

WEDNESDAY, FEBRUARY 1, 2023

10:05 A.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 Tuesday, January 31st.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to dispense with the further reading of the Journal of Tuesday, January

31st and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir. It would be my honor and pleasure to share with our colleagues and guests that are in the Chambers a quote today. This one comes from Thurgood Marshall who as you know was an American Civil Rights attorney and served in the US Supreme Court from 1967 until 1991. He was America's first African-American jurist justice. His words for us today Mr. Speaker: "The process of democracy is one of change. Our laws are not frozen into immutable form, they are constantly in the process of revision in responses to the needs of a changing society." Again, Mr. Speaker, these words from Thurgood Marshall. And by the way, today is the first day of how America and Canada recognizes African-Americans' history contributions to the world and so it's African-American History Month. I would also add that because Canada and United States recognize that the Peace Bridge will be lit for the entire month in the colors of red, black and green, which as you know, Mr. Speaker, are the liberation colors. So thank you all so much for being here today. I would say Happy Wednesday but I won't say Happy Wednesday because people weren't happy on Monday but I'm happy on Wednesday. And I will acknowledge that you have on your desk a main Calendar. And after Mr. Speaker takes care of any introductions or housekeeping we will continue to consent these bills

where we left off on yesterday. They're going to begin on page 4 with Rules Report No. 64 by Mr. O'Donnell. If there is a need for additional floor activity I'll be pleased to announce it later, Mr. Speaker. With that general outline of where we're going, if there's any introductions or housekeeping, now would be an appropriate time.

ACTING SPEAKER AUBRY: We have no housekeeping and no introductions in celebration of the first of February.

(Applause)

On page 4, Calendar -- Rules Report No. 64, the Clerk will read.

THE CLERK: Assembly No. A01326, Rules Report No. 64, O'Donnell. An act to amend the Insurance Law, in relation to applying coverage requirements for pre-exposure prophylaxis and post-exposure prophylaxis to prevent HIV in medical, major medical, or comprehensive-type coverage, and repealing certain provisions of such law relating thereto; and to amend a chapter of the Laws of 2022 amending the Insurance Law relating to requiring insurance coverage for pre-exposure prophylaxis and post-exposure prophylaxis to prevent HIV infection, as proposed in legislative bills numbers S. 688 and A. 807, in relation to effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. O'Donnell, 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.)

Mr. O'Donnell to explain his vote.

MR. O'DONNELL: Good morning and thank you very much. This is a Chapter Amendment which I was not sure was required. There was some concern from the Second Floor that smaller insurance programs may have a difficulty complying with it. I want to make sure it's clear that this does not change the rules regarding what kind of drugs a doctor can order. And so it has turned out that PrEP and PEP are now available in the very affordable manner, \$40 a month I believe is what the cost estimate is. And I will begin looking into whether or not this Chapter Amendment is required at all because so few people are covered by the insurance program that were not covered by the bill-in-chief. So I'll be voting in the favor and I thank you very much.

ACTING SPEAKER AUBRY: Mr. O'Donnell in the affirmative.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, Mr. Speaker and thank you to my colleague for clarifying that. Last year there were 17 no votes over our concern on the price and the impact it would have on insurance rates. And that was because the brand name drugs that are most commonly used can run \$2,000 a month plus all that associated

medical cost. But as my colleague pointed out, there's non-generic versions that are available at just \$40 a month and when you look at the low cost of a generic brand compared to the high benefit that -- that drug can provide in avoiding even higher treatment costs it makes a lot of sense to support it. So although I voted last year against this bill based on the concerns of the cost, I support it this year based on my colleague's comments. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the affirmative. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01706, Rules Report No. 65, Simon. An act to amend the Public Health Law, in relation to specifying procedures for the closure and/or decertification of assisted living residences.

ACTING SPEAKER AUBRY: On a motion by Ms. Simon, the Senate bill is before the House. The Senate bill is advanced. And the bill is laid aside.

THE CLERK: Assembly No. A01708, Rules Report No. 66, Cruz. An act to amend a chapter of the Laws of 2022 enacting the Lorena Borjas Transgender and Gender Non-binary (TGNB) Wellness and Equity Fund Act, as proposed in legislative bills numbers S. 8884-A and A. 9418-A, the Public Health Law and the State Finance Law, in relation to making technical corrections thereto.

ACTING SPEAKER AUBRY: On a motion by Ms. Cruz, the Senate bill is before the House. The Senate bill is advanced. And the bill is laid aside.

THE CLERK: Assembly No. A01975, Rules Report No. 67, Bronson. An act to amend the Insurance Law, in relation to mental health services required to be covered by certain insurance policies.

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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02198, Rules Report No. 68, Dinowitz. An act to amend the Insurance Law and the chapter of the Laws of 2022 relating to providing insurance coverage for colorectal cancer early detection, as proposed in legislative bills numbers S. 906-B and A. 2085-A, in relation to coverage for preventive screenings and notice requirements; and to repeal certain provisions of the Insurance Law and of such chapter relating thereto.

ACTING SPEAKER AUBRY: On a motion by Mr. Dinowitz, 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.)

ACTING SPEAKER LEE: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02199, Rules Report No. 69, Stern. An act to amend the Insurance Law, in relation to annuity benefits.

ACTING SPEAKER LEE: On a motion by Mr. Stern, 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 LEE: 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.

THE CLERK: Assembly No. A02200, Rules Report No. 70, McDonald. An act to amend the Insurance Law and the Public Health Law, in relation to patient prescription pricing transparency; and to repeal certain provisions of the Insurance Law

thereto.

ACTING SPEAKER LEE: Read the last section.

THE CLERK: This act shall take effect on the 180th day.

ACTING SPEAKER LEE: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02201, Rules Report No. 71, Cruz. An act to amend the Insurance Law and the Public Health Law, in relation to directing the commissioner of health to promulgate a list of prescription drugs for which an emergency thirty-day supply cannot be obtained.

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.

THE CLERK: Assembly No. A02202, Rules Report

No. 72, Hunter. An act to amend the Insurance Law, in relation to clarifying the excess line insurance placement affidavit requirements.

ACTING SPEAKER AUBRY: On a motion by Ms. Hunter, 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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02205, Rules Report No. 73, Cruz. An act to amend the Insurance Law and the Public Health Law, in relation to certain health care contracts or agreements; and to amend a chapter of the Laws of 2022 amending the Insurance Law relating to certain prohibited contract provisions, as proposed in legislative bills numbers S. 7199-A and A. 8169-A, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Ms. Cruz, 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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02207, Rules Report No. 74, Eichenstein. An act to amend the Insurance Law, in relation to insurance for victims of a hate crime; and to repeal certain provisions of such law relating thereto.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 90th day.

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.

THE CLERK: Assembly No. A02208, Rules Report No. 75, Williams. An act to amend the chapter of the Laws of 2022 authorizing the Bais Torah U'Tefillah to receive real property tax exempt status, as proposed in legislative bills numbers S. 9196 and A. 10419, in relation to making technical corrections thereto.

ACTING SPEAKER AUBRY: On a motion by Ms. Williams, 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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02209, Rules Report No. 76, Chandler-Waterman. An act to amend the General Business Law, in relation to clarifying the definition of "imitation weapon".

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

THE CLERK: This act shall take effect on the 90th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Chandler-Waterman to explain her vote.

MS. CHANDLER-WATERMAN: Thank you, Mr. Speaker. I've spent 20 years advocating for anti-violence and gun reform legislations and policy. I attended funerals and memorials and comforted the mothers, fathers, wives, husbands and children of people killed due to guns. So when I campaigned to become the Assemblywoman representing 58 Assembly District, I promised

130,000 people in my community I would do everything I could to address the issues of guns in our city and State. This amendment can make to convene the difference between a child going home or losing their life like 12-year-old Tamir Rice. Tamir was doing what children do. He was playing with a toy. Since 1994 there's been 63 shootings in New York State because fake or toy guns were mistaken for real firearms. And yes, toy guns have been used to commit crimes including robbery and intimidation. This amendment makes the necessary technical changes to ensure toys look like toys, not real guns. It also brings State law in align with New York City law that makes toy guns even more identifiable. If we can't get little toy guns, we legislators have to ensure toys are not mistaken for real firearms. I formed the Assembly district 58 public safety task force when I took office. I was intentional about gathering residents from my district with lived experience (inaudible) justice involved individuals, mothers who lost their children and individuals that were victims themselves. This ensures that their vital voice is heard through resources and legislation. I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Chandler-Waterman in the affirmative, thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02353, Rules Report No. 77, Fall. An act to amend the Real Property Tax Law, in relation

to exempting real property of an applicable Battery Park city property from payments in lieu of taxes; to amend a chapter of the Laws of 2022 relating to directing the Battery Park city authority to extend its lease with the City of New York, as proposed in legislative bills numbers S. 9032-B and A.10414-A, in relation to directing the Battery Park city authority to extend its restated and amended master lease by at least fifty years; and to repeal certain provisions of the Real Property Tax Law relating thereto.

ACTING SPEAKER AUBRY: On a motion by Mr. Fall, 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.)

While we are waiting for this vote to come in we -- a clerical error was made. That was Ms. Chandler-Waterman's first bill.

(Applause)

While the applause was delayed it is as heartfelt as if it happened on time and it won't happen again.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02377, Rules Report No. 78, Eachus. An act to amend the Public Health Law and the

Social Services Law, in relation to support of living organ donation.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Eachus to explain his vote.

MR. EACHUS: Thank you, Mr. Speaker. I'd like to thank the Conference for selecting me to carry this Chapter Amendment bill for this very crucial legislation. As many of you already know, New York ranks last in the nation in regard to the percent of residents registered as organ donors. And when it's not last over the last decade it's been second to last. Here in New York in pure numbers we have 35 percent of the New York State residents are registered as organ donors as compared to 56 percent across the rest of the United States. There are currently 8,161 people on the transplant wait lists here in New York. Of that 7,125 are awaiting a kidney transplant. Those on these lists will expect to wait between three to five years before they're eligible for an organ transplant compared to one to two years nationally. Sometimes the grim reality of situations can be lost in these statistics. To translate, what it means is every 18 hours a resident in New York State dies waiting for an organ. Let that sink in. Every 18 hours. Almost once a day a family in this State faces a tragic loss that could have been prevented if more donors were simply available. In a State that is known for its extraordinary ability

to work together in the face of tragedies in all of our communities this is a daunting and unacceptable statistic for us. This bill will remove many of the financial barriers and work towards educating the public about living donations. It would provide reimbursement for living donors who are residents of New York and who make a living donation in which the ultimate recipient is also a New York resident. This will only work towards increasing availability in donors and in turn save lives. I am beyond proud to have this be my first of hopefully many bills I will be passing in this Chamber. It is an honor to be passed the baton of this legislation from the original bill sponsor former Assemblymember Gottfried who I know was a model statesman and relentless champion on this issue and many others to make sure that this bill got signed into law. I look forward to continuing to make positive contributions to this issue and many others that face the State. I will be voting in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Eachus. Mr. Eachus in the affirmative. Jim Conte is listening to us today, ladies and gentlemen.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker for the opportunity to explain my vote. I certainly do rise to commend the sponsor of this legislation. The data that he has laid out for us today is critically true and unfortunately as the Empire State that we profess to be we don't show up that way in terms of being willing to be

a donor -- living or cadaver. And so I actually want to commend him for this and hope that, you know, as we listen to the facts that he gave us, actually my colleague on the other side of the aisle if he were here today would give us those same facts because we've been saying it for a while. It's actually true. And each and every one of us can begin doing something about that. God forbid we ever get in a position where we need to have access to someone else's organ in order to continue living, I would just encourage people not only to be supportive of this piece of legislation but to take action and try to see some results for the great State of New York. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you. Mrs. Peoples-Stokes in the affirmative.

Ms. Forrest.

MS. SOUFFRANT FORREST: I rise to again thank the sponsor. This is your first bill, congratulations. But this is a very important first bill because I will say as a mother it is the greatest achievement of my life to be able to give life to my son David, but imagine an organ donor can give up -- can give life up to seven people. That's a new chance, that's a start for others, and so I encourage my colleagues in this room but also all New Yorkers to take the chance, give life to someone else, and -- and bring forth some great opportunity for another family, another -- and the community. And so sign up, you know, be an organ donor and really, really give something great to someone else. Thank you so much, sponsor, for this achievement.

ACTING SPEAKER AUBRY: Ms. Forrest in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed. And as Mr. Eachus has informed us it is his first bill. Congratulations, wonderful bill to carry, sir.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you. Mr. Speaker, I actually would like to interrupt our proceedings for the purposes of introducing someone who has joined our Chambers. On behalf of our colleagues Mr. Bores as well as Ms. Seawright we have Mr. Andrew Fine. Mr. Fine is an entrepreneur, innovator and a community activist. He writes about neighborhoods and has been described as the voice of the East Side. As vice-president of the East 86th St. Association, he organizes trash cleanups and other beautification efforts. Mr. Speaker, would you please welcome this gentleman to our Chambers.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Bores, Ms. Seawright, the Speaker and all the members, sir, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. We're pleased that you have come and joined us today and that you have continued to work for the improvement of your community and for the City and State of New York. Thank you again. You're always welcome here, sir.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I'd like to thank you and my colleagues for what I think was a very productive day and what we can do when we start early, we can actually end early. So, Mr. Speaker, do you have any resolutions and/or further housekeeping?

ACTING SPEAKER AUBRY: I am informed that we have one significant resolution. We will take it up with one vote. On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

(Whereupon, Assembly Resolution No. 82 was unanimously adopted.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I now move that the Assembly stand adjourned until Thursday, February the 2nd, tomorrow being a legislative day and that we will reconvene at 2:00 p.m., on February the 6th, Monday being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned. Happy February.

(Whereupon, at 11:21 a.m. the House stood adjourned until Thursday, February 2nd, that being a legislative day, and to reconvene at 2:00 p.m. on Monday, February 6th, that being a Session day.)