

MONDAY, MARCH 25, 2019

2:55 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

In the absence of clergy, let us pause for a moment of silence.

(Whereupon, a moment of silence was observed.)

Visitors are invited to join the members in the Pledge of Allegiance.

(Whereupon, Acting Speaker Aubry led visitors and members in the Pledge of Allegiance.)

A quorum being present, the Clerk will read the Journal of Sunday, March 24th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to dispense with the further reading of the Journal of Sunday, March 24th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so

ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, for the opportunity to provide today's quote for members, friends and staff that's in the Chamber with us today. It is from Maya Angelou and it basically serves to be motivational. It says, "Never make someone a priority when all you are to them is an option." Again, that's by the very wise Maya Angelou.

With that, Mr. Speaker, I would say that members have on their desks a main Calendar with 16 new bills, starting with Calendar No. 147. After any introductions and/or housekeeping, we will take up resolutions on page 3 and then we will begin to consent the new bills on page 4. For our Majority members, for sure we will have a Democratic Conference at the conclusion of today's Session and I don't believe our colleagues on the other side of the aisle have a Conference, but we will confirm that later, Mr. Speaker.

So with that as a general outline, if you have any introductions and/or housekeeping, now would be the appropriate time.

ACTING SPEAKER AUBRY: We have housekeeping, Mrs. Peoples-Stokes.

Without objection, on a motion by Mr. Buchwald to reconsider the substitution of Senate Bill No. S03145 for Assembly Bill No. A00112, said Senate bill is recommitted to the Committee on Election Law, and said Assembly bill is restored to its place on the

Third Order Reading.

And on a motion by Mr. Buchwald, page 15, Calendar No. 123, Bill No. A00112, the amendments are received and adopted. Mrs. Peoples-Stokes -- that is an un-sub.

The Clerk will read. Page 4, Calendar No. 147.

I'm sorry. We will go to resolutions on page 3. The Clerk will read.

THE CLERK: Assembly Resolution No. 77, Ms. Seawright. Legislative Resolution calling for the ratification of the Equal Rights Amendment.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 202, Mr. Magnarelli. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim February 1-7, 2019, as Enrolled Agent Week in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Now page 3 [sic], Calendar No. 147.

THE CLERK: Assembly No. A00459-A, Calendar No. 147, Paulin, Mosley, M.G. Miller, Crouch, Gottfried. An act to amend the Executive Law and the Criminal Procedure Law, in relation to the definition of designated offender.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00838, Calendar No. 148, Hyndman, Arroyo, D'Urso, Epstein. An act to amend a Chapter of the Laws of 2018 relating to the establishment of a pilot program to provide job and vocational skills training to youth who have been adjudicated juvenile delinquents or juvenile offenders residing in a facility overseen by the Office of Children and Family services, as proposed in legislative bills numbers S.2084 and A.2449, in relation to making certain provisions permanent.

ACTING SPEAKER AUBRY: On a motion by Ms. Hyndman, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, this is the first vote of the day. I would ask colleagues in and around the Chambers to please come in and cast your vote.

ACTING SPEAKER AUBRY: Certainly. First vote of the day, members. In your seats, please vote now. In the sound of our voice, please come in and cast your vote.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01641, Calendar No. 149, Seawright, D'Urso, Jacobson. An act to amend the Election Law, in relation to requiring campaign finance information of certain candidates or committees to be filed on an electronic reporting system.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect December 15th, 2019.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Seawright to explain her vote.

MS. SEAWRIGHT: Thank you, Mr. Speaker. This bill would require all campaign finance filings pursuant to the Election Law to be filed with the State Board of Elections, specifically eliminating the \$1,000 filing threshold at the State level. This bill relieves duplicate filing requirements for political committees and lifts the administrative burden on the local Board of Elections. This would become effective on the first day of -- December 20th, 2020. With the elimination of this \$1,000 filing threshold, voters are able to see the contributions of all campaigns, big and small, promoting better transparency. I cast my vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Seawright in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01823, Calendar No. 150, Pretlow, D'Urso. An act to amend the County Law, in relation to the jurisdiction of a coroner or medical examiner.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I wonder if our colleagues can maybe try and take their seats now. We have two bills we want to take up on debate. Both of them are on page 14. The first one is Calendar No. 103 by Mr. Magnarelli. The second one is Calendar No. 107 by Ms. Bichotte.

ACTING SPEAKER AUBRY: Members, we are on debate. If you will, please, take your seats or take your conversations outside the Chamber. That's folks in the back, folks who are lined up against the wall.

The Clerk will read.

THE CLERK: Senate Bill No. S02497, Calendar No.

103, Senator Kennedy (Magnarelli, Benedetto, Galef, Gunther, Ortiz, Rivera, Titus, Abbate, Stirpe, Jaffee, Otis, Arroyo, Mosley, Davila, Pichardo, Weprin--A01851). An act to amend the Vehicle and Traffic Law, in relation to prohibiting a child less than ten years of age from being left unattended in a motor vehicle under conditions presenting substantial risk.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Magnarelli.

MR. MAGNARELLI: Yes. This bill is in relation to prohibiting a child less than ten years of age from being left unattended in a motor vehicle under conditions presenting substantial risk.

ACTING SPEAKER AUBRY: Mr. Palumbo.

MR. PALUMBO: Thank you, Mr. Speaker. Would the sponsor yield for a few questions, please?

ACTING SPEAKER AUBRY: Will you yield, Mr. Magnarelli?

MR. MAGNARELLI: Yes.

ACTING SPEAKER AUBRY: Thank you.

MR. PALUMBO: Thank you, Bill. I just have a few questions in this regard, because some of my colleagues had some concerns that this may be actually weakening the situation, because we all certainly understand the gravity of what can happen in children -- many children have died in cold cars, in hot cars, and the fact that they would typically charge endangering the welfare of a child, which

is a misdemeanor, and I know that's mentioned in the sponsor's memo. Could you just give us a little bit of a brief reason why you feel that this legislation is necessary?

MR. MAGNARELLI: Well, I believe it's necessary in order to just educate or inform the public of how serious this problem is. Since I've been elected to this Body, 230 children have died in cars. So, if there's any reason for why it's necessary, that -- that's the reason. And I don't believe that this bill takes anything away from the misdemeanor charge, if that's possible, but I also think that it'll get people's attention once people understand that leaving a child in a car is something that could be very detrimental to the child.

MR. PALUMBO: Certainly, and I -- and I note for my colleagues that it does indicate in paragraph -- in 1210, Paragraph A, Section 1, that "Nothing in this section shall be deemed to supercede the provisions of any other applicable section of law." So, it certainly would be discretionary that a police officer, if it was egregious enough, it wasn't just simply leaving a ten year old in the car, that they could certainly still charge the misdemeanor; is that accurate?

MR. MAGNARELLI: That's true. That's accurate. And the one thing I'd like to add to that is the idea here is that we don't have any of these violations. I would hope that once people understand that they could be ticketed for something like that, that they won't do it and be a little more careful.

MR. PALUMBO: I understand, and that's a good

point. So, other than just kind of a catchall substantial risk to a child, which would be the statute that they would typically charge now, just endangering the welfare of a child is more of a general statement.

MR. MAGNARELLI: Right, and that means an arrest and taking the mother away -- or mother or the father away from a child. Those are problematic.

MR. PALUMBO: And I saw a previous, I guess you were -- was that less than 16 years of age. Was there any particular reason why it was made -- you chose to put ten years of age in this particular bill?

MR. MAGNARELLI: I think it was with the advice of counsel or staff that maybe children over ten would be able to take care of themselves a little bit better in the car if they had been left alone.

MR. PALUMBO: Sure, and get out of the car. And, lastly, I see there's an aggravated fine schedule that the first conviction is up to \$50, the second one up to a \$100 and the third one up to \$250 within an 18-month period. Is there any action that motor vehicle would take on a driver's license with any of those convictions by the way of either points or a suspension of anything?

MR. MAGNARELLI: No, nothing.

MR. PALUMBO: Okay. Very good. Thank you, Mr. Magnarelli.

MR. MAGNARELLI: Thank you.

MR. PALUMBO: On the bill, please.

ACTING SPEAKER AUBRY: On the bill, Mr. Palumbo.

MR. PALUMBO: Thank you, Mr. Speaker, and just very briefly. I think this is a great idea in many respects. We don't want to water down the fact that police officers can or could still charge endangering the welfare of a child if they leave a child or an infant unattended in a hot vehicle or even a cold vehicle. But I would just suggest that we also maybe consider that we have even further penalties with regard to action on licenses in the event of the aggravating -- on the aggravating aspects of this, that if someone has a second or a third violation within a year-and-a-half, it should be more than a \$250 fine, that we might want to consider having a little bit more of a hammer. But, otherwise, I do thank the sponsor for answering my questions, and I appreciate your time. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect November 1st.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, for the opportunity to interrupt our proceedings. On behalf of our colleague, Ms. Simon, and probably all of us, actually, there are some guests in the Chambers who I would like to introduce and ask you to provide for them the cordialities of the floor. They are Toby Williams, Lacoja Jack Billmore, Dennis Jordan and the Chair of the Task Force, Donna Polen. Mr. Speaker, these are all members of the New York State Music Therapy Task Force. Music therapists work to heal and treat mental health issues amongst people with disabilities such as Autism and Alzheimer's. Mr. Speaker, I think these are some of the premier caregivers that provide service in the State of New York, and if would you please welcome them and provide for them the cordialities of our floor, I would appreciate it.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Simon, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. Hope that you have enjoyed these proceedings, hope that you continue the great work that you're doing, and I bet you could find some of us who might need a little music therapy in this House. Thank you so very much. You are always welcome here.

(Applause)

Page 14, Calendar No. 107, the Clerk will read.

THE CLERK: Assembly No. A02998, Calendar No. 107, Bichotte, Gunther, Dilan, Steck, Weprin, L. Rosenthal, Galef, Gottfried, Jaffee, Cook, Lavine, Magnarelli, McDonough, Davila, Cruz, Epstein, Ashby. An act to amend the Public Health Law, in

relation to authorizing expedited partner therapy for certain sexually transmitted infections.

ACTING SPEAKER AUBRY: On a motion by Ms. Bichotte, the Senate bill is before the House. The Senate bill is advanced. An explanation is requested, Ms. Bichotte.

MS. BICHOTTE: Thank you, Mr. Speaker. This bill would allow health care practitioners that identify and diagnose a sexually transmitted disease in an individual to prescribe, dispense, furnish or otherwise provides prescription antibiotic drugs for those sexually transmitted infections that the Centers for Disease Control and Prevention recommends for the use of expedited partner therapy to that person's sexual partner or partners without examining such partner or partners.

In 2008, New York State passed a law to allow health care providers with prescriptive privileges to provide expedited partner therapy for chlamydia infections when the prescriber's judgment is that the partner or partners will not seek a personal medical visit. By expanding the current law to expedited partner therapy, we will provide assistance for individuals who would otherwise not seek treatment and improve public health outcomes. Thank you.

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Thank you, Mr. Speaker, will the sponsor yield?

ACTING SPEAKER AUBRY: Ms. Bichotte, will

you yield?

MS. BICHOTTE: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RA: Thank you very much. So as -- as you mentioned, you know, for -- for several years now it's been -- it's been the law that we are able to provide expedited therapy for one specific type of infection. This would allow it -- rather than having in the law just a specific type of disease, it would be anything on that CDC list; is that correct?

MS. BICHOTTE: Exactly. I mean, currently right now we passed a law that includes chlamydia, which is under the CDC recommendation. And we -- and also, it would include gonorrhea. Gonorrhea right now is another STI that's recommended for expedited partner therapy, however, we don't have it in our law right now.

MR. RA: Okay. Now the concept is basically, and correct me if I'm wrong, that, you know, one -- one partner comes in, they see the doctor and the doctor can then prescribe for their partner who will not be seeing the doctor with the idea being that they don't believe their partner would go and seek medical help for -- for this disease; is that correct?

MS. BICHOTTE: Yes, that's correct.

MR. RA: So, one of the concerns that has been raised with regard to these in the past is that that partner who now has not seen a doctor they, you know, may be treated by -- by some

prescription, but perhaps they may have other illnesses that wouldn't be detected that perhaps a doctor might detect if he had actually seen them individually. So, is there anything that will encourage those individuals to go and seek their own visit to a doctor?

MS. BICHOTTE: Well, just so you know, that first you got to be reminded that expedited therapy is an alternative way to referring sexual partners, so, we always recommend that the partners go and see the physician. And usually if it's a known allergy, the partner would know to, you know, read the prescription and see if, you know, they're allergic to any formulas or chemicals of that nature. If it's an unknown allergy, it's treated like any other medication and we would encourage the partner to go and seek health advice and care. Also, you know, there's always a pharmacist that the partner can always consult with.

MR. RA: Okay. And that -- that is one of the other concerns, is -- is that there could be an allergy. Oftentimes, there may be some type of antibiotic that is prescribed; some people do have allergies to antibiotics. So then would it necessarily be the partner who has -- who has not seen the doctor that's filling the prescription, or could the prescription be fulfilled by the partner who has gone to the doctor? Who is it actually written for?

MS. BICHOTTE: Well, the prescription is written for the actual partner. Yes, so it's not patient specific so it could be filled for anybody, yes.

MR. RA: Okay. And is there any provision, or this

might be in existing law with regard to the limited provisions we do have that protects the doctor from liability should there be some type of allergy that the partner has, say, to an antibiotic or something else in the medication?

MS. BICHOTTE: Yes, there are liability protections.

MR. RA: Okay. Thank you very much.

ACTING SPEAKER AUBRY: Mr. Raia.

MR. RAIA: Thank you, Mr. Speaker. Will the sponsor continue to yield for a couple questions?

MS. BICHOTTE: Of course, yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RAIA: Thank you. Is there an age restriction on this? So if, you know, if we're talking about a 14-year-old and their partner is diagnosed with the disease, the 14-year-old can go get the drugs without any oversight?

MS. BICHOTTE: I don't think there's an age restriction. No, there's no age restriction. Obviously, just for any type of prescription, there is some -- a need for parental consent for anybody under the age of 18.

MR. RAIA: Oh, so if it's someone -- so, a parent still has to sign-off on the prescription?

MS. BICHOTTE: Yes.

MR. RAIA: Okay, because my concern was, as was mentioned earlier, is, you know, a 14-year-old not might know if they're allergic to certain antibiotics.

MS. BICHOTTE: Exactly.

MR. RAIA: So, as long as there's still parental oversight. Thank you very much.

MS. BICHOTTE: Yes, sure.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect January 1st.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Bichotte to explain her vote.

MS. BICHOTTE: Thank you, Mr. Speaker, for allowing me to affirm my vote. I'm really proud to present this bill today which provides expedited partner therapy for the partners of patients infected with chlamydia and other sexually transmitted infections recommend by the Centers for Disease Control. This bill allows authorized health care practitioners the ability to diagnose and prescribe prescription drugs for sexually transmitted infections and other transmitted infections recommended.

According to CDC, the National STD Prevention Conference in Washington, D.C., nearly 2.3 million cases for chlamydia, gonorrhea and syphilis were diagnosed in the United States. EPT, expedited partner therapy, helps physicians and other health care providers decrease the rates of sexually transmitted infections. While the expedited partner therapy in no way replaces a face-to-face interaction for health care provider, it can help patients

who otherwise would not reach out for treatment. So, again, I am -- I am so in favor of this bill and I just urge my colleagues to vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Bichotte in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

MRS. PEOPLES-STOKES: Mr. Speaker, do we have any further housekeeping or resolutions?

ACTING SPEAKER AUBRY: Resolutions, Mrs. Peoples-Stokes, which we will take up with one vote. On the resolutions, all those in favor signify by saying aye; opposed, no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 203-214 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I now move that the Assembly stand adjourned until 1:00 p.m., Tuesday, March the 26th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly will stand adjourned.

(Whereupon, at 4:13 p.m., the Assembly stood adjourned until Tuesday, March 26th at 1:00 p.m., Tuesday being a Session day.)