 1, 2003 and June 30, 2004, between July 1, 2004
4 and June 30, 2005, between July 1, 2005 and June 30, 2006, between July
5 1, 2006 and June 30, 2007, between July 1, 2007 and June 30, 2008,
6 between July 1, 2008 and June 30, 2009, between July 1, 2009 and June
7 30, 2010, between July 1, 2010 and June 30, 2011, between July 1, 2011
8 and June 30, 2012, between July 1, 2012 and June 30, 2013, between July
9 1, 2013 and June 30, 2014, between July 1, 2014 and June 30, 2015,
10 between July 1, 2015 and June 30, 2016, between July 1, 2016 and June
11 30, 2017, between July 1, 2017 and June 30, 2018, between July 1, 2018
12 and June 30, 2019, [and] between July 1, 2019 and June 30, 2020, and
13 between July 1, 2020 and June 30, 2021 for physicians or dentists certi-
14 fied as eligible for each such period or periods pursuant to subdivision
15 2 of this section by a general hospital licensed pursuant to article 28
16 of the public health law; provided that no single insurer shall write
17 more than fifty percent of the total excess premium for a given policy
18 year; and provided, however, that such eligible physicians or dentists
19 must have in force an individual policy, from an insurer licensed in
20 this state of primary malpractice insurance coverage in amounts of no
21 less than one million three hundred thousand dollars for each claimant
22 and three million nine hundred thousand dollars for all claimants under
23 that policy during the period of such excess coverage for such occur-
24 rences or be endorsed as additional insureds under a hospital profes-
25 sional liability policy which is offered through a voluntary attending
26 physician ("channeling") program previously permitted by the superinten-
27 dent of financial services during the period of such excess coverage for
28 such occurrences. During such period, such policy for excess coverage or
29 such equivalent excess coverage shall, when combined with the physi-
30 cian's or dentist's primary malpractice insurance coverage or coverage
31 provided through a voluntary attending physician ("channeling") program,
32 total an aggregate level of two million three hundred thousand dollars
33 for each claimant and six million nine hundred thousand dollars for all
34 claimants from all such policies with respect to occurrences in each of
35 such years provided, however, if the cost of primary malpractice insur-
36 ance coverage in excess of one million dollars, but below the excess
37 medical malpractice insurance coverage provided pursuant to this act,
38 exceeds the rate of nine percent per annum, then the required level of
39 primary malpractice insurance coverage in excess of one million dollars
40 for each claimant shall be in an amount of not less than the dollar
41 amount of such coverage available at nine percent per annum; the
42 required level of such coverage for all claimants under that policy
43 shall be in an amount not less than three times the dollar amount of
44 coverage for each claimant; and excess coverage, when combined with such
45 primary malpractice insurance coverage, shall increase the aggregate
46 level for each claimant by one million dollars and three million dollars
47 for all claimants; and provided further, that, with respect to policies
48 of primary medical malpractice coverage that include occurrences between
49 April 1, 2002 and June 30, 2002, such requirement that coverage be in
50 amounts no less than one million three hundred thousand dollars for each
51 claimant and three million nine hundred thousand dollars for all claim-
52 ants for such occurrences shall be effective April 1, 2002.

53 § 2. Subdivision 3 of section 18 of chapter 266 of the laws of 1986,
54 amending the civil practice law and rules and other laws relating to
55 malpractice and professional medical conduct, as amended by section 2 of
56 part F of chapter 57 of the laws of 2019, is amended to read as follows:



1 (3)(a) The superintendent of financial services shall determine and
2 certify to each general hospital and to the commissioner of health the
3 cost of excess malpractice insurance for medical or dental malpractice
4 occurrences between July 1, 1986 and June 30, 1987, between July 1, 1988
5 and June 30, 1989, between July 1, 1989 and June 30, 1990, between July
6 1, 1990 and June 30, 1991, between July 1, 1991 and June 30, 1992,
7 between July 1, 1992 and June 30, 1993, between July 1, 1993 and June
8 30, 1994, between July 1, 1994 and June 30, 1995, between July 1, 1995
9 and June 30, 1996, between July 1, 1996 and June 30, 1997, between July
10 1, 1997 and June 30, 1998, between July 1, 1998 and June 30, 1999,
11 between July 1, 1999 and June 30, 2000, between July 1, 2000 and June
12 30, 2001, between July 1, 2001 and June 30, 2002, between July 1, 2002
13 and June 30, 2003, between July 1, 2003 and June 30, 2004, between July
14 1, 2004 and June 30, 2005, between July 1, 2005 and June 30, 2006,
15 between July 1, 2006 and June 30, 2007, between July 1, 2007 and June
16 30, 2008, between July 1, 2008 and June 30, 2009, between July 1, 2009
17 and June 30, 2010, between July 1, 2010 and June 30, 2011, between July
18 1, 2011 and June 30, 2012, between July 1, 2012 and June 30, 2013, and
19 between July 1, 2013 and June 30, 2014, between July 1, 2014 and June
20 30, 2015, between July 1, 2015 and June 30, 2016, and between July 1,
21 2016 and June 30, 2017, between July 1, 2017 and June 30, 2018, between
22 July 1, 2018 and June 30, 2019, [and] between July 1, 2019 and June 30,
23 2020, and between July 1, 2020 and June 30, 2021 allocable to each
24 general hospital for physicians or dentists certified as eligible for
25 purchase of a policy for excess insurance coverage by such general
26 hospital in accordance with subdivision 2 of this section, and may amend
27 such determination and certification as necessary.

28 (b) The superintendent of financial services shall determine and
29 certify to each general hospital and to the commissioner of health the
30 cost of excess malpractice insurance or equivalent excess coverage for
31 medical or dental malpractice occurrences between July 1, 1987 and June
32 30, 1988, between July 1, 1988 and June 30, 1989, between July 1, 1989
33 and June 30, 1990, between July 1, 1990 and June 30, 1991, between July
34 1, 1991 and June 30, 1992, between July 1, 1992 and June 30, 1993,
35 between July 1, 1993 and June 30, 1994, between July 1, 1994 and June
36 30, 1995, between July 1, 1995 and June 30, 1996, between July 1, 1996
37 and June 30, 1997, between July 1, 1997 and June 30, 1998, between July
38 1, 1998 and June 30, 1999, between July 1, 1999 and June 30, 2000,
39 between July 1, 2000 and June 30, 2001, between July 1, 2001 and June
40 30, 2002, between July 1, 2002 and June 30, 2003, between July 1, 2003
41 and June 30, 2004, between July 1, 2004 and June 30, 2005, between July
42 1, 2005 and June 30, 2006, between July 1, 2006 and June 30, 2007,
43 between July 1, 2007 and June 30, 2008, between July 1, 2008 and June
44 30, 2009, between July 1, 2009 and June 30, 2010, between July 1, 2010
45 and June 30, 2011, between July 1, 2011 and June 30, 2012, between July
46 1, 2012 and June 30, 2013, between July 1, 2013 and June 30, 2014,
47 between July 1, 2014 and June 30, 2015, between July 1, 2015 and June
48 30, 2016, between July 1, 2016 and June 30, 2017, between July 1, 2017
49 and June 30, 2018, between July 1, 2018 and June 30, 2019, [and] between
50 July 1, 2019 and June 30, 2020, and between July 1, 2020 and June 30,
51 2021 allocable to each general hospital for physicians or dentists
52 certified as eligible for purchase of a policy for excess insurance
53 coverage or equivalent excess coverage by such general hospital in
54 accordance with subdivision 2 of this section, and may amend such deter-
55 mination and certification as necessary. The superintendent of financial
56 services shall determine and certify to each general hospital and to the



1 commissioner of health the ratable share of such cost allocable to the
2 period July 1, 1987 to December 31, 1987, to the period January 1, 1988
3 to June 30, 1988, to the period July 1, 1988 to December 31, 1988, to
4 the period January 1, 1989 to June 30, 1989, to the period July 1, 1989
5 to December 31, 1989, to the period January 1, 1990 to June 30, 1990, to
6 the period July 1, 1990 to December 31, 1990, to the period January 1,
7 1991 to June 30, 1991, to the period July 1, 1991 to December 31, 1991,
8 to the period January 1, 1992 to June 30, 1992, to the period July 1,
9 1992 to December 31, 1992, to the period January 1, 1993 to June 30,
10 1993, to the period July 1, 1993 to December 31, 1993, to the period
11 January 1, 1994 to June 30, 1994, to the period July 1, 1994 to December
12 31, 1994, to the period January 1, 1995 to June 30, 1995, to the period
13 July 1, 1995 to December 31, 1995, to the period January 1, 1996 to June
14 30, 1996, to the period July 1, 1996 to December 31, 1996, to the period
15 January 1, 1997 to June 30, 1997, to the period July 1, 1997 to December
16 31, 1997, to the period January 1, 1998 to June 30, 1998, to the period
17 July 1, 1998 to December 31, 1998, to the period January 1, 1999 to June
18 30, 1999, to the period July 1, 1999 to December 31, 1999, to the period
19 January 1, 2000 to June 30, 2000, to the period July 1, 2000 to December
20 31, 2000, to the period January 1, 2001 to June 30, 2001, to the period
21 July 1, 2001 to June 30, 2002, to the period July 1, 2002 to June 30,
22 2003, to the period July 1, 2003 to June 30, 2004, to the period July 1,
23 2004 to June 30, 2005, to the period July 1, 2005 and June 30, 2006, to
24 the period July 1, 2006 and June 30, 2007, to the period July 1, 2007
25 and June 30, 2008, to the period July 1, 2008 and June 30, 2009, to the
26 period July 1, 2009 and June 30, 2010, to the period July 1, 2010 and
27 June 30, 2011, to the period July 1, 2011 and June 30, 2012, to the
28 period July 1, 2012 and June 30, 2013, to the period July 1, 2013 and
29 June 30, 2014, to the period July 1, 2014 and June 30, 2015, to the
30 period July 1, 2015 and June 30, 2016, to the period July 1, 2016 and
31 June 30, 2017, to the period July 1, 2017 to June 30, 2018, to the peri-
32 od July 1, 2018 to June 30, 2019, [and] to the period July 1, 2019 to
33 June 30, 2020, and to the period July 1, 2020 to June 30, 2021.

34 § 3. Paragraphs (a), (b), (c), (d) and (e) of subdivision 8 of
35 section 18 of chapter 266 of the laws of 1986, amending the civil prac-
36 tice law and rules and other laws relating to malpractice and profes-
37 sional medical conduct, as amended by section 3 of part F of chapter 57
38 of the laws of 2019, are amended to read as follows:

39 (a) To the extent funds available to the hospital excess liability
40 pool pursuant to subdivision 5 of this section as amended, and pursuant
41 to section 6 of part J of chapter 63 of the laws of 2001, as may from
42 time to time be amended, which amended this subdivision, are insuffi-
43 cient to meet the costs of excess insurance coverage or equivalent
44 excess coverage for coverage periods during the period July 1, 1992 to
45 June 30, 1993, during the period July 1, 1993 to June 30, 1994, during
46 the period July 1, 1994 to June 30, 1995, during the period July 1, 1995
47 to June 30, 1996, during the period July 1, 1996 to June 30, 1997,
48 during the period July 1, 1997 to June 30, 1998, during the period July
49 1, 1998 to June 30, 1999, during the period July 1, 1999 to June 30,
50 2000, during the period July 1, 2000 to June 30, 2001, during the period
51 July 1, 2001 to October 29, 2001, during the period April 1, 2002 to
52 June 30, 2002, during the period July 1, 2002 to June 30, 2003, during
53 the period July 1, 2003 to June 30, 2004, during the period July 1, 2004
54 to June 30, 2005, during the period July 1, 2005 to June 30, 2006,
55 during the period July 1, 2006 to June 30, 2007, during the period July
56 1, 2007 to June 30, 2008, during the period July 1, 2008 to June 30,



1 2009, during the period July 1, 2009 to June 30, 2010, during the period
2 July 1, 2010 to June 30, 2011, during the period July 1, 2011 to June
3 30, 2012, during the period July 1, 2012 to June 30, 2013, during the
4 period July 1, 2013 to June 30, 2014, during the period July 1, 2014 to
5 June 30, 2015, during the period July 1, 2015 to June 30, 2016, during
6 the period July 1, 2016 to June 30, 2017, during the period July 1, 2017
7 to June 30, 2018, during the period July 1, 2018 to June 30, 2019, [and]
8 during the period July 1, 2019 to June 30, 2020, and during the period
9 July 1, 2020 to June 30, 2021 allocated or reallocated in accordance
10 with paragraph (a) of subdivision 4-a of this section to rates of
11 payment applicable to state governmental agencies, each physician or
12 dentist for whom a policy for excess insurance coverage or equivalent
13 excess coverage is purchased for such period shall be responsible for
14 payment to the provider of excess insurance coverage or equivalent
15 excess coverage of an allocable share of such insufficiency, based on
16 the ratio of the total cost of such coverage for such physician to the
17 sum of the total cost of such coverage for all physicians applied to
18 such insufficiency.

19 (b) Each provider of excess insurance coverage or equivalent excess
20 coverage covering the period July 1, 1992 to June 30, 1993, or covering
21 the period July 1, 1993 to June 30, 1994, or covering the period July 1,
22 1994 to June 30, 1995, or covering the period July 1, 1995 to June 30,
23 1996, or covering the period July 1, 1996 to June 30, 1997, or covering
24 the period July 1, 1997 to June 30, 1998, or covering the period July 1,
25 1998 to June 30, 1999, or covering the period July 1, 1999 to June 30,
26 2000, or covering the period July 1, 2000 to June 30, 2001, or covering
27 the period July 1, 2001 to October 29, 2001, or covering the period
28 April 1, 2002 to June 30, 2002, or covering the period July 1, 2002 to
29 June 30, 2003, or covering the period July 1, 2003 to June 30, 2004, or
30 covering the period July 1, 2004 to June 30, 2005, or covering the peri-
31 od July 1, 2005 to June 30, 2006, or covering the period July 1, 2006 to
32 June 30, 2007, or covering the period July 1, 2007 to June 30, 2008, or
33 covering the period July 1, 2008 to June 30, 2009, or covering the peri-
34 od July 1, 2009 to June 30, 2010, or covering the period July 1, 2010 to
35 June 30, 2011, or covering the period July 1, 2011 to June 30, 2012, or
36 covering the period July 1, 2012 to June 30, 2013, or covering the peri-
37 od July 1, 2013 to June 30, 2014, or covering the period July 1, 2014 to
38 June 30, 2015, or covering the period July 1, 2015 to June 30, 2016, or
39 covering the period July 1, 2016 to June 30, 2017, or covering the peri-
40 od July 1, 2017 to June 30, 2018, or covering the period July 1, 2018 to
41 June 30, 2019, or covering the period July 1, 2019 to June 30, 2020, or
42 covering the period July 1, 2020 to June 30, 2021 shall notify a covered
43 physician or dentist by mail, mailed to the address shown on the last
44 application for excess insurance coverage or equivalent excess coverage,
45 of the amount due to such provider from such physician or dentist for
46 such coverage period determined in accordance with paragraph (a) of this
47 subdivision. Such amount shall be due from such physician or dentist to
48 such provider of excess insurance coverage or equivalent excess coverage
49 in a time and manner determined by the superintendent of financial
50 services.

51 (c) If a physician or dentist liable for payment of a portion of the
52 costs of excess insurance coverage or equivalent excess coverage cover-
53 ing the period July 1, 1992 to June 30, 1993, or covering the period
54 July 1, 1993 to June 30, 1994, or covering the period July 1, 1994 to
55 June 30, 1995, or covering the period July 1, 1995 to June 30, 1996, or
56 covering the period July 1, 1996 to June 30, 1997, or covering the peri-



1 od July 1, 1997 to June 30, 1998, or covering the period July 1, 1998 to
2 June 30, 1999, or covering the period July 1, 1999 to June 30, 2000, or
3 covering the period July 1, 2000 to June 30, 2001, or covering the peri-
4 od July 1, 2001 to October 29, 2001, or covering the period April 1,
5 2002 to June 30, 2002, or covering the period July 1, 2002 to June 30,
6 2003, or covering the period July 1, 2003 to June 30, 2004, or covering
7 the period July 1, 2004 to June 30, 2005, or covering the period July 1,
8 2005 to June 30, 2006, or covering the period July 1, 2006 to June 30,
9 2007, or covering the period July 1, 2007 to June 30, 2008, or covering
10 the period July 1, 2008 to June 30, 2009, or covering the period July 1,
11 2009 to June 30, 2010, or covering the period July 1, 2010 to June 30,
12 2011, or covering the period July 1, 2011 to June 30, 2012, or covering
13 the period July 1, 2012 to June 30, 2013, or covering the period July 1,
14 2013 to June 30, 2014, or covering the period July 1, 2014 to June 30,
15 2015, or covering the period July 1, 2015 to June 30, 2016, or covering
16 the period July 1, 2016 to June 30, 2017, or covering the period July 1,
17 2017 to June 30, 2018, or covering the period July 1, 2018 to June 30,
18 2019, or covering the period July 1, 2019 to June 30, 2020, or covering
19 the period July 1, 2020 to June 30, 2021 determined in accordance with
20 paragraph (a) of this subdivision fails, refuses or neglects to make
21 payment to the provider of excess insurance coverage or equivalent
22 excess coverage in such time and manner as determined by the superinten-
23 dent of financial services pursuant to paragraph (b) of this subdivi-
24 sion, excess insurance coverage or equivalent excess coverage purchased
25 for such physician or dentist in accordance with this section for such
26 coverage period shall be cancelled and shall be null and void as of the
27 first day on or after the commencement of a policy period where the
28 liability for payment pursuant to this subdivision has not been met.

29 (d) Each provider of excess insurance coverage or equivalent excess
30 coverage shall notify the superintendent of financial services and the
31 commissioner of health or their designee of each physician and dentist
32 eligible for purchase of a policy for excess insurance coverage or
33 equivalent excess coverage covering the period July 1, 1992 to June 30,
34 1993, or covering the period July 1, 1993 to June 30, 1994, or covering
35 the period July 1, 1994 to June 30, 1995, or covering the period July 1,
36 1995 to June 30, 1996, or covering the period July 1, 1996 to June 30,
37 1997, or covering the period July 1, 1997 to June 30, 1998, or covering
38 the period July 1, 1998 to June 30, 1999, or covering the period July 1,
39 1999 to June 30, 2000, or covering the period July 1, 2000 to June 30,
40 2001, or covering the period July 1, 2001 to October 29, 2001, or cover-
41 ing the period April 1, 2002 to June 30, 2002, or covering the period
42 July 1, 2002 to June 30, 2003, or covering the period July 1, 2003 to
43 June 30, 2004, or covering the period July 1, 2004 to June 30, 2005, or
44 covering the period July 1, 2005 to June 30, 2006, or covering the peri-
45 od July 1, 2006 to June 30, 2007, or covering the period July 1, 2007 to
46 June 30, 2008, or covering the period July 1, 2008 to June 30, 2009, or
47 covering the period July 1, 2009 to June 30, 2010, or covering the peri-
48 od July 1, 2010 to June 30, 2011, or covering the period July 1, 2011 to
49 June 30, 2012, or covering the period July 1, 2012 to June 30, 2013, or
50 covering the period July 1, 2013 to June 30, 2014, or covering the peri-
51 od July 1, 2014 to June 30, 2015, or covering the period July 1, 2015 to
52 June 30, 2016, or covering the period July 1, 2016 to June 30, 2017, or
53 covering the period July 1, 2017 to June 30, 2018, or covering the peri-
54 od July 1, 2018 to June 30, 2019, or covering the period July 1, 2019 to
55 June 30, 2020, or covering the period July 1, 2020 to June 30, 2021 that
56 has made payment to such provider of excess insurance coverage or equiv-



1 alent excess coverage in accordance with paragraph (b) of this subdivi-
2 sion and of each physician and dentist who has failed, refused or
3 neglected to make such payment.

4 (e) A provider of excess insurance coverage or equivalent excess
5 coverage shall refund to the hospital excess liability pool any amount
6 allocable to the period July 1, 1992 to June 30, 1993, and to the period
7 July 1, 1993 to June 30, 1994, and to the period July 1, 1994 to June
8 30, 1995, and to the period July 1, 1995 to June 30, 1996, and to the
9 period July 1, 1996 to June 30, 1997, and to the period July 1, 1997 to
10 June 30, 1998, and to the period July 1, 1998 to June 30, 1999, and to
11 the period July 1, 1999 to June 30, 2000, and to the period July 1, 2000
12 to June 30, 2001, and to the period July 1, 2001 to October 29, 2001,
13 and to the period April 1, 2002 to June 30, 2002, and to the period July
14 1, 2002 to June 30, 2003, and to the period July 1, 2003 to June 30,
15 2004, and to the period July 1, 2004 to June 30, 2005, and to the period
16 July 1, 2005 to June 30, 2006, and to the period July 1, 2006 to June
17 30, 2007, and to the period July 1, 2007 to June 30, 2008, and to the
18 period July 1, 2008 to June 30, 2009, and to the period July 1, 2009 to
19 June 30, 2010, and to the period July 1, 2010 to June 30, 2011, and to
20 the period July 1, 2011 to June 30, 2012, and to the period July 1, 2012
21 to June 30, 2013, and to the period July 1, 2013 to June 30, 2014, and
22 to the period July 1, 2014 to June 30, 2015, and to the period July 1,
23 2015 to June 30, 2016, to the period July 1, 2016 to June 30, 2017, and
24 to the period July 1, 2017 to June 30, 2018, and to the period July 1,
25 2018 to June 30, 2019, and to the period July 1, 2019 to June 30, 2020,
26 and to the period July 1, 2020 to June 30, 2021 received from the hospi-
27 tal excess liability pool for purchase of excess insurance coverage or
28 equivalent excess coverage covering the period July 1, 1992 to June 30,
29 1993, and covering the period July 1, 1993 to June 30, 1994, and cover-
30 ing the period July 1, 1994 to June 30, 1995, and covering the period
31 July 1, 1995 to June 30, 1996, and covering the period July 1, 1996 to
32 June 30, 1997, and covering the period July 1, 1997 to June 30, 1998,
33 and covering the period July 1, 1998 to June 30, 1999, and covering the
34 period July 1, 1999 to June 30, 2000, and covering the period July 1,
35 2000 to June 30, 2001, and covering the period July 1, 2001 to October
36 29, 2001, and covering the period April 1, 2002 to June 30, 2002, and
37 covering the period July 1, 2002 to June 30, 2003, and covering the
38 period July 1, 2003 to June 30, 2004, and covering the period July 1,
39 2004 to June 30, 2005, and covering the period July 1, 2005 to June 30,
40 2006, and covering the period July 1, 2006 to June 30, 2007, and cover-
41 ing the period July 1, 2007 to June 30, 2008, and covering the period
42 July 1, 2008 to June 30, 2009, and covering the period July 1, 2009 to
43 June 30, 2010, and covering the period July 1, 2010 to June 30, 2011,
44 and covering the period July 1, 2011 to June 30, 2012, and covering the
45 period July 1, 2012 to June 30, 2013, and covering the period July 1,
46 2013 to June 30, 2014, and covering the period July 1, 2014 to June 30,
47 2015, and covering the period July 1, 2015 to June 30, 2016, and cover-
48 ing the period July 1, 2016 to June 30, 2017, and covering the period
49 July 1, 2017 to June 30, 2018, and covering the period July 1, 2018 to
50 June 30, 2019, and covering the period July 1, 2019 to June 30, 2020,
51 and covering the period July 1, 2020 to June 30, 2021 for a physician or
52 dentist where such excess insurance coverage or equivalent excess cover-
53 age is cancelled in accordance with paragraph (c) of this subdivision.

54 § 4. Intentionally omitted.

55 § 5. Section 40 of chapter 266 of the laws of 1986, amending the civil
56 practice law and rules and other laws relating to malpractice and



1 professional medical conduct, as amended by section 4 of part F of chap-
2 ter 57 of the laws of 2019, is amended to read as follows:

3 § 40. The superintendent of financial services shall establish rates
4 for policies providing coverage for physicians and surgeons medical
5 malpractice for the periods commencing July 1, 1985 and ending June 30,
6 [2020] 2021; provided, however, that notwithstanding any other provision
7 of law, the superintendent shall not establish or approve any increase
8 in rates for the period commencing July 1, 2009 and ending June 30,
9 2010. The superintendent shall direct insurers to establish segregated
10 accounts for premiums, payments, reserves and investment income attrib-
11 utable to such premium periods and shall require periodic reports by the
12 insurers regarding claims and expenses attributable to such periods to
13 monitor whether such accounts will be sufficient to meet incurred claims
14 and expenses. On or after July 1, 1989, the superintendent shall impose
15 a surcharge on premiums to satisfy a projected deficiency that is
16 attributable to the premium levels established pursuant to this section
17 for such periods; provided, however, that such annual surcharge shall
18 not exceed eight percent of the established rate until July 1, [2020]
19 2021, at which time and thereafter such surcharge shall not exceed twen-
20 ty-five percent of the approved adequate rate, and that such annual
21 surcharges shall continue for such period of time as shall be sufficient
22 to satisfy such deficiency. The superintendent shall not impose such
23 surcharge during the period commencing July 1, 2009 and ending June 30,
24 2010. On and after July 1, 1989, the surcharge prescribed by this
25 section shall be retained by insurers to the extent that they insured
26 physicians and surgeons during the July 1, 1985 through June 30, [2020]
27 2021 policy periods; in the event and to the extent physicians and
28 surgeons were insured by another insurer during such periods, all or a
29 pro rata share of the surcharge, as the case may be, shall be remitted
30 to such other insurer in accordance with rules and regulations to be
31 promulgated by the superintendent. Surcharges collected from physicians
32 and surgeons who were not insured during such policy periods shall be
33 apportioned among all insurers in proportion to the premium written by
34 each insurer during such policy periods; if a physician or surgeon was
35 insured by an insurer subject to rates established by the superintendent
36 during such policy periods, and at any time thereafter a hospital,
37 health maintenance organization, employer or institution is responsible
38 for responding in damages for liability arising out of such physician's
39 or surgeon's practice of medicine, such responsible entity shall also
40 remit to such prior insurer the equivalent amount that would then be
41 collected as a surcharge if the physician or surgeon had continued to
42 remain insured by such prior insurer. In the event any insurer that
43 provided coverage during such policy periods is in liquidation, the
44 property/casualty insurance security fund shall receive the portion of
45 surcharges to which the insurer in liquidation would have been entitled.
46 The surcharges authorized herein shall be deemed to be income earned for
47 the purposes of section 2303 of the insurance law. The superintendent,
48 in establishing adequate rates and in determining any projected defi-
49 ciency pursuant to the requirements of this section and the insurance
50 law, shall give substantial weight, determined in his discretion and
51 judgment, to the prospective anticipated effect of any regulations
52 promulgated and laws enacted and the public benefit of stabilizing
53 malpractice rates and minimizing rate level fluctuation during the peri-
54 od of time necessary for the development of more reliable statistical
55 experience as to the efficacy of such laws and regulations affecting
56 medical, dental or podiatric malpractice enacted or promulgated in 1985,



1 1986, by this act and at any other time. Notwithstanding any provision
2 of the insurance law, rates already established and to be established by
3 the superintendent pursuant to this section are deemed adequate if such
4 rates would be adequate when taken together with the maximum authorized
5 annual surcharges to be imposed for a reasonable period of time whether
6 or not any such annual surcharge has been actually imposed as of the
7 establishment of such rates.

8 § 6. Section 5 and subdivisions (a) and (e) of section 6 of part J of
9 chapter 63 of the laws of 2001, amending chapter 266 of the laws of
10 1986, amending the civil practice law and rules and other laws relating
11 to malpractice and professional medical conduct, as amended by section 5
12 of part F of chapter 57 of the laws of 2019, are amended to read as
13 follows:

14 § 5. The superintendent of financial services and the commissioner of
15 health shall determine, no later than June 15, 2002, June 15, 2003, June
16 15, 2004, June 15, 2005, June 15, 2006, June 15, 2007, June 15, 2008,
17 June 15, 2009, June 15, 2010, June 15, 2011, June 15, 2012, June 15,
18 2013, June 15, 2014, June 15, 2015, June 15, 2016, June 15, 2017, June
19 15, 2018, June 15, 2019, [and] June 15, 2020, and June 15, 2021 the
20 amount of funds available in the hospital excess liability pool, created
21 pursuant to section 18 of chapter 266 of the laws of 1986, and whether
22 such funds are sufficient for purposes of purchasing excess insurance
23 coverage for eligible participating physicians and dentists during the
24 period July 1, 2001 to June 30, 2002, or July 1, 2002 to June 30, 2003,
25 or July 1, 2003 to June 30, 2004, or July 1, 2004 to June 30, 2005, or
26 July 1, 2005 to June 30, 2006, or July 1, 2006 to June 30, 2007, or July
27 1, 2007 to June 30, 2008, or July 1, 2008 to June 30, 2009, or July 1,
28 2009 to June 30, 2010, or July 1, 2010 to June 30, 2011, or July 1, 2011
29 to June 30, 2012, or July 1, 2012 to June 30, 2013, or July 1, 2013 to
30 June 30, 2014, or July 1, 2014 to June 30, 2015, or July 1, 2015 to June
31 30, 2016, or July 1, 2016 to June 30, 2017, or July 1, 2017 to June 30,
32 2018, or July 1, 2018 to June 30, 2019, or July 1, 2019 to June 30,
33 2020, or July 1, 2020 to June 30, 2021 as applicable.

34 (a) This section shall be effective only upon a determination, pursu-
35 ant to section five of this act, by the superintendent of financial
36 services and the commissioner of health, and a certification of such
37 determination to the state director of the budget, the chair of the
38 senate committee on finance and the chair of the assembly committee on
39 ways and means, that the amount of funds in the hospital excess liabil-
40 ity pool, created pursuant to section 18 of chapter 266 of the laws of
41 1986, is insufficient for purposes of purchasing excess insurance cover-
42 age for eligible participating physicians and dentists during the period
43 July 1, 2001 to June 30, 2002, or July 1, 2002 to June 30, 2003, or July
44 1, 2003 to June 30, 2004, or July 1, 2004 to June 30, 2005, or July 1,
45 2005 to June 30, 2006, or July 1, 2006 to June 30, 2007, or July 1, 2007
46 to June 30, 2008, or July 1, 2008 to June 30, 2009, or July 1, 2009 to
47 June 30, 2010, or July 1, 2010 to June 30, 2011, or July 1, 2011 to June
48 30, 2012, or July 1, 2012 to June 30, 2013, or July 1, 2013 to June 30,
49 2014, or July 1, 2014 to June 30, 2015, or July 1, 2015 to June 30,
50 2016, or July 1, 2016 to June 30, 2017, or July 1, 2017 to June 30,
51 2018, or July 1, 2018 to June 30, 2019, or July 1, 2019 to June 30,
52 2020, or July 1, 2020 to June 30, 2021 as applicable.

53 (e) The commissioner of health shall transfer for deposit to the
54 hospital excess liability pool created pursuant to section 18 of chapter
55 266 of the laws of 1986 such amounts as directed by the superintendent
56 of financial services for the purchase of excess liability insurance



1 coverage for eligible participating physicians and dentists for the
2 policy year July 1, 2001 to June 30, 2002, or July 1, 2002 to June 30,
3 2003, or July 1, 2003 to June 30, 2004, or July 1, 2004 to June 30,
4 2005, or July 1, 2005 to June 30, 2006, or July 1, 2006 to June 30,
5 2007, as applicable, and the cost of administering the hospital excess
6 liability pool for such applicable policy year, pursuant to the program
7 established in chapter 266 of the laws of 1986, as amended, no later
8 than June 15, 2002, June 15, 2003, June 15, 2004, June 15, 2005, June
9 15, 2006, June 15, 2007, June 15, 2008, June 15, 2009, June 15, 2010,
10 June 15, 2011, June 15, 2012, June 15, 2013, June 15, 2014, June 15,
11 2015, June 15, 2016, June 15, 2017, June 15, 2018, June 15, 2019, [and]
12 June 15, 2020, and June 15, 2021 as applicable.

13 § 7. Section 20 of part H of chapter 57 of the laws of 2017, amending
14 the New York Health Care Reform Act of 1996 and other laws relating to
15 extending certain provisions thereto, as amended by section 6 of part F
16 of chapter 57 of the laws of 2019, is amended to read as follows:

17 § 20. Notwithstanding any law, rule or regulation to the contrary,
18 only physicians or dentists who were eligible, and for whom the super-
19 intendent of financial services and the commissioner of health, or their
20 designee, purchased, with funds available in the hospital excess liabil-
21 ity pool, a full or partial policy for excess coverage or equivalent
22 excess coverage for the coverage period ending the thirtieth of June,
23 two thousand [nineteen,] twenty, shall be eligible to apply for such
24 coverage for the coverage period beginning the first of July, two thou-
25 sand [nineteen,] twenty; provided, however, if the total number of
26 physicians or dentists for whom such excess coverage or equivalent
27 excess coverage was purchased for the policy year ending the thirtieth
28 of June, two thousand [nineteen] twenty exceeds the total number of
29 physicians or dentists certified as eligible for the coverage period
30 beginning the first of July, two thousand [nineteen,] twenty, then the
31 general hospitals may certify additional eligible physicians or dentists
32 in a number equal to such general hospital's proportional share of the
33 total number of physicians or dentists for whom excess coverage or
34 equivalent excess coverage was purchased with funds available in the
35 hospital excess liability pool as of the thirtieth of June, two thousand
36 [nineteen,] twenty, as applied to the difference between the number of
37 eligible physicians or dentists for whom a policy for excess coverage or
38 equivalent excess coverage was purchased for the coverage period ending
39 the thirtieth of June, two thousand [nineteen] twenty and the number of
40 such eligible physicians or dentists who have applied for excess cover-
41 age or equivalent excess coverage for the coverage period beginning the
42 first of July, two thousand [nineteen] twenty.

43 § 8. This act shall take effect April 1, 2020, provided, however, if
44 this act shall become a law after such date it shall take effect imme-
45 diately and shall be deemed to have been in full force and effect on and
46 after April 1, 2020.

47 PART BBB

48 Intentionally Omitted

49 PART CCC

50 Section 1. Subdivisions 1, 4 and 5 of section 92 of part H of chapter
51 59 of the laws of 2011, amending the public health law and other laws
52 relating to known and projected department of health state fund Medicaid



1 expenditures, subdivision 1 as amended by section 1 of part D of chapter
2 57 of the laws of 2019, subdivision 5 as amended by section 33-a of part
3 C of chapter 60 of the laws of 2014 and paragraph (g) of subdivision 5
4 as added by section 19 of part B of chapter 59 of the laws of 2016, are
5 amended to read as follows:

6 1. (a) For state fiscal years 2011-12 through [2020-2021] 2021-22, the
7 director of the budget, in consultation with the commissioner of health
8 referenced as "commissioner" for purposes of this section, shall assess
9 on a monthly basis, as reflected in monthly reports pursuant to subdivi-
10 sion five of this section known and projected department of health state
11 funds medicaid expenditures by category of service and by geographic
12 regions, as defined by the commissioner[, and if the director of the
13 budget determines that such].

14 (b) If such expenditures are expected to cause medicaid disbursements
15 for such period to exceed the projected department of health medicaid
16 state funds disbursements in the enacted budget financial plan pursuant
17 to subdivision 3 of section 23 of the state finance law, [the commis-
18 sioner of health, in consultation with the director of the budget, shall
19 develop] a medicaid savings allocation [plan] adjustment shall be imple-
20 mented to limit such spending to the aggregate limit level specified in
21 the enacted budget financial plan[, provided, however, such
22 projections]. Such adjustment shall be applied equally across catego-
23 ries of service unless projections demonstrate, as determined by the
24 commissioner of health, in consultation with the director of the budget,
25 a specific category or categories of service are responsible for the
26 growth of expenditures, in which instance the commissioner of health, in
27 consultation with the director of the budget may limit implementation of
28 the adjustment to such category or categories of service. The commis-
29 sioner of health shall notify impacted providers of an allocation
30 adjustment that will impact their reimbursements through a public notice
31 consistent with 42 C.F.R. § 447.205 issued at least thirty days prior to
32 implementation of the allocation adjustment. If prior to implementation
33 of any such adjustment, the commissioner of health develops a plan,
34 subject to the approval of the director of budget, to take actions
35 necessary to avoid a Medicaid savings allocation adjustment, the commis-
36 sioner of health may pursue such actions to avoid a Medicaid savings
37 allocation adjustment.

38 (c) Projections may be adjusted by the director of the budget to
39 account for any changes in the New York state federal medical assistance
40 percentage amount established pursuant to the federal social security
41 act, changes in provider revenues, reductions to local social services
42 district medical assistance administration, minimum wage increases, and
43 beginning April 1, 2012 the operational costs of the New York state
44 medical indemnity fund and state costs or savings from the basic health
45 plan. Such projections may be adjusted by the director of the budget to
46 account for increased or expedited department of health state funds
47 medicaid expenditures as a result of a natural or other type of disas-
48 ter, including a governmental declaration of emergency.

49 4. In accordance with the medicaid savings allocation [plan] adjust-
50 ment under subdivision 1 of this section, the commissioner of the
51 department of health shall reduce department of health state funds medi-
52 caid disbursements by the amount of the projected overspending through,
53 actions including, but not limited to modifying or suspending reimburse-
54 ment methods, including but not limited to all fees, premium levels and
55 rates of payment, provided however that any changes are consistent with
56 actuarial soundness principles and requirements, notwithstanding any



1 provision of law that sets a specific amount or methodology for any such
2 payments or rates of payment; modifying Medicaid program benefits; seek-
3 ing all necessary Federal approvals, including, but not limited to state
4 plan amendments, waivers, waiver amendments; and suspending time frames
5 for notice, approval or certification of rate requirements, notwith-
6 standing any provision of law, rule or regulation to the contrary,
7 including but not limited to sections 2807 and 3614 of the public health
8 law, section 18 of chapter 2 of the laws of 1988, and 18 NYCRR
9 505.14(h).

10 5. The commissioner of health, in consultation with the director of
11 budget, shall prepare a monthly report that sets forth:

12 (a) known and projected department of health medicaid expenditures as
13 described in subdivision one of this section, and factors that could
14 result in medicaid disbursements for the relevant state fiscal year to
15 exceed the projected department of health state funds disbursements in
16 the enacted budget financial plan pursuant to subdivision 3 of section
17 23 of the state finance law, including spending increases or decreases
18 due to: enrollment fluctuations, rate changes, utilization changes, MRT
19 investments, and shift of beneficiaries to managed care; and variations
20 in offline medicaid payments;

21 (b) the actions taken to implement any medicaid savings allocation
22 [plan] adjustment implemented pursuant to [subdivision] subdivisions one
23 and four of this section, including information concerning the impact of
24 such actions on each category of service and each geographic region of
25 the state.

26 (c) The price, to include the base rate plus any upcoming rate adjust-
27 ment; utilization, to include current enrollment, projected enrollment
28 changes and acuity; and Medicaid Redesign Team initiatives, one-time
29 initiatives and other initiatives describing the proposed budget action
30 impact, any prior year initiative with current and future year impacts
31 for the following categories of spending:

- 32 (i) inpatient;
- 33 (ii) outpatient;
- 34 (iii) emergency room;
- 35 (iv) clinic;
- 36 (v) nursing homes;
- 37 (vi) other long term care;
- 38 (vii) medicaid managed care;
- 39 (viii) family health plus;
- 40 (ix) pharmacy;
- 41 (x) transportation;
- 42 (xi) dental;
- 43 (xii) non-institutional and all other categories;
- 44 (xiii) affordable housing;
- 45 (xiv) vital access provider services;
- 46 (xv) behavioral health vital access provider services;
- 47 (xvi) health home establishment grants;
- 48 (xvii) grants for facilitating transition of behavioral health service
49 to managed care;
- 50 (xviii) Finger Lakes health services agency;
- 51 (xix) the transition of vulnerable populations to managed care;
- 52 (xx) audit recoveries and settlements; and

53 (d) where price and utilization are not applicable, detail shall be
54 provided on spending, to include but not be limited to:

- 55 (i) demographic information of targeted recipients;
- 56 (ii) number of recipients;



1 (iii) award amounts;
2 (iv) timing of awards; and
3 (v) the impact of Medicaid Redesign Team and/or one-time initiatives.
4 Information required by paragraphs (a) and (b) of this subdivision
5 shall be provided to the chairs of the senate finance and the assembly
6 ways and means committees, and shall be posted on the department of
7 health's website in the timely manner.
8 (e) Beginning on July 1, 2014, additional information required by
9 paragraphs (c) and (d) of this subdivision shall be provided to the
10 governor, the temporary president of the senate, the speaker of the
11 assembly, the chair of the senate finance committee, the chair of the
12 assembly ways and means committee, and the chairs of the senate and
13 assembly health committees.
14 (f) any projected Medicaid savings determined by the commissioner of
15 health pursuant to section 34 of part C of a chapter of the laws of
16 2014, relating to the implementation of the health and mental hygiene
17 budget, and the proposed allocation plan spending adjustment with regard
18 to such savings.
19 (g) any material impact to the global cap annual projection, along
20 with an explanation of the variance from the projection at the time of
21 the enacted budget. Such material impacts shall include, but not be
22 limited to, policy and programmatic changes, significant transactions,
23 and any actions taken, administrative or otherwise, which would mate-
24 rially impact expenditures under the global cap. Reporting requirements
25 under this paragraph shall include material impacts from the preceding
26 month and any anticipated material impacts for the month in which the
27 report required under this subdivision is issued, as well as anticipated
28 material impacts for the month subsequent to such report.
29 § 2. This act shall take effect immediately and shall be deemed to
30 have been in full force and effect on and after April 1, 2020; provided,
31 however, that the director of the budget may, in consultation with the
32 commissioner of health, delay the effective dates of paragraphs (b) and
33 (c) of subdivision 1 of section 92 of part H of chapter 59 of the laws
34 of 2011, as added by section one of this act for a period of time which
35 shall not exceed ninety days following the conclusion or termination of
36 an executive order issued pursuant to section 28 of the executive law
37 declaring a state disaster emergency for the entire state of New York,
38 upon such delay the director of the budget shall notify the chairs of
39 the assembly ways and means committee and senate finance committee and
40 the chairs of the assembly and senate health committees; provided
41 further, however, that the director of the budget shall notify the
42 legislative bill drafting commission upon the occurrence of a delay in
43 the effective date of this act in order that the commission may maintain
44 an accurate and timely effective data base of the official text of the
45 laws of the state of New York in furtherance of effectuating the
46 provisions of section 44 of the legislative law and section 70-b of the
47 public officers law.

48 PART DDD

49 Section 1. Subparagraph (B) of paragraph 15-a of subsection (i) of
50 section 3216 of the insurance law, as added by chapter 378 of the laws
51 of 1993 and such paragraph as renumbered by chapter 338 of the laws of
52 2003, is amended to read as follows:
53 (B) Such coverage may be subject to annual deductibles and coinsurance
54 as may be deemed appropriate by the superintendent and as are consistent

1 with those established for other benefits within a given policy;
2 provided however, the total amount that a covered person is required to
3 pay out of pocket for covered prescription insulin drugs shall be capped
4 at an amount not to exceed one hundred dollars per thirty-day supply,
5 regardless of the amount or type of insulin needed to fill such covered
6 person's prescription and regardless of the insured's deductible, copay-
7 ment, coinsurance or any other cost sharing requirement.

8 § 2. Subparagraph (B) of paragraph 7 of subsection (k) of section 3221
9 of the insurance law, as amended by chapter 338 of the laws of 2003, is
10 amended to read as follows:

11 (B) Such coverage may be subject to annual deductibles and coinsurance
12 as may be deemed appropriate by the superintendent and as are consistent
13 with those established for other benefits within a given policy;
14 provided however, the total amount that a covered person is required to
15 pay out of pocket for covered prescription insulin drugs shall be capped
16 at an amount not to exceed one hundred dollars per thirty-day supply,
17 regardless of the amount or type of insulin needed to fill such covered
18 person's prescription and regardless of the insured's deductible, copay-
19 ment, coinsurance or any other cost sharing requirement.

20 § 3. Paragraph 2 of subsection (u) of section 4303 of the insurance
21 law, as amended by chapter 338 of the laws of 2003, is amended to read
22 as follows:

23 (2) Such coverage may be subject to annual deductibles and coinsurance
24 as may be deemed appropriate by the superintendent and as are consistent
25 with those established for other benefits within a given policy;
26 provided however, the total amount that a covered person is required to
27 pay out of pocket for covered prescription insulin drugs shall be capped
28 at an amount not to exceed one hundred dollars per thirty-day supply,
29 regardless of the amount or type of insulin needed to fill such covered
30 person's prescription and regardless of the insured's deductible, copay-
31 ment, coinsurance or any other cost sharing requirement.

32 § 4. This act shall take effect immediately and shall apply to any
33 policy or contract issued or renewed on or after January 1, 2021.

34 PART EEE

35 Section 1. Section 527 of the public authorities law is amended by
36 adding a new subdivision 3 to read as follows:

37 3. Notwithstanding any inconsistent provision of this section, on the
38 effective date of this subdivision the term of each board member
39 currently in office, or any vacant position, shall be deemed expired,
40 and each such board members may continue to serve in holdover status
41 until their successor is appointed by the governor and with the advice
42 and consent of the senate and the provisions of section thirty-nine of
43 the public officers law relating to recess appointments shall apply to
44 such appointments. Initial appointments made pursuant to this subdivi-
45 sion shall be for the following terms, the first three of such initial
46 appointments shall be for a term of three years, the second two of such
47 initial appointments shall be for a term of five years, and final two of
48 such initial appointments shall be for a term of seven years. After
49 these initial terms have expired, board members shall be appointed for a
50 term of five years, provided, however, that each board member may serve
51 in holdover until a successor board member is appointed. Vacancies in
52 the office of such board occurring otherwise than by expiration of term
53 also shall be filled by the governor by appointment by and with the
54 advice and consent of the senate for the unexpired term, and the



1 provisions of section thirty-nine of the public officers law relating to
2 recess appointments shall apply to such board.

3 § 2. The New York State Bridge Authority and New York state thruway
4 authority shall be authorized to enter into a coordination agreement
5 which shall address the optimization of services to create efficiencies
6 between the two entities. The content of such agreement may include, but
7 is not limited to, equipment, office space, real property, services and
8 all other resources related to procurement, construction, engineering
9 services, legal services, administrative services, financial services,
10 information technology, and any other related subject area as determined
11 by the boards of the New York State Bridge Authority and New York state
12 thruway authority. Such agreement or any project undertaken pursuant to
13 such agreement shall not be deemed to impair the rights of bondholders
14 and may provide for, but not be limited to, the management, supervision
15 and direction of such employees' performance of such services. Further,
16 such agreement shall not amend, repeal or replace the terms of any
17 agreement that is collectively negotiated between an employer and an
18 employee organization, including an agreement or interest arbitration
19 award made pursuant to article 14 of the civil service law. Any employ-
20 ee or position that at the time of the effective date of this act shall
21 have been in a negotiating unit represented by an employee organization
22 which was certified or recognized pursuant to article 14 of the civil
23 service law shall remain in said bargaining unit and shall continue to
24 be represented by said employee organization. Any and all terms of an
25 existing collective bargaining agreement shall remain in full force and
26 effect. New employees shall be assigned to the appropriate bargaining
27 unit as they would have been assigned to were such title created prior
28 to the effective date of this act including employees serving in posi-
29 tions in newly created titles. There shall be no reduction of staff,
30 loss of position, including partial displacement, such as reduction in
31 the hours or non-overtime, wages, or employment benefits solely as a
32 result of the creation of this coordination agreement.

33 § 3. This act shall take effect immediately.

34 PART FFF

35 Section 1. The Legislature hereby finds and declares that medical
36 assistance for needy persons is a matter of public concern and a neces-
37 sity in promoting the public health and welfare and for promoting the
38 state's goal of making available to everyone, regardless of race, age,
39 gender, national origin or economic standing, uniform, high-quality
40 medical care. As the department of health is the single state agency
41 responsible for supervising the administration of the state's medical
42 assistance program (Medicaid), it is tasked with ensuring efficiency,
43 economy, and quality of care in providing benefits to the state's needy
44 persons. To this end and with the fiscal constraints facing our state in
45 mind, the department of health continues to analyze the Medicaid program
46 in search of ways to ensure Medicaid spending is held to the standard of
47 efficiency, economy, and quality of care. In consideration of this stan-
48 dard, the department of health is hereby directed to exercise its exist-
49 ing administrative authority to remove the pharmacy benefit from managed
50 care benefit package and instead provide the pharmacy benefit under the
51 fee for service program, except where otherwise required by federal law,
52 to ensure transparency and that the benefit is provided to the fullest
53 extent and as efficiently as possible; provided, however, that the
54 department of health shall not implement the transition of the pharmacy



1 benefit from the managed care benefit package to the fee for service
2 program sooner than April 1, 2021, and until it is satisfied that all
3 necessary and appropriate transition planning has occurred, in its sole
4 discretion, and federal approvals have been obtained and preparations
5 have been made. Furthermore, to ensure an orderly transition, continued
6 access to medications, and appropriate patient education and support,
7 the department may establish uniform standards, payment policies and
8 reimbursement methodologies for any sites where drugs may be adminis-
9 tered or dispensed under the fee for service program; provided that,
10 subject to the availability of federal financial participation, when
11 reimbursing covered entities, as defined under section 340B of the
12 public health service act (42 U.S.C. §256b), for drugs that would other-
13 wise be eligible for pricing under section 340B of the public health
14 service act, the department shall examine all reasonably available meth-
15 ods for determining actual acquisition cost and the professional
16 dispensing fee and, beginning in the fiscal year starting April 1, 2021,
17 review and adjust reimbursement for such drugs such that no sooner than
18 April 1, 2023, reimbursement shall be determined based on a method that
19 the commissioner determines that utilizes the actual acquisition costs
20 and professional dispensing fee.

21 § 1-a. The commissioner of health shall convene an advisory group
22 composed of stakeholder representatives determined in the commissioner's
23 sole discretion, for purposes of providing non-binding recommendations
24 to the department by October 1, 2020 on available methods of achieving
25 savings in the state fiscal years beginning on and after April 1, 2021,
26 with respect to reimbursement for drugs eligible for pricing those under
27 section 340B of the public health service act, and for which the depart-
28 ment has existing authority to take such action.

29 § 2. Paragraphs (c) and (d) of subdivision 2 of section 280 of the
30 public health law, paragraph (c) as amended and paragraph (d) as added
31 by section 5 of part B of chapter 57 of the laws of 2019, are amended
32 and a new paragraph (e) is added to read as follows:

33 (c) for state fiscal year two thousand nineteen--two thousand twenty,
34 be limited to the ten-year rolling average of the medical component of
35 the consumer price index plus four percent and minus a pharmacy savings
36 target of eighty-five million dollars; [and]

37 (d) for state fiscal year two thousand twenty--two thousand twenty-
38 one, be limited to the ten-year rolling average of the medical component
39 of the consumer price index plus [four percent and minus a pharmacy
40 savings target of eighty-five million dollars.] two percent; and

41 (e) for state fiscal year two thousand twenty-one--two thousand twen-
42 ty-two and fiscal years thereafter, be limited in accordance with subdi-
43 vision one of section ninety-one of part H of chapter fifty-nine of the
44 laws of two thousand eleven, as amended.

45 § 3. This act shall take effect immediately; provided, however, that
46 the director of the budget may, in consultation with the commissioner of
47 health, delay the effective dates prescribed herein for a period of time
48 which shall not exceed ninety days following the conclusion or termi-
49 nation of an executive order issued pursuant to section 28 of the execu-
50 tive law declaring a state disaster emergency for the entire state of
51 New York, upon such delay the director of the budget shall notify the
52 chairs of the assembly ways and means committee and senate finance
53 committee and the chairs of the assembly and senate health committee;
54 provided further, however, that the director of the budget shall notify
55 the legislative bill drafting commission upon the occurrence of a delay
56 in the effective date of this act in order that the commission may main-



tain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

PART GGG

Section 1. The public health law is amended by adding a new article 30-D to read as follows:

ARTICLE 30-D

EMERGENCY OR DISASTER TREATMENT PROTECTION ACT

Section 3080. Declaration of purpose.

3081. Definitions.

3082. Limitation of liability.

§ 3080. Declaration of purpose. A public health emergency that occurs on a statewide basis requires an enormous response from state and federal and local governments working in concert with private and public health care providers in the community. The furnishing of treatment of patients during such a public health emergency is a matter of vital state concern affecting the public health, safety and welfare of all citizens. It is the purpose of this article to promote the public health, safety and welfare of all citizens by broadly protecting the health care facilities and health care professionals in this state from liability that may result from treatment of individuals with COVID-19 under conditions resulting from circumstances associated with the public health emergency.

§ 3081. Definitions. As used in this article:

1. The term "harm" includes physical and nonphysical contact that results in injury to or death of an individual.

2. The term "damages" means economic or non-economic losses for harm to an individual.

3. The term "health care facility" means a hospital, nursing home, or other facility licensed or authorized to provide health care services for any individual under article twenty-eight of this chapter, article sixteen and article thirty-one of the mental hygiene law or under a COVID-19 emergency rule.

4. The term "health care professional" means an individual, whether acting as an agent, volunteer, contractor, employee, or otherwise, who is:

(a) licensed or otherwise authorized under title eight, article one hundred thirty-one, one hundred thirty-one-B, one hundred thirty-one-C, one hundred thirty-seven, one hundred thirty-nine, one hundred forty, one hundred fifty-three, one hundred fifty-four, one hundred sixty-three, one hundred sixty-four or one hundred sixty-five of the education law;

(b) a nursing attendant or certified nurse aide, including an individual who is providing care as part of an approved nursing attendant or certified nurse aide training program;

(c) licensed or certified under article thirty of this chapter to provide emergency medical services;

(d) a home care services worker as defined in section thirty-six hundred thirteen of this chapter;

(e) providing health care services within the scope of authority permitted by a COVID-19 emergency rule; or

(f) a health care facility administrator, executive, supervisor, board member, trustee or other person responsible for directing, supervising

1 or managing a health care facility and its personnel or other individual
2 in a comparable role.

3 5. The term "health care services" means services provided by a health
4 care facility or a health care professional, regardless of the location
5 where those services are provided, that relate to:

6 (a) the diagnosis, prevention, or treatment of COVID-19;

7 (b) the assessment or care of an individual with a confirmed or
8 suspected case of COVID-19; or

9 (c) the care of any other individual who presents at a health care
10 facility or to a health care professional during the period of the
11 COVID-19 emergency declaration.

12 6. The term "volunteer organization" means any organization, company
13 or institution that has made its facility or facilities available to
14 support the state's response and activities under the COVID-19 emergency
15 declaration and in accordance with any applicable COVID-19 emergency
16 rule.

17 7. The term "COVID-19 emergency declaration" means the state disaster
18 emergency declared for the entire state by executive order number two
19 hundred two and any further amendments or modifications, and as may be
20 further extended pursuant to section twenty-eight of the executive law.

21 8. The term "COVID-19 emergency rule" means any executive order,
22 declaration, directive or other state or federal authorization, policy
23 statement, rule-making, or regulation that waives, suspends, or modifies
24 otherwise applicable state or federal law regarding scope of practice,
25 such as modifications authorizing physicians licensed in another state
26 to practice in the state of New York, or the delivery of care, including
27 those regarding the facility space in which care is delivered and the
28 equipment used to deliver care, during the COVID-19 emergency declara-
29 tion.

30 § 3082. Limitation of liability. 1. Notwithstanding any law to the
31 contrary, except as provided in subdivision two of this section, any
32 health care facility or health care professional shall have immunity
33 from any liability, civil or criminal, for any harm or damages alleged
34 to have been sustained as a result of an act or omission in the course
35 of arranging for or providing health care services, if:

36 (a) the health care facility or health care professional is arranging
37 for or providing health care services pursuant to a COVID-19 emergency
38 rule or otherwise in accordance with applicable law;

39 (b) the act or omission occurs in the course of arranging for or
40 providing health care services and the treatment of the individual is
41 impacted by the health care facility's or health care professional's
42 decisions or activities in response to or as a result of the COVID-19
43 outbreak and in support of the state's directives; and

44 (c) the health care facility or health care professional is arranging
45 for or providing health care services in good faith.

46 2. The immunity provided by subdivision one of this section shall not
47 apply if the harm or damages were caused by an act or omission consti-
48 tuting willful or intentional criminal misconduct, gross negligence,
49 reckless misconduct, or intentional infliction of harm by the health
50 care facility or health care professional providing health care
51 services, provided, however, that acts, omissions or decisions resulting
52 from a resource or staffing shortage shall not be considered to be will-
53 ful or intentional criminal misconduct, gross negligence, reckless
54 misconduct, or intentional infliction of harm.

55 3. Notwithstanding any law to the contrary, a volunteer organization
56 shall have immunity from any liability, civil or criminal, for any harm



1 or damages irrespective of the cause of such harm or damage occurring in
2 or at its facility or facilities arising from the state's response and
3 activities under the COVID-19 emergency declaration and in accordance
4 with any applicable COVID-19 emergency rule, unless it is established
5 that such harm or damages were caused by the willful or intentional
6 criminal misconduct, gross negligence, reckless misconduct, or inten-
7 tional infliction of harm by the volunteer organization.

8 § 2. This act shall take effect immediately and shall be deemed to
9 have been in full force and effect on or after March 7, 2020 and shall
10 apply to a claim for harm or damages only if the act or omission that
11 caused such harm or damage occurred on or after the date of the COVID-19
12 emergency declaration and on or prior to the expiration date of such
13 declaration; provided, however, this act shall not apply to any act or
14 omission after the expiration of the COVID-19 emergency declaration.

15 PART HHH

16 Section 1. Paragraph (a) of subdivision 1 of section 245.10 of the
17 criminal procedure law, as added by section 2 of part LLL of chapter 59
18 of the laws of 2019, is amended to read as follows:

19 (a) [The] Subject to subparagraph (iv) of this paragraph, the prose-
20 cution shall perform its initial discovery obligations under subdivision
21 one of section 245.20 of this article as soon as practicable but not
22 later than [fifteen calendar days after the defendant's arraignment on
23 an indictment, superior court information, prosecutor's information,
24 information, simplified information, misdemeanor complaint or felony
25 complaint] the time periods specified in subparagraphs (i) and (ii) of
26 this paragraph, as applicable. Portions of materials claimed to be non-
27 discoverable may be withheld pending a determination and ruling of the
28 court under section 245.70 of this article; but the defendant shall be
29 notified in writing that information has not been disclosed under a
30 particular subdivision of such section, and the discoverable portions of
31 such materials shall be disclosed to the extent practicable. When the
32 discoverable materials, including video footage from body-worn cameras,
33 surveillance cameras, or dashboard cameras, are exceptionally voluminous
34 or, despite diligent, good faith efforts, are otherwise not in the actu-
35 al possession of the prosecution, the time period in this paragraph may
36 be stayed by up to an additional thirty calendar days without need for a
37 motion pursuant to subdivision two of section 245.70 of this article.

38 (i) When a defendant is in custody during the pendency of the criminal
39 case, the prosecution shall perform its initial discovery obligations
40 within twenty calendar days after the defendant's arraignment on an
41 indictment, superior court information, prosecutor's information, infor-
42 mation, simplified information, misdemeanor complaint or felony
43 complaint.

44 (ii) When the defendant is not in custody during the pendency of the
45 criminal case, the prosecution shall perform its initial discovery obli-
46 gations within thirty-five calendar days after the defendant's arraign-
47 ment on an indictment, superior court information, prosecutor's informa-
48 tion, information, simplified information, misdemeanor complaint or
49 felony complaint.

50 (iii) Notwithstanding the timelines contained in the opening paragraph
51 of this paragraph, the prosecutor's discovery obligation under subdivi-
52 sion one of section 245.20 of this article shall be performed as soon as
53 practicable, but not later than fifteen days before the trial of a
54 simplified information charging a traffic infraction under the vehicle



1 and traffic law, or by an information charging one or more petty
2 offenses as defined by the municipal code of a village, town, city, or
3 county, that do not carry a statutorily authorized sentence of imprison-
4 ment, and where the defendant stands charged before the court with no
5 crime or offense, provided however that nothing in this subparagraph
6 shall prevent a defendant from filing a motion for disclosure of such
7 items and information under subdivision one of such section 245.20 of
8 this article at an earlier date.

9 (iv) (A) Portions of materials claimed to be non-discoverable may be
10 withheld pending a determination and ruling of the court under section
11 245.70 of this article; but the defendant shall be notified in writing
12 that information has not been disclosed under a particular subdivision
13 of such section, and the discoverable portions of such materials shall
14 be disclosed to the extent practicable. Information related to or
15 evidencing the identity of a 911 caller, the victim or witness of an
16 offense defined under article one hundred thirty or sections 230.34 and
17 230.34-a of the penal law, or any other victim or witness of a crime
18 where the defendant has substantiated affiliation with a criminal enter-
19 prise as defined in subdivision three of section 460.10 of the penal law
20 may be withheld, provided, however, the defendant may move the court for
21 disclosure.

22 (B) When the discoverable materials are exceptionally voluminous or,
23 despite diligent, good faith efforts, are otherwise not in the actual
24 possession of the prosecution, the time period in this paragraph may be
25 extended pursuant to a motion pursuant to subdivision two of section
26 245.70 of this article. For purposes of this article, voluminous mate-
27 rials may include, but are not limited to, video footage from body worn
28 cameras, surveillance cameras or dashboard cameras.

29 § 2. Paragraphs (c), (f), (g) and (j) of subdivision 1 of section
30 245.20 of the criminal procedure law, as added by section 2 of part LLL
31 of chapter 59 of the laws of 2019, are amended to read as follows:

32 (c) The names and adequate contact information for all persons other
33 than law enforcement personnel whom the prosecutor knows to have
34 evidence or information relevant to any offense charged or to any poten-
35 tial defense thereto, including a designation by the prosecutor as to
36 which of those persons may be called as witnesses. Nothing in this para-
37 graph shall require the disclosure of physical addresses; provided,
38 however, upon a motion and good cause shown the court may direct the
39 disclosure of a physical address. Information under this subdivision
40 relating to the identity of a 911 caller, the victim or witness of an
41 offense defined under article one hundred thirty or section 230.34 or
42 230.34-a of the penal law, any other victim or witness of a crime where
43 the defendant has substantiated affiliation with a criminal enterprise
44 as defined in subdivision three of section 460.10 of the penal law, or a
45 confidential informant may be withheld, and redacted from discovery
46 materials, without need for a motion pursuant to section 245.70 of this
47 article; but the prosecution shall notify the defendant in writing that
48 such information has not been disclosed, unless the court rules other-
49 wise for good cause shown.

50 (f) Expert opinion evidence, including the name, business address,
51 current curriculum vitae, a list of publications, and [all] a list of
52 proficiency tests and results administered or taken within the past ten
53 years of each expert witness whom the prosecutor intends to call as a
54 witness at trial or a pre-trial hearing, and all reports prepared by the
55 expert that pertain to the case, or if no report is prepared, a written
56 statement of the facts and opinions to which the expert is expected to



1 testify and a summary of the grounds for each opinion. This paragraph
2 does not alter or in any way affect the procedures, obligations or
3 rights set forth in section 250.10 of this title. If in the exercise of
4 reasonable diligence this information is unavailable for disclosure
5 within the time period specified in subdivision one of section 245.10 of
6 this article, that period shall be stayed without need for a motion
7 pursuant to subdivision two of section 245.70 of this article; except
8 that the prosecution shall notify the defendant in writing that such
9 information has not been disclosed, and such disclosure shall be made as
10 soon as practicable and not later than sixty calendar days before the
11 first scheduled trial date, unless an order is obtained pursuant to
12 section 245.70 of this article. When the prosecution's expert witness is
13 being called in response to disclosure of an expert witness by the
14 defendant, the court shall alter a scheduled trial date, if necessary,
15 to allow the prosecution thirty calendar days to make the disclosure and
16 the defendant thirty calendar days to prepare and respond to the new
17 materials.

18 (g) All tapes or other electronic recordings, including all electronic
19 recordings of 911 telephone calls made or received in connection with
20 the alleged criminal incident, and a designation by the prosecutor as to
21 which of the recordings under this paragraph the prosecution intends to
22 introduce at trial or a pre-trial hearing. If the discoverable materials
23 under this paragraph exceed ten hours in total length, the prosecution
24 may disclose only the recordings that it intends to introduce at trial
25 or a pre-trial hearing, along with a list of the source and approximate
26 quantity of other recordings and their general subject matter if known,
27 and the defendant shall have the right upon request to obtain recordings
28 not previously disclosed. The prosecution shall disclose the requested
29 materials as soon as practicable and not less than fifteen calendar days
30 after the defendant's request, unless an order is obtained pursuant to
31 section 245.70 of this article. The prosecution may withhold the names
32 and identifying information of any person who contacted 911 without the
33 need for a protective order pursuant to section 245.70 of this article,
34 provided, however, the defendant may move the court for disclosure. If
35 the prosecution intends to call such person as a witness at a trial or
36 hearing, the prosecution must disclose the name and contact information
37 of such witness no later than fifteen days before such trial or hearing,
38 or as soon as practicable.

39 (j) All reports, documents, records, data, calculations or writings,
40 including but not limited to preliminary tests and screening results and
41 bench notes and analyses performed or stored electronically, concerning
42 physical or mental examinations, or scientific tests or experiments or
43 comparisons, relating to the criminal action or proceeding which were
44 made by or at the request or direction of a public servant engaged in
45 law enforcement activity, or which were made by a person whom the prose-
46 cutor intends to call as a witness at trial or a pre-trial hearing, or
47 which the prosecution intends to introduce at trial or a pre-trial hear-
48 ing. Information under this paragraph also includes, but is not limited
49 to, laboratory information management system records relating to such
50 materials, any preliminary or final findings of non-conformance with
51 accreditation, industry or governmental standards or laboratory proto-
52 cols, and any conflicting analyses or results by laboratory personnel
53 regardless of the laboratory's final analysis or results. If the prose-
54 cution submitted one or more items for testing to, or received results
55 from, a forensic science laboratory or similar entity not under the
56 prosecution's direction or control, the court on motion of a party shall



1 issue subpoenas or orders to such laboratory or entity to cause materi-
2 als under this paragraph to be made available for disclosure. The prose-
3 cution shall not be required to provide information related to the
4 results of physical or mental examinations, or scientific tests or
5 experiments or comparisons, unless and until such examinations, tests,
6 experiments, or comparisons have been completed.

7 § 3. Subdivisions 1 and 3 of section 245.70 of the criminal procedure
8 law, as added by section 2 of part LLL of chapter 59 of the laws of
9 2019, are amended to read as follows:

10 1. Any discovery subject to protective order. Upon a showing of good
11 cause by either party, the court may at any time order that discovery or
12 inspection of any kind of material or information under this article be
13 denied, restricted, conditioned or deferred, or make such other order as
14 is appropriate, including, for 911 calls, allowing the disclosure of a
15 transcript of an audio recording in lieu of the recording. The court may
16 impose as a condition on discovery to a defendant that the material or
17 information to be discovered be available only to counsel for the
18 defendant; or, alternatively, that counsel for the defendant, and
19 persons employed by the attorney or appointed by the court to assist in
20 the preparation of a defendant's case, may not disclose physical copies
21 of the discoverable documents to a defendant or to anyone else, provided
22 that the prosecution affords the defendant access to inspect redacted
23 copies of the discoverable documents at a supervised location that
24 provides regular and reasonable hours for such access, such as a
25 prosecutor's office, police station, facility of detention, or court.
26 Should the court impose as a condition that some material or information
27 be available only to counsel for the defendant, the court shall inform
28 the defendant on the record that his or her attorney is not permitted by
29 law to disclose such material or information to the defendant. The court
30 may permit a party seeking or opposing a protective order under this
31 section, or another affected person, to submit papers or testify on the
32 record ex parte or in camera. Any such papers and a transcript of such
33 testimony may be sealed and shall constitute a part of the record on
34 appeal. This section does not alter the allocation of the burden of
35 proof with regard to matters at issue, including privilege.

36 3. Prompt hearing. Upon request for a protective order, unless the
37 defendant voluntarily consents to the people's request for a protective
38 order, the court shall conduct an appropriate hearing within three busi-
39 ness days to determine whether good cause has been shown and when prac-
40 ticable shall render a decision expeditiously. Any materials submitted
41 and a transcript of the proceeding may be sealed and shall constitute a
42 part of the record on appeal. When the defendant is charged with a
43 violent felony offense as defined in section 70.02 of the penal law, or
44 any class A felony other than those defined in article two hundred twen-
45 ty of the penal law, the court may, at the prosecutor's request, for
46 good cause shown, conduct such hearing in camera and outside the pres-
47 ence of the defendant, provided however that this shall not affect the
48 rights of the court to receive testimony or papers ex-parte or in camera
49 as provided in subdivision one of this section.

50 § 4. Section 216 of the judiciary law is amended by adding a new
51 subdivision 5 to read as follows:

52 5. The chief administrator of the courts, in conjunction with the
53 division of criminal justice services, shall collect data and report
54 annually regarding the impact of article two hundred forty-five of the
55 criminal procedure law. Such data and report shall contain information
56 regarding the implementation of article two hundred forty-five of the

1 criminal procedure law, including procedures used to implement the arti-
2 cle, resources needed for implementation, information regarding cases
3 where discovery obligations are not met, and information regarding case
4 outcomes. The report shall be released publicly and published on the
5 websites of the office of court administration and the division of crim-
6 inal justice services. The first report shall be published eighteen
7 months after the effective date of this section, and shall include data
8 from the first twelve months following the enactment of this section.
9 Reports for subsequent years shall published annually thereafter.

10 § 5. Section 245.75 of the criminal procedure law, as added by section
11 2 of part LLL of chapter 59 of the laws of 2019, is amended to read as
12 follows:

13 § 245.75 Waiver of discovery by defendant.

14 1. A defendant who does not seek discovery from the prosecution under
15 this article shall so notify the prosecution and the court at the
16 defendant's arraignment on an indictment, superior court information,
17 prosecutor's information, information, or simplified information, or
18 expeditiously thereafter but before receiving discovery from the prose-
19 cution pursuant to subdivision one of section 245.20 of this article,
20 and the defendant need not provide discovery to the prosecution pursuant
21 to subdivision four of section 245.20 and section 245.60 of this arti-
22 cle. A waiver shall be in writing, signed for the individual case by the
23 counsel for the defendant and filed with the court. The court shall
24 inquire of the defendant on the record to ensure that the defendant
25 understands his or her right to discovery and right to waive discovery.
26 Such a waiver does not alter or in any way affect the procedures, obli-
27 gations or rights set forth in sections 250.10, 250.20 and 250.30 of
28 this title, or otherwise established or required by law. The prosecution
29 may not condition a guilty plea offer on the defense's execution of a
30 waiver under this section. Counsel for the defendant may advise his or
31 her client about the defendant's right to discovery and right to waive
32 discovery; such advice shall not constitute a condition of a guilty
33 plea.

34 2. Nothing in this section shall prevent the waiver of discovery from
35 being a condition of the repleader, where the defendant's original
36 conviction is vacated on agreement between the parties pursuant to
37 section 440.10 of this part.

38 § 6. Subdivision 2 of section 245.25 of the criminal procedure law, as
39 added by section 2 of part LLL of chapter 59 of the laws of 2019, is
40 amended and a new subdivision 3 is added to read as follows:

41 2. Other guilty pleas. Upon an indictment, superior court information,
42 prosecutor's information, information, simplified information, or misde-
43 meanor complaint, where the prosecution has made a guilty plea offer
44 requiring a plea to a crime, the prosecutor must disclose to the
45 defense, and permit the defense to discover, inspect, copy, photograph
46 and test, all items and information that would be discoverable prior to
47 trial under subdivision one of section 245.20 of this article and are
48 within the possession, custody or control of the prosecution. The prose-
49 cution shall disclose the discoverable items and information not less
50 than seven calendar days prior to the expiration date of any guilty plea
51 offer by the prosecution or any deadline imposed by the court for
52 acceptance of the guilty plea offer. If the prosecution does not comply
53 with the requirements of this subdivision, then, on a defendant's motion
54 alleging a violation of this subdivision, the court must consider the
55 impact of any violation on the defendant's decision to accept or reject
56 a plea offer. If the court finds that such violation materially affected

1 the defendant's decision, and if the prosecution declines to reinstate
2 the lapsed or withdrawn plea offer, the court - as a presumptive minimum
3 sanction - must preclude the admission at trial of any evidence not
4 disclosed as required under this subdivision. The court may take other
5 appropriate action as necessary to address the non-compliance. The
6 rights under this subdivision do not apply to items or information that
7 are the subject of a protective order under section 245.70 of this arti-
8 cle; but if such information tends to be exculpatory, the court shall
9 reconsider the protective order. A defendant may waive his or her rights
10 under this subdivision; but a guilty plea offer may not be conditioned
11 on such waiver. Notwithstanding the timelines contained in the opening
12 paragraph of paragraph (a) of subdivision one of section 245.10 of this
13 article, the prosecutor's discovery obligation under subdivision one of
14 section 245.20 of this article shall be performed as soon as practica-
15 ble, but not later than fifteen days before the trial of a simplified
16 information charging a traffic infraction under the vehicle and traffic
17 law, or by an information charging one or more petty offenses as defined
18 by the municipal code of a village, town, city, or county, that do not
19 carry a statutorily authorized sentence of imprisonment, and where the
20 defendant stands charged before the court with no crime or offense,
21 provided however that nothing in this subdivision shall prevent a
22 defendant from filing a motion for disclosure of such items and informa-
23 tion under subdivision one of such section 245.20 of this article at an
24 earlier date.

25 3. Repleader. Nothing in this section shall prevent the waiver of
26 discovery from being a condition of a repleader, where the defendant's
27 original conviction is vacated on agreement between the parties pursuant
28 to section 440.10 of this part.

29 § 7. Section 245.50 of the criminal procedure law, as added by section
30 2 of part LLL of chapter 59 of the laws of 2019, is amended to read as
31 follows:

32 § 245.50 Certificates of compliance; readiness for trial.

33 1. By the prosecution. When the prosecution has provided the discovery
34 required by subdivision one of section 245.20 of this article, except
35 for discovery that is lost or destroyed as provided by paragraph (b) of
36 subdivision one of section 245.80 of this article and except for any
37 items or information that are the subject of an order pursuant to
38 section 245.70 of this article, it shall serve upon the defendant and
39 file with the court a certificate of compliance. The certificate of
40 compliance shall state that, after exercising due diligence and making
41 reasonable inquiries to ascertain the existence of material and informa-
42 tion subject to discovery, the prosecutor has disclosed and made avail-
43 able all known material and information subject to discovery. It shall
44 also identify the items provided. If additional discovery is subsequent-
45 ly provided prior to trial pursuant to section 245.60 of this article, a
46 supplemental certificate shall be served upon the defendant and filed
47 with the court identifying the additional material and information
48 provided. No adverse consequence to the prosecution or the prosecutor
49 shall result from the filing of a certificate of compliance in good
50 faith and reasonable under the circumstances; but the court may grant a
51 remedy or sanction for a discovery violation as provided in section
52 245.80 of this article.

53 2. By the defendant. When the defendant has provided all discovery
54 required by subdivision four of section 245.20 of this article, except
55 for any items or information that are the subject of an order pursuant
56 to section 245.70 of this article, counsel for the defendant shall serve

1 upon the prosecution and file with the court a certificate of compli-
2 ance. The certificate shall state that, after exercising due diligence
3 and making reasonable inquiries to ascertain the existence of material
4 and information subject to discovery, counsel for the defendant has
5 disclosed and made available all known material and information subject
6 to discovery. It shall also identify the items provided. If additional
7 discovery is subsequently provided prior to trial pursuant to section
8 245.60 of this article, a supplemental certificate shall be served upon
9 the prosecution and filed with the court identifying the additional
10 material and information provided. No adverse consequence to the defend-
11 ant or counsel for the defendant shall result from the filing of a
12 certificate of compliance in good faith; but the court may grant a reme-
13 dy or sanction for a discovery violation as provided in section 245.80
14 of this article.

15 3. Trial readiness. Notwithstanding the provisions of any other law,
16 absent an individualized finding of [exceptional] special circumstances
17 in the instant case by the court before which the charge is pending, the
18 prosecution shall not be deemed ready for trial for purposes of section
19 30.30 of this chapter until it has filed a proper certificate pursuant
20 to subdivision one of this section. A court may deem the prosecution
21 ready for trial pursuant to section 30.30 of this chapter where informa-
22 tion that might be considered discoverable under this article cannot be
23 disclosed because it has been lost, destroyed, or otherwise unavailable
24 as provided by paragraph (b) of subdivision one of section 245.80 of
25 this article, despite diligent and good faith efforts, reasonable under
26 the circumstances. Provided, however, that the court may grant a remedy
27 or sanction for a discovery violation as provided by section 245.80 of
28 this article.

29 4. Challenges to, or questions related to a certificate of compliance
30 shall be addressed by motion.

31 § 8. This act shall take effect on the thirtieth day after it shall
32 have become a law.

33 PART III

34 Section 1. Paragraph a of section 11.00 of the local finance law is
35 amended by adding a new subdivision 14-b to read as follows:

36 14-b. Airport construction and improvement of the Ithaca Tompkins
37 International Airport. The construction, reconstruction, or extension of
38 the Ithaca Tompkins International Airport, whether or not including
39 buildings, hangars, runways, taxi-strips, paved areas, perimeter fenc-
40 ing, grading, filling, drainage or other site work, thirty-years; the
41 acquisition and installation of an above ground aircraft fuel farm at
42 the Ithaca Tompkins International Airport, including connecting pipes,
43 valves, meters, pumps, concrete spill containment facilities, and appur-
44 tenant facilities, twenty-five years.

45 § 2. This act shall take effect immediately.

46 PART JJJ

47 Section 1. Legislative intent. The legislature hereby finds that the
48 Mahopac Central school district approved eight capital improvement
49 projects which are designated as project numbers 0001-010, 0002-011,
50 0003-004, 0004-011, 0005-011, 0006-011, 5010-007, and 7012-006. In addi-
51 tion, the projects were eligible for certain state aid. The legislature
52 further finds that due to ministerial error, the required filing of the



1 final cost reports for such projects were not made by such district in a
2 timely manner making the district ineligible for certain aid. The legis-
3 lature further finds that without such aid, the capital improvement
4 projects will impose an additional, unanticipated hardship on district
5 taxpayers.

6 § 2. All the acts done and proceedings heretofore had and taken or
7 caused to be had or taken by the Mahopac Central school district and by
8 all its officers or agents relating to or in connection with a certain
9 final cost report to be filed with the state education department for
10 project numbers 0001-010, 0002-011, 0003-004, 0004-011, 0005-011, 0006-
11 011, 5010-007, and 7012-006, and all acts incidental thereto are hereby
12 legalized, validated, ratified and confirmed, notwithstanding any fail-
13 ure to comply with the approval and filing provisions of the education
14 law or any other law or any other statutory authority, rule or regu-
15 lation, in relation to any omissions, error, defect, irregularity or
16 illegality in such proceedings had and taken, and provided further that
17 any amount due and payable to the Mahopac Central school district for
18 school years prior to the 2018-2019 school year as a result of this act
19 shall be paid pursuant to the provisions of paragraph c of subdivision 5
20 of section 3604 of the education law.

21 § 3. Notwithstanding section 24-a of part A of chapter 57 of the laws
22 of 2013, and consistent with section one of this act, the commissioner
23 shall not recover from the Mahopac Central school district any penalty
24 arising from the late filing of a final cost report for an approved
25 capital construction project designated by the department of education
26 as project numbers 0001-010, 0002-011, 0003-004, 0004-011, 0005-011,
27 0006-011, 5010-007, and 7012-006 pursuant to section 31 of part A of
28 chapter 57 of the laws of 2012, provided that any amounts already so
29 recovered shall be deemed a payment of moneys due for prior years pursu-
30 ant to paragraph c of subdivision 5 of section 3604 of the education law
31 and shall be paid to the Mahopac Central school district pursuant to
32 such provision, provided that such school district:

33 (a) submitted the late or missing final building cost report to the
34 commissioner of education;

35 (b) such cost report is approved by the commissioner of education;

36 (c) all state funds expended by the school district, as documented in
37 such cost report, were properly expended for such building project in
38 accordance with the terms and conditions for such project as approved by
39 the commissioner of education; and

40 (d) the failure to submit such report in a timely manner was an inad-
41 vertent administrative or ministerial oversight by the school district,
42 and there is no evidence of any fraudulent or other improper intent by
43 such district.

44 § 4. This act shall take effect immediately.

45 PART KKK

46 Section 1. Subdivision 32 of section 364-j of the social services law,
47 as added by section 15 of part B of chapter 59 of the laws of 2016 and
48 paragraph (d) as amended by section 1 of part V of chapter 57 of the
49 laws of 2019, is amended to read as follows:

50 32. (a) The commissioner, or for the purposes of subparagraph (iv) of
51 paragraph (c) of this subdivision, the Medicaid inspector general in
52 consultation with the commissioner, may, in his or her discretion, apply
53 penalties to managed care organizations subject to this section and
54 article forty-four of the public health law, including managed long term



1 care plans, for untimely or inaccurate submission of encounter data;
2 provided however, no penalty shall be assessed if the managed care
3 organization submits, in good faith, timely and accurate data [that] and
4 a material amount of such data is not successfully received by the
5 department as a result of department system failures or technical issues
6 that are beyond the control of the managed care organization.

7 (b) The commissioner, or for the purposes of subparagraph (iv) of
8 paragraph (c) of this subdivision, the Medicaid inspector general in
9 consultation with the commissioner, shall consider the following [prior
10 to assessing a penalty against a managed care organization and have the
11 discretion to reduce or eliminate a penalty] when determining whether to
12 assess a penalty against a managed care organization and the amount of
13 such penalty:

14 (i) the degree to which the [data submitted is] managed care organiza-
15 tion submitted inaccurate data at a category of service level and the
16 frequency of such inaccurate data submissions by the managed care organ-
17 ization;

18 (ii) the degree to which the [data submitted is] managed care organ-
19 ization submitted untimely data or no data and the frequency of such
20 untimely data submissions or failures to submit by the managed care
21 organization; and

22 (iii) the timeliness of the managed care organization in curing or
23 correcting inaccurate or untimely data[;

24 (iv) whether the untimely or inaccurate data was submitted by the
25 managed care organization or a third party;

26 (v) whether the managed care organization has taken corrective action
27 to reduce the likelihood of future inaccurate or untimely data
28 submissions; and

29 (vi) whether the managed care organization was or should have been
30 aware of inaccurate or untimely data].

31 For purposes of this section, "encounter data" shall mean [the trans-
32 actions required to be reported under the model contract] all encounter
33 records or adjustments to previously submitted records which the managed
34 care organization has received and processed from provider encounter or
35 claim records of all contracted services rendered to an enrollee of the
36 managed care organization in the current or any preceding month. Any
37 penalty assessed under this subdivision shall be calculated as a
38 percentage of the [administrative component of the] Medicaid capitated
39 premium calculated by the department and paid to the managed care organ-
40 ization.

41 (c) [Such penalties] (i) Penalties assessed pursuant to this subdivi-
42 sion against a managed care organization other than a managed long term
43 care plan certified pursuant to section forty-four hundred three-f of
44 the public health law shall be as follows:

45 [(i)] (A) for encounter data submitted or resubmitted past the dead-
46 lines set forth in the model contract, the Medicaid capitated premiums
47 shall be reduced by [one and one-half] one-third percent; and

48 [(ii)] (B) for incomplete or inaccurate encounter data, evaluated at a
49 category of service level, that fails to conform to department developed
50 benchmarks for completeness and accuracy, the Medicaid capitated premi-
51 ums shall be reduced by [one-half] one and one-third percent; and

52 [(iii)] (C) for submitted data that results in a rejection rate in
53 excess of ten percent of department developed volume benchmarks, the
54 Medicaid capitated premiums shall be reduced by [one-half] one-third
55 percent.



1 (ii) Penalties assessed pursuant to this subdivisions against a
2 managed long term care plan certified pursuant to section forty-four
3 hundred three-f of the public health law shall be as follows:

4 (A) for encounter data submitted or resubmitted past the deadlines set
5 forth in the model contract, the Medicaid capitated premiums shall be
6 reduced by one-quarter percent;

7 (B) for incomplete or inaccurate encounter data, evaluated at a cate-
8 gory of service level, that fails to conform to department developed
9 benchmarks for completeness and accuracy, the Medicaid capitated premi-
10 ums shall be reduced by one percent; and

11 (C) for submitted data that results in a rejection rate in excess of
12 ten percent of department developed volume benchmarks, the Medicaid
13 capitated premiums shall be reduced by one-quarter percent.

14 (iii) For incomplete or inaccurate encounter data, identified in the
15 course of an audit, investigation or review by the Medicaid inspector
16 general, the Medicaid capitated premiums shall be reduced by an addi-
17 tional one percent.

18 (d) (i) Penalties under this subdivision may be applied to any and all
19 circumstances described in paragraph (b) of this subdivision until the
20 managed care organization complies with the requirements for submission
21 of encounter data.

22 (ii) No penalties for late, incomplete or inaccurate encounter data
23 shall be assessed against managed care organizations in addition to
24 those provided for in this subdivision, provided, however, that nothing
25 in this paragraph shall prohibit the imposition of penalties, in cases
26 of fraud, waste or abuse, otherwise authorized by law.

27 § 2. Subdivision 15 of section 4408-a of the public health law is
28 renumbered subdivision 16 and a new subdivision 15 is added to read as
29 follows:

30 15. An organization shall have procedures for obtaining an enrollee's,
31 or enrollee's designee's, preference for receiving notifications, which
32 shall be in accordance with applicable federal law and with guidance
33 developed by the commissioner. Written and telephone notification to an
34 enrollee or the enrollee's designee under this section may be provided
35 by electronic means where the enrollee or the enrollee's designee has
36 informed the organization in advance of a preference to receive such
37 notification by electronic means. An organization shall permit the
38 enrollee and the enrollee's designee to change the preference at any
39 time. The organization shall retain documentation of preferred notifica-
40 tion methods and present such records to the commissioner upon request.

41 § 3. Paragraph (a) of subdivision 2 of section 4903 of the public
42 health law, as amended by chapter 371 of the laws of 2015, is amended to
43 read as follows:

44 (a) A utilization review agent shall make a utilization review deter-
45 mination involving health care services which require pre-authorization
46 and provide notice of a determination to the enrollee or enrollee's
47 designee and the enrollee's health care provider by telephone and in
48 writing within three business days of receipt of the necessary informa-
49 tion. [To the extent practicable, such written notification to the
50 enrollee's health care provider shall be transmitted electronically, in
51 a manner and in a form agreed upon by the parties.] The notification
52 shall identify; (i) whether the services are considered in-network or
53 out-of-network; (ii) and whether the enrollee will be held harmless for
54 the services and not be responsible for any payment, other than any
55 applicable co-payment or co-insurance; (iii) as applicable, the dollar
56 amount the health care plan will pay if the service is out-of-network;



1 and (iv) as applicable, information explaining how an enrollee may
2 determine the anticipated out-of-pocket cost for out-of-network health
3 care services in a geographical area or zip code based upon the differ-
4 ence between what the health care plan will reimburse for out-of-network
5 health care services and the usual and customary cost for out-of-network
6 health care services.

7 § 4. Section 4903 of the public health law is amended by adding a new
8 subdivision 9 to read as follows:

9 9. A utilization review agent shall have procedures for obtaining an
10 enrollee's, or enrollee's designee's, preference for receiving notifica-
11 tions, which shall be in accordance with applicable federal law and with
12 guidance developed by the commissioner. Written and telephone notifica-
13 tion to an enrollee or the enrollee's designee under this section may be
14 provided by electronic means where the enrollee or the enrollee's desig-
15 nee has informed the organization in advance of preference to receive
16 such notifications by electronic means. An organization shall permit the
17 enrollee and the enrollee's designee to change the preference at any
18 time. To the extent practicable, such written and telephone notification
19 to the enrollee's health care provider shall be transmitted electron-
20 ically, in a manner and in a form agreed upon by the parties. The utili-
21 zation review agent shall retain documentation of preferred notification
22 methods and present such records to the commissioner upon request.

23 § 5. Paragraph (b) of subdivision 3 of section 4904 of the public
24 health law, as amended by chapter 586 of the laws of 1998 and as further
25 amended by section 104 of part A of chapter 62 of the laws of 2011, is
26 amended to read as follows:

27 (b) a notice of the enrollee's right to an external appeal together
28 with a description, jointly promulgated by the commissioner and the
29 superintendent of financial services as required pursuant to subdivision
30 five of section forty-nine hundred fourteen of this article, of the
31 external appeal process established pursuant to title two of this arti-
32 cle and the time frames for such external appeals. A utilization review
33 agent shall have procedures for obtaining an enrollee's, or enrollee's
34 designee's, preference for receiving notifications, which shall be in
35 accordance with applicable federal law and with guidance developed by
36 the commissioner. Written and telephone notification to an enrollee or
37 the enrollee's designee under this section may be provided by electronic
38 means where the enrollee or the enrollee's designee has informed the
39 organization in advance of a preference to receive such notifications by
40 electronic means. An organization shall permit the enrollee and the
41 enrollee's designee to change the preference at any time. To the extent
42 practicable, written and telephone notification to the enrollee's health
43 care provider shall be transmitted electronically, in a manner and in a
44 form agreed upon by the parties. The utilization review agent shall
45 retain documentation of preferred notification methods and present such
46 records to the commissioner upon request.

47 § 6. Subsection (o) of section 4802 of the insurance law is relettered
48 subsection (p) and a new subsection (o) is added to read as follows:

49 (o) An insurer shall have procedures for obtaining an insured's, or
50 insured's designee's, preference for receiving notifications, which
51 shall be in accordance with applicable federal law and with guidance
52 developed by the superintendent. Written and telephone notification to
53 an insured or the insured's designee under this section may be provided
54 by electronic means where the insured or the insured's designee has
55 informed the insurer in advance of a preference to receive such notifi-
56 cations by electronic means. An insurer shall permit the insured and the



1 insured's designee to change the preference at any time. The insurer
2 shall retain documentation of preferred notification methods and present
3 such records to the superintendent upon request.

4 § 7. Paragraph 1 of subsection (b) of section 4903 of the insurance
5 law, as amended by chapter 371 of the laws of 2015, is amended to read
6 as follows:

7 (1) A utilization review agent shall make a utilization review deter-
8 mination involving health care services which require pre-authorization
9 and provide notice of a determination to the insured or insured's desig-
10 nee and the insured's health care provider by telephone and in writing
11 within three business days of receipt of the necessary information. [To
12 the extent practicable, such written notification to the enrollee's
13 health care provider shall be transmitted electronically, in a manner
14 and in a form agreed upon by the parties.] The notification shall iden-
15 tify: (i) whether the services are considered in-network or out-of-net-
16 work; (ii) whether the insured will be held harmless for the services
17 and not be responsible for any payment, other than any applicable
18 co-payment, co-insurance or deductible; (iii) as applicable, the dollar
19 amount the health care plan will pay if the service is out-of-network;
20 and (iv) as applicable, information explaining how an insured may deter-
21 mine the anticipated out-of-pocket cost for out-of-network health care
22 services in a geographical area or zip code based upon the difference
23 between what the health care plan will reimburse for out-of-network
24 health care services and the usual and customary cost for out-of-network
25 health care services.

26 § 8. Section 4903 of the insurance law is amended by adding a new
27 subsection (i) to read as follows:

28 (i) A utilization review agent shall have procedures for obtaining an
29 insured's, or insured's designee's, preference for receiving notifica-
30 tions, which shall be in accordance with applicable federal law and with
31 guidance developed by the superintendent. Written and telephone notifi-
32 cation to an insured or the insured's designee under this section may be
33 provided by electronic means where the insured or the insured's designee
34 has informed the utilization review agent in advance of a preference to
35 receive such notifications by electronic means. A utilization review
36 agent shall permit the insured and the insured's designee to change the
37 preference at any time. To the extent practicable, such written and
38 telephone notification to the insured's health care provider shall be
39 transmitted electronically, in a manner and in a form agreed upon by the
40 parties. The utilization review agent shall retain documentation of
41 preferred notification methods and present such records to the super-
42 intendent upon request.

43 § 9. Paragraph 2 of subsection (c) of section 4904 of the insurance
44 law, as amended by chapter 586 of the laws of 1998, is amended to read
45 as follows:

46 (2) a notice of the insured's right to an external appeal together
47 with a description, jointly promulgated by the superintendent and the
48 commissioner of health as required pursuant to subsection (e) of section
49 four thousand nine hundred fourteen of this article, of the external
50 appeal process established pursuant to title two of this article and the
51 time frames for such external appeals. A utilization review agent shall
52 have procedures for obtaining an insured's, or insured's designee's,
53 preference for receiving notifications, which shall be in accordance
54 with applicable federal law and with guidance developed by the super-
55 intendent. Written and telephone notification to an insured or the
56 insured's designee under this section may be provided by electronic



1 means where the insured or the insured's designee has informed the
2 insurer in advance of a preference to receive such notifications by
3 electronic means. A utilization review agent shall permit the insured
4 and the insured's designee to change the preference at any time. To the
5 extent practicable, written and telephone notification to the insured's
6 health care provider shall be transmitted electronically, in a manner
7 and in a form agreed upon by the parties. The utilization review agent
8 shall retain documentation of preferred notification methods and present
9 such records to the superintendent upon request.

10 § 10. Contingent upon the availability of federal financial partic-
11 ipation or other federal authorization from the centers of medicare and
12 medicaid services, the commissioner of health, in consultation with the
13 superintendent of the department of financial services, is authorized to
14 implement one or more five-year regional demonstration programs that
15 would be designed to improve health outcomes and reduce costs, using a
16 value based model that pays providers an actuarially sound global, pre-
17 paid and fully capitated amount for individuals in the designated region
18 who are enrolled in the state's plan for medical assistance established
19 pursuant to title XIX, or any successor title, of the federal social
20 security act; the Medicare program established pursuant to title XVIII,
21 or any successor title, of the federal social security act; and insur-
22 ers, corporations, and health care plans authorized pursuant to the
23 insurance law or public health law. The demonstration program may offer
24 funding and incentives designed to improve health outcomes for attri-
25 buted individual beneficiaries designed to improve health outcomes,
26 develop necessary infrastructure and systems; and connect individuals to
27 community based organizations that address the social determinants of
28 health. Notwithstanding any provision of law to the contrary, the
29 commissioner or the superintendent of the department of financial
30 services may waive any regulatory requirements as are necessary to
31 implement the demonstration program; provided however, that regulations
32 pertaining to patient safety, patient autonomy, patient privacy, patient
33 rights, due process, scope of practice, professional licensure, environ-
34 mental protections, provider reimbursement methodologies, or occupa-
35 tional standards and employee rights may not be waived, nor shall any
36 regulations be waived if such waiver would risk patient safety. Partic-
37 ipation in such program shall be voluntary. One year after this section
38 shall take effect and annually thereafter the commissioner of health
39 shall provide a report detailing the activities and outcomes of such
40 program, including any regulatory requirements that are waived, to the
41 speaker of the assembly and the temporary president of the senate.

42 § 11. Contingent upon the availability of federal financial partic-
43 ipation or other federal authorization from the centers of medicare and
44 medicaid services, the commissioner of health, in consultation with the
45 superintendent of the department of financial services, is authorized to
46 design and implement a five-year demonstration, with implementation
47 beginning January 2022, utilizing an actuarially sound global budget and
48 global approach, and which is aimed at accelerating regional population
49 health improvement initiatives; adopting value-based models in accord-
50 ance with the state department of health Medicaid Value-Based Payment
51 Roadmap; and aligning care incentives under an integrated health system.
52 The demonstration may include the safety net hospitals in one or more
53 counties or regions of the state providing a high percentage of services
54 to individuals in the designated region who are enrolled in the state's
55 plan for medical assistance established pursuant to title XIX, or any
56 successor title, of the federal social security act; and insurers,

1 corporations, and health care plans authorized pursuant to the insurance
2 law or public health law, as well as regional providers, to deliver and
3 promote quality and performance through an integrated model. The
4 provisions of this paragraph shall not take effect unless all necessary
5 approvals under federal law and regulation have been obtained to receive
6 federal financial participation in the costs of services provided under
7 this paragraph, and shall be subject to the terms of a binding memoran-
8 dum of understanding executed between the department of health and the
9 demonstration's participants. Participation in such program shall be
10 voluntary. One year after this section shall take effect and annually
11 thereafter the commissioner of health shall provide a report detailing
12 the activities and outcomes of such program to the speaker of the assem-
13 bly and the temporary president of the senate.

14 § 12. This act shall take effect immediately and shall be deemed to
15 have been in full force and effect on and after April 1, 2020; provided,
16 however, that the amendments to subdivision 32 of section 364-j of the
17 social services law made by section one of this act shall not affect the
18 repeal of such section and shall be deemed repealed therewith. Provided
19 further, however, that the director of the budget may, in consultation
20 with the commissioner of health, delay the effective dates prescribed
21 herein for a period of time which shall not exceed ninety days following
22 the conclusion or termination of an executive order issued pursuant to
23 section 28 of the executive law declaring a state disaster emergency for
24 the entire state of New York, upon such delay the director of the budget
25 shall notify the chairs of the assembly ways and means committee and
26 senate finance committee and the chairs of the assembly and senate
27 health committee; provided further, however, that the director of the
28 budget shall notify the legislative bill drafting commission upon the
29 occurrence of a delay in the effective date of this act in order that
30 the commission may maintain an accurate and timely effective data base
31 of the official text of the laws of the state of New York in furtherance
32 of effectuating the provisions of section 44 of the legislative law and
33 section 70-b of the public officers law.

34

PART LLL

35 Section 1. Section 13 of chapter 141 of the laws of 1994, amending
36 the legislative law and the state finance law relating to the operation
37 and administration of the legislature, as amended by section 1 of part
38 II of chapter 57 of the laws of 2019, is amended to read as follows:

39 § 13. This act shall take effect immediately and shall be deemed to
40 have been in full force and effect as of April 1, 1994, provided that,
41 the provisions of section 5-a of the legislative law as amended by
42 sections two and two-a of this act shall take effect on January 1, 1995,
43 and provided further that, the provisions of article 5-A of the legisla-
44 tive law as added by section eight of this act shall expire June 30,
45 [2020] 2021 when upon such date the provisions of such article shall be
46 deemed repealed; and provided further that section twelve of this act
47 shall be deemed to have been in full force and effect on and after April
48 10, 1994.

49 § 2. This act shall not supersede the findings and determinations made
50 by the compensation committee as authorized pursuant to part HHH of
51 chapter 59 of the laws of 2018 unless a court of competent jurisdiction
52 determines that such findings and determinations are invalid or other-
53 wise not applicable or in force.



1 § 3. This act shall take effect immediately, provided, however, if
2 this act shall take effect on or after June 30, 2020, this act shall be
3 deemed to have been in full force and effect on and after June 30, 2020.

4 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
5 sion, section or part of this act shall be adjudged by any court of
6 competent jurisdiction to be invalid, such judgment shall not affect,
7 impair, or invalidate the remainder thereof, but shall be confined in
8 its operation to the clause, sentence, paragraph, subdivision, section
9 or part thereof directly involved in the controversy in which such judg-
10 ment shall have been rendered. It is hereby declared to be the intent of
11 the legislature that this act would have been enacted even if such
12 invalid provisions had not been included herein.

13 § 3. This act shall take effect immediately provided, however, that
14 the applicable effective date of Parts A through LLL of this act shall
15 be as specifically set forth in the last section of such Parts.

