

THURSDAY, JUNE 1, 2023

10:55 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 Wednesday, May 31st.

Mrs. Peoples-Stokes.

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

the 31st and that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

MRS. PEOPLES-STOKES: Thank you, sir.

Members and guests that are in the Chambers, I want to share a quote this morning from Maya Angelou. Most of you all know who she is, she's an American very popular poetry writer. Her words for us today, *Perhaps travel cannot prevent bigotry, but by demonstrating that all people cry, eat, laugh, worry and die, it can introduce the idea that if we try to understand each other, we may even become friends.* Again, these words from Maya Angelou.

Members have on their desks, Mr. Speaker, an A-Calendar -- a main Calendar and a debate list. And after any housekeeping or introductions, we're going to be calling for the following Committees to meet: Rules, Ways and Means, and Judiciary. These Committees are going to produce an A-Calendar of which we will take up today on consent. Members should note that we will take up the Calendar resolutions at the end of our time in Chambers today, and we'll be working off the debate list today, so we're going to begin with Rules Report No. 184 by Ms. Simon, and Rules Report No. 187 by Mr. Carroll.

That's a general outline, Mr. Speaker, of where we're going today. If you have any introductions or housekeeping, now would be a great time, sir. Thank you.

ACTING SPEAKER AUBRY: Thank you, Mrs.

Peoples-Stokes.

Introduction by Ms. Darling.

MS. DARLING: Thank you, Mr. Speaker, for allowing me the privilege of this introduction. It is my honor to introduce a woman who has had a huge impact on my life and the lives of so many others. She's an educator, a mentor and a friend. Ms. Marsha Williamson is a semi-retired educator with over 35 years of service in inner-city schools. Ms. Williamson has held teaching positions in Oxon Hills, Maryland, Washington, D.C., Boston, Massachusetts and Brooklyn, New York. Ms. Williamson has worked as an elementary classroom teacher, served as an instructional facilitator, and served as a gifted and talented coordinator. Prior to retirement, Ms. Williamson held an assistant principal position in an elementary school. Education remains a passion for Ms. Williamson. It has driven her to work part-time as a literacy tutor and academic coach to elementary and middle school students in Washington Nationals Youth Baseball Academy. Additionally, she is a curriculum specialist consulting and developing a literacy program for high school students for Reach, Inc., in Washington, D.C.

I credit Ms. Williamson for my sitting here in this seat and serving our great State. She was my third grade teacher and she selected me to play the role of Harriet Tubman in the school play. That opportunity changed my life and I've been advocating and fighting for equity ever since. Mr. Speaker, will you please welcome Ms. Marsha Williamson and grant her the cordialities of the floor.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Darling, the Speaker and all the members, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Thank you for your lifetime of work of helping young people and others learn, and particularly for your influence on Ms. Darling's life. Know that I'm sure she appreciates that and we are honored to have you. Thank you so very much.

(Applause)

Ms. Cruz for the purposes of an introduction.

MS. CRUZ: Thank you, Mr. Speaker -- thank you, Mr. Speaker. I'd like to introduce today Charles Wadelington and Alexandra Williams. Charles is the Senior Manager of Public Policy and Government Relations at Universal. He works closely with Universal's task force for meaningful change which works in support of marginalized communities in the ongoing fight for equality, justice and inclusion, and he's joining us from Washington, D.C. As many of us know, Universal has been one of the key music houses and power houses in helping hip-hop be what it is today. Alexandra Williams is here with us today. She is the Public Affairs Lead for Universal Music. Her work has helped to implement the company's global public policy with a particular focus in Latin America and she is joining us from New York City. They are here to celebrate how their music label has contributed to the development of hip-hop in New York and the 50th anniversary of hip-hop. Thank you, Mr. Speaker, and I ask that you extend them the cordialities of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Cruz, the Speaker and all the members, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Thank you for the work that you have done and what we anticipate the great work you will do in the future. Please know that you are always welcome here in Albany. Thank you so very much.

(Applause)

Mr. Ramos for the purposes of a introduction.

MR. RAMOS: Mr. Speaker, I rise today to introduce a distinguished group that I am so proud to have here and they are all legislators from South Africa, if you'd rise. We have representatives from the embassy here and we have various legislators from different provinces in South Africa. They've come here to kind of form a union with us since the world is smaller today and what happens in other countries affects us, what happens here affects them. Their -- their constituents, South African constituents who live here in New York are able to vote for president and legislators in their country, they can do that here in New York, which means that we have -- we are colleagues who represent the same constituents. So they are here to form that bond with us, to find ways in which we can coordinate for the betterment of both our constituents both here in the United States and in South Africa. Mr. Speaker, I ask you to please give this distinguished group a warm welcome, and please extend them all the privileges of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf

of Mr. Ramos, the Speaker and all the members, to these fellow legislators, thank you and welcome to the New York State Assembly, the People's House. We extend to you the privileges of the floor, appreciate that you've taken this long journey to come and share your time with us, hope that this proceedings will help you understand more of what we do in the New York State Assembly but at the same time have the opportunity to share your experiences with us. Please know that you are always welcome here. Thank you so very much for joining us.

(Applause)

MRS. PEOPLES-STOKES: Mr. Speaker, would you please call the Rules Committee to the Speaker's Conference Room?

ACTING SPEAKER AUBRY: Certainly. Rules Committee, Speaker's Conference Room immediately, please.

Page 6, Rules Report No. 184, the Clerk will read.

THE CLERK: Assembly No. A01633, Rules Report No. 184, Simon, Cruz, Reyes, Glick, Weprin, Burdick, Jacobson, Otis, Cunningham, Seawright, Santabarbara, Mitaynes, González-Rojas, Colton, Forrest. An act to amend the Public Health law, in relation to the closure of the hospitals or emergency or maternity departments.

ACTING SPEAKER AUBRY: An explanation is requested. Members, we are reminded we are on debate. Please keep your conversations down and take your seats.

Ms. Simon.

MS. SIMON: Thank you, Mr. Speaker. Current law

provides that when a hospital or maternity or emergency department might be closing that the community is entitled to have a forum 30 days after it closes. This bill would change that. It would require more transparency of information and require that community has input to these discussions about the closure of a hospital or a very time-sensitive department such as emergency and maternity within 45 days that the public be notified after the application is filed, and to have that hearing or that forum within -- before 60 days before the actual closure.

ACTING SPEAKER AUBRY: Mr. Jensen.

MR. JENSEN: Thank you, Mr. Speaker. Will the sponsor yield for some questions?

ACTING SPEAKER AUBRY: Ms. Simon, will you yield?

MS. SIMON: Certainly.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. JENSEN: Thank you very much, Ms. Simon. You mentioned under Public Health Law, currently there already is a forum that has to be held but the Department of Health already has the review procedures in place for any changes to a facility's operating certificate or changes to critical services being provided, correct?

MS. SIMON: Yes. Their procedure is totally inadequate.

MR. JENSEN: Okay, but there already is something in place?

MS. SIMON: Of course.

MR. JENSEN: Okay.

MS. SIMON: We're amending that.

MR. JENSEN: So when a facility decides either to close wholly or change types of services they're offering, does that usually go -- happen out of the blue or are they normally engaged with DOH leading up to that talking about what the situation is, the underlying conditions for why changes need to be made. This isn't typically something that happens out of the blue, DOH is usually aware of this well in advance, correct?

MS. SIMON: I have no idea. I don't work for the Department of Health. I can tell you that the Department of Health nor the institution actually shares that information with anybody but each other if, in fact, those conversations are occurring.

MR. JENSEN: Okay. So just going over the time frame, you mentioned a couple parts of the timing in your explanation, but just going through the checkoffs. So a facility files the application to close with the Department of Health.

MS. SIMON: Mm-hmm.

MR. JENSEN: Then within 30 days of receiving that application the Department of Health must provide public notification. Who does that public notification have to go to?

MS. SIMON: It goes to the public and to local elected officials.

MR. JENSEN: How?

MS. SIMON: The statute doesn't say precisely how, but normally -- normally, you know, we've left that up to the Department of Health, but normally they do that through written communications and as well as communications otherwise that through today, they probably do that through social media as well.

MR. JENSEN: Okay. So after or within those 30 days, after those 30 days pass, the public forum must occur 60 days prior to the close --

MS. SIMON: Mm-hmm.

MR. JENSEN: -- but no later than 45 days after receiving the application; is that correct?

MS. SIMON: No -- yes, that's right. Sixty days prior to the --

MR. JENSEN: Okay. So my question is what if those -- the 60 days prior to close and the 45 days after receiving the application, what if there's a longer lag period? Is there any gray area where those things -- the timing could not match up where you have a date falling outside of the parameters of the proposed statute?

MS. SIMON: I am sure that the Department of Health can find a -- a procedure when there is truly some sort of extenuating circumstance. For example, if there's some sort of emergency, that might be a public emergency for example, but the statute doesn't define that specifically because life happens.

MR. JENSEN: Right. So after the public forum, DOH must receive or be able to receive written comments from the

public for 14 days after that forum concludes?

MS. SIMON: Mm-hmm, two weeks, mm-hmm.

Two weeks.

MR. JENSEN: And then ten days prior to the public forum, DOH must provide or must post a notification that there is a public forum happening?

MS. SIMON: Yes, people need notice of the public forum.

MR. JENSEN: So how is that -- how is those ten day -- how is that ten day notice for the public forum different than the public notification by DOH that's happening within 30 days of receiving the application to close or --

MS. SIMON: That would have to be posted on their website.

MR. JENSEN: Could they post both things simultaneously and say that were --

MS. SIMON: Sure.

MR. JENSEN: -- this is happening and on this day we're going to be having a public forum?

MS. SIMON: They -- what we want is more transparency and more communication, and if the Department of Health and the hospital in question want to communicate through the website as well, that would be just dandy.

MR. JENSEN: So with -- in the onus for all these public forums and notifications, it's all on the DOH and not the facility

that is closing, correct?

MS. SIMON: The Department of Health is in charge of this process, yes.

MR. JENSEN: Okay. So for the public forum, who from DOH must be in attendance at the public forum? Does the Commissioner have to be there? Does the local health department? Who has to be there (inaudible/cross-talk) DOH?

MS. SIMON: Excuse me, I'm sorry. The Commissioner would designate who would need to be there.

MR. JENSEN: Is that in the legislation?

MS. SIMON: Yes.

MR. JENSEN: Okay. So with all these set time frames of when notifications have to go out, when comments can be received, when does the Commissioner actually make the decision on whether or not to approve the change in operating certificate or full closure?

MS. SIMON: There's no timeline specified for the decision by the Commissioner of Health in the statute, so it is really on a case-by-case basis depending on the facts and circumstances of that particular closure.

MR. JENSEN: So does anything in the statute say that the Commissioner has to take into account either public comments that were shared at the forum or submitted -- submitted public comments after the fact?

MS. SIMON: Yes. That's part of the approval

process, and in fact they should be addressing those issues in their determinations, and that's specified in the statute as well.

MR. JENSEN: So why would a hospital close or adjust the services that they're offering at a facility?

MS. SIMON: Why?

MR. JENSEN: Yes.

MS. SIMON: They're making a better real estate deal somewhere.

MR. JENSEN: That's the only reason why they'd (inaudible/cross-talk).

MS. SIMON: Listen, I -- I can't speak for hospitals as to why they would close --

MR. JENSEN: Okay.

MS. SIMON: -- however, as you know there's been a raft of mergers throughout the State. In 2017 alone there were 500 hospital beds closed. We have lost over 40 hospitals -- 41 hospitals in the past 20 years in New York State alone. Many of those hospitals were serving communities. Sometimes there is an effort to merge and become major centers, but that leaves many people in communities behind. And having lived through this process, I can tell you that it is very disruptive and there were many people who were left unserved by a local hospital that have been serving that community for over 150 years.

MR. JENSEN: Well, so you mentioned what, 5,000 beds over a certain period of time and 40 hospitals. Is that 5,000 beds

completely going off (inaudible) or being adjusted either to another facility or maybe being changed from one type of unit to another unit? Is it best completely going offline, facilities going completely offline, or is it just a reallocation of resources --

MS. SIMON: Well, I would say that it was 500 in 2017.

MR. JENSEN: Oh, 500, okay.

MS. SIMON: So while I'd like to be dramatic, I don't want to be that, right?

MR. JENSEN: Well, sounded like a lot to me so that's why I clarified.

MS. SIMON: But what we're talking about is the loss of those hospital beds.

MR. JENSEN: Okay.

MS. SIMON: Now I can tell you, for example, the number of psych beds that we've lost just in the last couple of years is tremendous, and I know we've lost local psych beds in -- in my district as well.

MR. JENSEN: Okay. I would imagine that potentially a reason why a hospital could close or adjust services could be a financial reason, especially if there is a tremendous financial loss. And if a facility is suffering imminent bankruptcy, this -- the provisions of this law would force the facility to stay open for an extended period of time to ensure that they're fulfilling obligations of this legislation; is that correct?

MS. SIMON: First of all, there are a variety of things that management could take care of short of bankruptcy, number one. Number two, billing -- improving billing practices, for example. So let me tell you a story about the hospital that closed near me, Long Island College Hospital, the first teaching hospital in the nation, it was open for over 150 years. They had a payer mix of a third Medicare, a third Medicaid, and a third private insurer. But the billing department wasn't actually billing for those services. Two years after it closed, I got a statement for a test that had been run. So we find that there are often bad management practices that might be behind that. And in this particular instance, it was very much an effort by the State to consolidate and to close a number of hospitals and we were caught in the crossfire there.

MR. JENSEN: So the State made the decision to close the hospital that you're referring to.

MS. SIMON: Yes.

MR. JENSEN: Okay. So would the State -- the State would have had to -- in that example, the State would have had to follow the obligations of this, and then the DOH Commissioner would have had to essentially, as the operator of the facility, make that determination whether or not he could close his own facility, or their own facility based on the determination that he made, they made in reviewing the feedback that they received from the community.

MS. SIMON: So first of all, a hospital is regulated by the Department of Health.

MR. JENSEN: Yes.

MS. SIMON: They are not an entity unto themselves with no regulation and, you know, they can, in fact, find a temporary operator, they can sell the hospital; nothing is prohibiting them from selling the facility and, in fact, we have had a lot of hospitals being sold to larger systems for example, which, you know, if you've -- if you've seen anybody recently in medical care, the name, whoever you're going to the name has changed.

MR. JENSEN: So if there's a sale on the facility from one operator to another operator, or a change in operator themselves, does that change the operating certificate?

MS. SIMON: That is a different process, it's not related to this.

MR. JENSEN: Well, but doesn't the legislation say any change to the operating certificate makes this process start?

MS. SIMON: That is not covered by this statute, I don't believe that would be the case. This is about closure of hospitals, maternity departments and emergency departments which, as you know, are quite time-sensitive.

MR. JENSEN: Okay. So going back to the idea that a facility could be financially suffering from financial strain, that is a reason why they choose, absent any other choice, they choose to close or reduce this because of financial strain. Is there a concern that by pushing out the time period before anything can happen that they could suffer from staffing loss because care staff, environmental staff,

building staff could see that okay, my employer is no longer going to be open in 120 days, I'm going to start filling out applications, I'm going to find a new job; yet, the facility is going to be mandated to stay open throughout this time period while hemorrhaging staff, potentially. Is there a concern that the ability to provide care could suffer while these facilities are being forced to remain open while following the process outlined in this legislation?

MS. SIMON: Well, the -- you know, the -- the bill does not speak to issues such as staffing ratios or how a hospital might work that out, but --

MR. JENSEN: But isn't -- but --

MS. SIMON: -- clearly, if that is a comment that may come up in the public forum, that would be perhaps something that the Department would consider in making its recommendation, or giving its permission to the facility to close. And again, we're talking about closing the hospital, or emergency or maternity. We're not talking about, you know, adjusting staff here or there.

MR. JENSEN: But I'm not saying about adjusting staff, respectfully. I'm talking about if I know my employer is no longer going to be employing people, I'm going to try to find a new job before everybody else I work with goes to find the new job. And so my concern is not a readjusting of the staffing allocation, my concern is a reduction of staff outside of the facility's control while they're fulfilling obligations, or DOH is fulfilling obligations outlined in this legislation. Also, the same concern about any sort of contracts

that they may have for medical supplies, could a supplier then cut the contract because they know about in 120 days, they're no longer going to be -- we're no longer going to have a contract with this organization so we're not going to renegotiate, we're not going to do X, Y, Z.

MS. SIMON: Listen, a hospital can make those decisions not to negotiate, but the reality is they have lawyers, they know how to deal with contract issues, and just because something might happen does not mean that we don't, in fact, protect the public's health by making sure that the public has information, adequate information, accurate information, timely information and an opportunity to -- to share their concerns. And we -- by the way, we give the hospital and the Department of Health more accurate information about the impacts to the health of the community.

MR. JENSEN: But isn't DOH already looking out for those interests with the process? They already have to review any changes to operating certificates or reduction of services --

MS. SIMON: That's a different process.

MR. JENSEN: -- they're already doing this.

MS. SIMON: This bill does not address any change to an operating certificate. This is about a hospital closure, which is a quite extreme circumstance and is happening too often.

MR. JENSEN: But isn't it -- if I am a hospital and I no longer offer a maternity ward, wouldn't that be a change to my operating certificate?

MS. SIMON: That would, and it would be covered

under this law.

MR. JENSEN: So it is, the operating certificate is under review based on the terms of this legislation.

MS. SIMON: That would be part of the hospital -- the Department of Health's review process to determine -- determine what, if any, changes would be in the operating certificate if they approved the closure of that department. So first the Department has to engage in that process, then it makes its decision about whether or not to close that department or that hospital, and then obviously if that requires a change in certificate because the hospital would still be functioning but without an ER, or without a maternity department. And that would be what the process that the Department of Health would then engage in.

MR. JENSEN: Okay. Thank you very much, Ms. Simon.

Madam Speaker, on the bill.

ACTING SPEAKER LEE: On the bill.

MR. JENSEN: Thank you very much. Certainly, the -- any time there's a reduction in health care services in the community, that is something that certainly the community would have a vested interest in. And while notification, sharing information on its face is laudable, the DOH already has relationships --

ACTING SPEAKER LEE: Mr. Jensen on your second 15.

MR. JENSEN: Thank you kindly. They already

have relationships with operating health systems, with these facilities, especially if they're financial -- suffering from financial strain, if they're going to consolidate services in another location within the community. Certainly with health care systems and facilities suffering from acute staffing crisis right now, a concern could be that further pushing out the process in which public forums must occur, comment periods must occur, that we could reach a situation where health care facilities are no longer able to provide the critical care that they are providing while this process is going on, which would further strain the ability to provide health care within that community.

So while I understand the reasoning for this legislation, I think the provisions that it contains could do more jeopardy in the ability of facilities and health care providers to actually provide the critical care that the sponsor is trying to protect. Certainly, we've seen hospitals close, we've seen different services and units go offline, but it's not often because they're going offline completely, they're a reallocation of resources maybe to a better more up-to-date facility. It could be a change in bed type from one type of unit to another that more meets the community's needs and what they're seeing and I think the fact that DOH already has the oversight prerogative on any changes to operating certificates and on closures is already a check to ensure that critical care services are protected for communities across the State.

Thank you very much, Madam Speaker.

ACTING SPEAKER LEE: Ms. Simon.

MS. SIMON: Yes, Madam Speaker, on the bill.

ACTING SPEAKER LEE: On the bill.

MS. SIMON: Thank you. This bill is the result of the experience that too many communities have had when an operator decides to close a hospital or a maternity department, or an emergency department, which is when they first start talking about closing maternity or emergency, you know that they're eventually looking to close that hospital, because these are the services that people need on an emergent basis and need on an ongoing basis and are difficult to -- to replace. Why do we need to have information before a hospital is closed? Well, the public ends up with no services. Now, in a community like mine, there are other hospital systems. They may not be available or accessible to public transportation, but they're not that far away, but people have difficulty getting there. People who are elderly, people with disabilities, people who do not have the income to get an Uber or a cab and rely on public transportation. But in too many communities throughout our State, those are in rural communities and small exurban communities, that when a hospital closes they don't have an adequate facility and they are forced to travel much farther distances to get the care that they need. That does not ignore to the benefit of New Yorkers; in fact, it harms New Yorker's health. And that should not be the position of this Body.

I will also tell you that these hospitals not just serve the folks that you and I know and think of right automatically, but in a particular case of the Long Island College Hospital. You know when I

was arrested protesting the closure of that hospital, I was brought to the local precinct. And while we were waiting for them to do the what they do to determine that I wasn't a person that shouldn't be allowed to -- to leave on my own recognizance, one of the women who was a civilian employee came into the room where those of us who have been arrested together and said, I'm not supposed to say this, but God bless you for doing this. We need this hospital. Because that is the hospital where the cops were all brought when they were injured in the line of duty. This matters to all the members of our community. The people who live and work in our community, whatever their circumstances are.

So this bill will protect the public, will require that there be notice and an opportunity to be heard, which is basic to our system of government instead of saying, let me just close that hospital and, you know, 30 days later, you can come and complain to me about why you think we shouldn't have done it. The public is entitled to be able to say, you know what? This is going to harm my community, this is going to harm my family, this is going to harm my neighbors and here's why and here's how. That is what this process ensures and I thank you for your attention and I will be voting in the affirmative.

ACTING SPEAKER LEE: Ms. Williams for an announcement.

MS. WILLIAMS: Madam Speaker, will you now please call the Ways and Means to the Speaker's Conference Room.

ACTING SPEAKER LEE: Ways and Means in the

Speaker's Conference Room.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER LEE: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. The Minority Conference will generally be in the negative on this piece of legislation. If there are members who wish to vote otherwise, they can certainly do so from their seats. Thank you.

ACTING SPEAKER LEE: Ms. Williams.

MS. WILLIAMS: This will be a Party vote in the affirmative. Any members wishing to vote no, please come into the Chambers and cast your vote. Thank you.

ACTING SPEAKER LEE: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Gunther to explain her vote.

MRS. GUNTHER: Thank you, Ms. -- Mrs. Speaker. Anyway, I think this is a great bill. In my area, Catskill Regional Medical Center, they were going to remove many of the departments in our hospital in my community, we're a low-income community, we don't have any transportation. And the closest hospital if we have an emergency situation would be 60 miles away. That could be a matter of life and death. So this is a very important piece of legislation for

my community to ensure that my constituents and my region have access to good health care, and these closures are complete opposite of what healthcare is supposed to be about. And, you know, sometimes we think about health care and all of us deserve it and it's not about money and it's not about profits, it's about people. And so I thank the sponsor for this bill.

ACTING SPEAKER LEE: Ms. Gunther in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. 1967, Rules 187 --

(Pause)

ACTING SPEAKER LEE: Mrs. Peoples-Stokes for an introduction.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker, for allowing me to interrupt our proceedings for the purposes of introducing guests in our Chambers by Member Monique Chandler-Waters -- Waterman, as we are today acknowledging Gun Violence Awareness Month, as you see orange is all over our Chambers today. We want to acknowledge the individuals that have been fighting everyday in efforts to reduce gun violence. This group represents her district of Assembly District 58, and their Public Safety Task Force. Today, they have with them mothers who have actually lost sons to gun violence. We have Natasha Christopher, Pamela

Haight (phonetic) and Nadine Slyvester (phonetic). There's also the anti-violence groups, (inaudible), the 67th Precinct Clergy Council, The GodSquad, Pastor Hinds; the East Village Incorporated, Ron London; Kings Against Violence Initiative by Ramik Williams; Christina Sparach (phonetic), the mental health peer specialist, and Pamela Stevenson. Madam Speaker, if you would please welcome these very distinguished citizens to our district -- to our Chambers and give them the cordialities of the House, Ms. Waterman, as well as myself, would be greatly appreciative. Thank you.

ACTING SPEAKER LEE: On behalf of Mrs. Peoples-Stokes, Ms. Chandler-Waterman, the Speaker and all the members, we welcome all of you to the Chamber, extend the privileges of the floor and hope you enjoy the proceedings. Thank you for joining us.

(Applause)

Page 6, Rules Report No. 187, the Clerk will read.

THE CLERK: Assembly No. A01967, Rules Report No. 187, Carroll, Dinowitz, Hyndman, Hevesi, Burdick, Kelles, Simon, De Los Santos, Seawright, Shimsky, Buttenschon. An act to amend the Real Property Law, in relation to requiring disclosure of information concerning flood insurance on property condition disclosure statements; and to repeal Section 467 of the Real Property Law relating to liability with respect to property disclosures.

ACTING SPEAKER LEE: An explanation has been requested by Mr. Carroll.

MR. CARROLL: This bill eliminates the credit provision in home sales and requires the disclosure of information pertaining to and concerning flood risk, flood history, insurance on a real property transaction.

ACTING SPEAKER LEE: Mr. Flood.

MR. FLOOD: Thank you, Madam Speaker. Would the sponsor yield, please?

ACTING SPEAKER LEE: Will the sponsor yield?

MR. CARROLL: Yes.

ACTING SPEAKER LEE: The sponsor yields.

MR. FLOOD: Does this bill carry with it any statute of limitations?

MR. CARROLL: This bill does not change the statute of limitations.

MR. FLOOD: So if a claim were to be made potentially against a seller of a property, would it be from the typical six years on a contract from the time of purchase, or would that be from the time of default -- defect property was found?

MR. CARROLL: I will remind you that the disclosure statement is already law and so that if a person did not waive this disclosure, they would already be liable for a material false statement if there was a damage starting from the time of that damage.

MR. FLOOD: Okay. So now this bill doesn't specifically deal with just the flooding, it's the entire property disclosure; is that correct?

MR. CARROLL: That is correct.

MR. FLOOD: Okay. Now, when you're filling out one of these property disclosure statements, there is two sections in there that you can answer -- there's four I believe. You can answer yes, you can answer no, you can answer unknown or unavailable; is that correct?

MR. CARROLL: I believe it's yes, no, or unknown.

MR. FLOOD: Yeah. So what's to keep a potential seller from just filling out the entire form with unknown?

MR. CARROLL: If that's a false statement, that would be false and they could be liable. One cannot stop somebody from lying, sir.

MR. FLOOD: So but, how would you know? The reason why this came into place was because a lot of, you know, sellers of property aren't necessarily skilled in the ways of understanding structural integrity of a property, damage, there's a -- there's a reason for that.

MR. CARROLL: If a defect is truly unknown, then I do not believe a person would be liable; however, if a person makes a material false statement on that disclosure form, they would be liable and should be.

MR. FLOOD: Okay. So you're familiar with real estate contracts; is that correct?

MR. CARROLL: Yes.

MR. FLOOD: So you've handled them in your

private practice, you've done them before?

MR. CARROLL: I have a law degree, I don't currently practice law.

MR. FLOOD: So I do do a lot of real estate, it's probably about 80 percent of my private practice. And inside every real estate contract it's fair to say you do have a termite inspection time, you have the ability to bring in a structural engineer. If you're getting a mortgage, every bank requires an appraiser to come in, all of which are able to adequately show a purchaser of, you know, what potential defects there may be; is that a fair statement to say?

MR. CARROLL: I don't understand your point. Thirty other states require disclosures, material disclosures. No other state, besides the State of New York, allows you to waive those disclosures for a \$500 fee. I understand that there are other assessments that are done during the closing process and during a home sale, but I don't see how they're germane to this point of making sure that you can no longer waive these disclosures for \$500.

MR. FLOOD: Well, so are you familiar with the term caveat emptor?

MR. CARROLL: Sure.

MR. FLOOD: And that means buyer beware.

MR. CARROLL: Yes.

MR. FLOOD: And in New York -- and if you have New York, like many other states don't require, New York requires attorneys to handle this process, and you pay an attorney for this. So

when we're dealing with a contract, you have an attorney there to represent your rights; is that correct?

MR. CARROLL: Yes.

MR. FLOOD: Okay. And so when you have all these fail-safes in regard to that, you have -- like I said, you have time for a termite specialist, you have a structural engineer coming in, you have a appraiser from the bank coming in, and these documents are all done, and they come about 50, 60 pages and they show everyone what this is. So at some point, is it fair to say that we're putting a onerous risk of loss on a seller for not filling out something correctly; is that fair to say?

MR. CARROLL: No.

MR. FLOOD: Why would that be?

MR. CARROLL: It's not fair to say that you're putting an onerous risk on somebody selling a home to simply answer some straightforward questions about the condition of the property that they own that they wish to sell. And the reason I know that is not only has New York required this disclosure for decades, 30 other states have as well, and New York is the only state that allows to waive these requirements for a mere \$500.

MR. FLOOD: Okay. So first things first, you keep saying 30 other states. Are their property disclosures the same as ours?

MR. CARROLL: Are they identical?

MR. FLOOD: Have you looked at one?

MR. CARROLL: No, but they require property disclosure.

MR. FLOOD: Okay. Have you filled out or have you actually looked at one of ours?

MR. CARROLL: I have, sir.

MR. FLOOD: Because they're not specifically just a quick form, there's a lot of detail that goes into it, there's a lot of questions that a lot of lay people may not know the answers to.

MR. CARROLL: Sir, you just talked about the fact that lawyers, banks, and many other professionals are a part of this process. I presume that when you are selling a home and you have real estate agents, banks, attorneys, appraisers, folks inspecting homes, that these answers will be able to be answered quickly, accurately, and honestly.

MR. FLOOD: Okay. So there we go, honestly. So if there is a claim, say, you know, I sell my property to you and four years later you come out and say that there's flood damage, who's to determine that flood damage?

MR. CARROLL: Well, was it in a 100-year or 500-year flood plain, had you had prior knowledge of flooding on the property that you falsely hid, then you would be liable. If you did not know those things or if FEMA, which we could go look up your property right now and find out if it's in a 100 or 500-year flood plain, if none of those existed then, sir, you would not be liable. I really don't understand your line of questioning.

MR. FLOOD: Well, my line of questioning is this, I live on the North Shore of Long Island. Any storm, any significant storm --

MR. CARROLL: Is your home in a flood plain?

MR. FLOOD: Yes.

MR. CARROLL: Then you would have to answer yes and if you answered no, you would be lying and you'd be liable, and you should be.

MR. FLOOD: Okay, but that's not the question I asked. So my question is, is who determines whether that flood generated from a prior instance or a current flood, because as I was trying to say, stop -- wait, before you answer, I'm going to finish what I'm saying, is that any significant storm in the town I'm from can bring flood damage. Any low-lying property will bring flood damage, not a hurricane, not a crazy storm, just a storm. So who's going to determine whether the -- whether the flood damage came from that specific storm or a preexisting storm that was done prior to the purchase sale?

MR. CARROLL: If you do not have present knowledge of a flood and if the Federal Government in their flood plains have not designated your property a flood plain, then I do not believe you would be liable. However, if you do have knowledge or if the Federal Government has designated your property at risk of flood then you would be liable. This is a pretty clear binary, sir.

MR. FLOOD: It's actually not, so let me get this

straight. Who determines if you had knowledge or not?

MR. CARROLL: Who determines?

MR. FLOOD: Yeah.

MR. CARROLL: Well, again, we have FEMA which puts out pretty extensive reports on flood issues and flood plains on property. We also happen to have deep records about people putting in insurance claims because of flood issues, large storms, records of flooding in areas that I believe courts would be able to easily adjudicate if there was a question of whether you actually disclosed accurately the risk of flood for a piece of property. Again, 30 other states do this and it works there, I think it can work in New York.

MR. FLOOD: So you're saying essentially that the courts can determine this and it's accurately disclosed, but that doesn't necessarily answer the question I had.

MR. CARROLL: Well, if you have a legal issue, it is usually courts that are the adjudicators of those things. That's the only way I know you can adjudicate a legal issue is in a court of law.

MR. FLOOD: I understand that. But so let me ask you this, I have -- there's a flood tomorrow and my house is damaged, my basement is flooded, and I decide to say, you know what? I don't have the proper insurance, I don't have the deductible, I'm going to blame my prior owner, I'm going to blame the prior owner and I'm going to bring suit. Who's going to determine that it wasn't from this flooding, it was from a prior flood? How do you do that?

MR. CARROLL: Sir, it's an absurd hypothetical --

MR. FLOOD: It's not, though.

MR. CARROLL: And, you know, the idea that a flood, a present flood that is in your property that you would say, oh, I had knowledge, I knew I was in a flood plain but I'm now going to blame a prior owner. The simple fact of the matter is at the point of sale, right now in New York what we don't allow for at the point of sale is transparency to allow people the most important purchase of their lives to let them know clearly and accurately if they love -- if they live or going to live in a flood zone, it is required for them to carry flood insurance, or if there's some other knowledge that they should be aware of so that they can protect their family and their property. And if the person who is selling them that property decides to materially make a false statement, then yes. We will hold those people liable, and I believe most people in this room will decide that people should be held liable when they make a material false statement when selling their home to an unsuspected purchaser.

MR. FLOOD: Okay, but you just said that --

MR. CARROLL: I did just say that, yes, that's correct. I was talking.

MR. FLOOD: All right. So you just said when determining whether you want to get flood insurance. When you're purchasing property in a flood zone, your bank requires you to have flood insurance or you're not going to get a mortgage, you're also not getting title insurance. So those protections are already there. Secondly -- sorry, Speaker, on the bill, please.

ACTING SPEAKER LEE: On the bill.

MR. FLOOD: This is -- this is just another bill that's going to add to litigation throughout the State. Most homeowners are not aware of all the things that happen in their property, that is why caveat emptor which is buyer beware. Every real estate contractor allows you to bring in a structural engineer to come in and look at the integrity of the structure. You have a appraisal from a bank where the bank, who is now lending this loan and has a financial interest into this property comes in and does a very thorough, usually between 50 and 100 pages of the property -- of the conditions of the property. You also have the ability to bring in termite inspections. So what this is doing is allowing a potential purchaser to have unlimited recourse against the seller who probably is moving out of the State, most people move in the State actually leave the State because of rules like this.

This is a bad bill, this is bad for sellers. This leads to unmitigated liability to a potential seller. We have protections in place to protect buyers. I do -- most of my private practice is this. I do about 80 percent of my private practice in real estate, you know, representing both sellers and purchasers. In the 12 years I've been doing this I've never had a single person come to me and say, hey, I have all this damage that we didn't find out during closing. It's -- it's a bad bill and I encourage my colleagues to vote in the negative. Thank you.

ACTING SPEAKER LEE: Read the last section.

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

ACTING SPEAKER LEE: A Party vote has been requested.

Mr. Tannousis.

MR. TANNOUSIS: The Republican Party will generally be opposed to this legislation. Anyone that wishes to be an exception please press the button at your desk. Thank you.

ACTING SPEAKER LEE: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker. This Conference will generally be in favor of this piece of legislation. There may be some who desire to be an exception, if so they should feel free to do so at their desk. Thank you.

ACTING SPEAKER LEE: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Carroll to explain his vote.

MR. CARROLL: Thank you, Madam Speaker. This bill is simple. It's a bill about transparency, it's a bill about fairness, and it will bring New York's antiquated disclosure laws into line with 30 other states, no longer allowing disclosures of flood risk and other property damage to be waived for a mere \$500. This will make sure that when people are making the most important purchase of their life, they are going into it with eyes wide open and know all the risks that may meet them in this journey of homeownership. This is a good bill

and I hope my colleagues will join me in voting in the affirmative.

Thank you, Madam Speaker.

ACTING SPEAKER LEE: Thank you. Mr. Carroll in the affirmative.

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

(The Clerk announced the results.)

The bill is passed.

Mr. Ramos.

MR. RAMOS: For the purpose of an introduction. Today we have some distinguished guests of Assemblyman Raga and several other members. We have a delegation from the Philippines and they are here celebrating the 125th Independence Day Anniversary of freedom from Spain. The Philippines are very similar to many Latin countries. I was in the Philippines last December. I went to (inaudible), all the usual stops and found -- I remember the first day I went to the Philippines I went to a restaurant, and I figured that I'm not going to understand the food here, and the first thing I saw on the menu was lechón asado. And I kept looking and I saw (inaudible) and I saw all the things we as Puerto Ricans eat, then I was reminded of how close our cultures are because we were both at one time colonized by Spain.

So today we have with us the Consul General from the Philippines, Senen Mangalile. We have the Vice Consul Tanya Ramiro; Bacolod City Mayor Alfredo Abelardo Albi Benetiz. That is

the Bacolod City Delegation. In addition, we have Officer Jonah Javier; we have Barangáy - another captain - Alfredo Telemodo (phonetic). Barangáy, I learned over there, it means neighborhood, right, and every barangáy, every neighborhood has its captain of the neighborhood who is part of the government and it's really a way its structured to give grassroots representation. We have Saul Jasper (phonetic) (inaudible), Aida Barthelmeu (phonetic), Darlene Oramero (phonetic), PCI President Nora Guyarreos (phonetic), (inaudible) Grand Marshal Dali Go (phonetic), Juliet Bara (phonetic), Potre Rancamenez (phonetic), Tess De La Cruz (phonetic). On behalf of myself, Assemblyman Raga and the entire Assembly, Mr. Speaker, I ask that you give them a warm welcome and please extend to them all the privileges of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Ramos, Mr. Raga, Mr. DiPietro, the Speaker and all the members, we welcome this distinguished group here from the Philippines. We extend to you the privileges of the floor. Our gratitude for sharing this day with us. Amazing to see so many of you here in the New York State Assembly, the People's House. Know that the relationships between the United States and Philippines are always going to be great here in the State of New York. Thank you so very much for being with us.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, members

have on their desk an A-Calendar. Would you please advance that A-Calendar?

ACTING SPEAKER AUBRY: On Mrs. Peoples-Stokes' motion, the A-Calendar is advanced.

Mrs. Peoples-Stokes.

(Pause)

Page 3, Rules Report No. 423, the Clerk will read.

THE CLERK: Assembly No. A00068-A, Rules Report No. 423, Sayegh, Dickens, Seawright, Aubry, Gibbs, DeStefano, Tague, Cunningham, Bendett, J.M. Giglio, Santabarbara, Simon, Jackson, Gunther, Zinerman, Colton, Kelles, Cruz, McDonald, Woerner, Conrad, Epstein, Cook, Reyes, K. Brown, Jean-Pierre, Otis. An act to amend the Education Law, in relation to developing grow your own initiatives at school districts and boards of cooperative educational services.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Sayegh to explain his vote.

MR. SAYEGH: Thank you very much, Mr. Speaker. We recently honored teacher appreciation, administrators, and this is a further attempt to recognize many, many categories of employees

who have a major impact on quality education. And one area is the development of teachers and teaching careers and to promote, especially individuals in diversified neighborhoods to make sure that we encourage many young men and women to look at the teaching profession as something that's a career -- long-rewarding career. And the Grow Your Own Initiative is really to motivate, especially communities of color, communities where we have ethnic diversity to make sure that the State Education Department works with higher education institutions, school districts and community organizations to encourage applicants in the teaching profession. And the Grow Your Own Initiative is no different from trying to promote diversity in government, in the police and the fire and all forms of employment. So today this initiative is really a move to address a shortage in the teaching profession and to really motivate a teaching base, a teaching category of teachers who will best reflect the students they serve. Thank you very much.

ACTING SPEAKER AUBRY: Mr. Sayegh in the affirmative.

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. I -- I rise to support this legislation. I think that it's very important, though, that we understand, and I think we do understand that when it comes to our kids and education in schools, we're missing a lot of people right now in our schools. We're missing bus drivers, we're missing teacher's aides, we're missing teachers, we're missing special ed

teachers and we need to really take a very holistic approach to try to encourage all of those people to step forward and to serve in those capacities. We desperately need them. And so while I do support this legislation specifically to look at underrepresented candidates in teaching positions, I think that the problem is much bigger than that. So I thank the sponsor, but I think we do have a lot to work on, a lot of additional work to do. I look forward to doing that in this Chamber, thank you.

ACTING SPEAKER AUBRY: Ms. Walsh in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00219-A, Rules Report No. 424, Solages, Hunter, Epstein, Fahy, Santabarbara, Clark, Gunther, Aubry, Kelles, Norris, DeStefano, Brabenec, Simon, Gibbs, Jacobson, Sillitti, Buttenschon, Hevesi, Paulin, Cruz, Lavine, Cunningham, Weprin, Woerner, Eichenstein, González-Rojas, Taylor, Pretlow, Walker, Jean-Pierre, Dickens, J.M. Giglio, Seawright, Thiele, Hyndman, Mikulin, Miller, Gandolfo, Gallahan, Fitzpatrick, Hawley, Burke, McDonough, McDonald, McMahon, Jensen, Bendett, Tague, J.A. Giglio, K. Brown, Flood, McGowan, Raga, Darling, Eachus, Stirpe, Lupardo. An act to amend the Education Law, in relation to requiring licensure of athletic trainers; and to amend the Social Services Law, in relation to making athletic trainers mandatory

reporters of suspected child abuse or maltreatment.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 730th 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. A00398-A, Rules Report No. 425, Burdick. An act to amend the Labor Law, in relation to notice of eligibility for unemployment benefits.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 60th 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. A00501, Rules Report No. 426, Rozic. An act to amend the Executive Law, in relation to extending the statute of limitations for claims resulting from unlawful

discriminatory practices to three years.

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

THE CLERK: Assembly No. A00514-A, Rules Report No. 427, Peoples-Stokes, Jean-Pierre, Jackson, Cruz, Dickens, Otis, Simon, Sayegh, Jacobson, Magnarelli, Shimsky, Cunningham, Stirpe, Weprin. An act to amend the Education Law, in relation to expanding access to advanced courses to improve educational equity.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect July 1st, 2024.

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. A00581, Rules Report No. 428, Rozic, Mamdani, Bichotte Hermelyn, Fahy, González-Rojas, Paulin, Burdick, L. Rosenthal, Kelles, Ardila, Epstein, Simone. An act to amend the General Obligations Law, in relation to violations of nondisclosure agreements in certain settlement agreements.

ACTING SPEAKER AUBRY: On a motion by Ms. Rozic, the Senate bill is before the House. The Senate bill is

advanced. The bill is laid aside.

THE CLERK: Assembly No. A00779-B, Rules Report No. 429, Dinowitz, L. Rosenthal, Weprin, Otis, Seawright, Reyes, Taylor, Sayegh, Epstein, Stirpe, Hyndman, Steck, Cook, Glick, Cruz, Zebrowski, Wallace, Fall, Darling. An act to amend the General Business Law, in relation to prohibiting the disclosure or use of a person's consumer credit history to an employer, labor organization, employment agency or agent thereof for purposes of employment decisions.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00782, Rules Report No. 430, Peoples-Stokes. An act to amend the Public Health Law in relation to collaborative models for addressing health care disparities.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: On a motion by Mrs. Peoples-Stokes, 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. A01432-A, Rules Report No. 431, Aubry, Cruz, Darling, Epstein, Jackson, Seawright, Simon, Weprin, Zinerman, Kelles, Walker, Mamdani, Burgos, Gallagher, Taylor, Hevesi, Raga, Reyes, Cook, Gibbs, Septimo, Forrest, L. Rosenthal. An act to amend the Judiciary Law, in relation to removing the lifetime ban on jury duty for convicted felons; and to repeal certain provisions of such law related thereto.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02080, Rules Report No. 432, Dinowitz, Weprin, Williams, Colton, Seawright, Simon. An act to amend the General Business Law, in relation to requiring mandatory arbitration clauses in certain consumer contracts to be printed in large font type.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly A02218, Rules Report No. 433, Weprin, Paulin, Dinowitz, Gunther. An act to repeal Section 470 of the Judiciary Law, relating to allowing attorneys having offices in the state to reside in an adjoining state.

ACTING SPEAKER AUBRY: On a motion by Mr. Weprin, the Senate bill is before the House. The Senate bill is advanced and the bill is laid aside.

THE CLERK: Assembly No. A02311, Rules Report No. 434, Morinello. An act to amend Chapter 363 of the Laws of 1982 relating to incorporation of the Volunteer and Exempt Firemen's Benevolent Association of Lewiston Fire Company No. 2, Inc., in

relation to its purpose and the use of foreign fire insurance premium taxes.

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. A02477, Rules Report No. 435, Bronson. An act to amend the General Business Law, in relation to fines for false alarms by an alarm system.

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. A02546, Rules Report No. 436, Colton, Rivera, Cruz, Aubry, DeStefano, Dickens, Hyndman, Williams, Taylor, Jacobson, Seawright, Bendett. An act to amend the Vehicle and Traffic Law, in relation to parking infractions.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02898-A, Rules Report No. 437, Carroll, Epstein, Shimsky, González-Rojas, McDonald, Dinowitz, Gallagher, Seawright, Jean-Pierre, Thiele, Cunningham, Woerner, K. Brown, Forrest, Simon, Weprin. An act to amend the Insurance Law, in relation to requiring certain insurance policies to cover neuropsychological exams for dyslexia.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A03052, Rules Report No. 438, Wallace, Norris, McMahon, Conrad, Burke, Aubry, McDonald, Lunsford, J.A. Giglio, Simpson, Morinello, Barrett, Kelles, Gibbs, Thiele, Sillitti, Benedetto, Rivera, Septimo, Hevesi, Lavine, Cruz, Gunther, Rozic, Buttenschon, Kim, Burdick, Santabarbara, Meeks, Raga, Jean-Pierre, Dickens, Lupardo, O'Donnell, Ramos, Colton.

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

Ms. Wallace to explain her vote.

MS. WALLACE: Thank you, Mr. Speaker, for giving me an opportunity to explain my vote. I want to thank my

colleagues for supporting this legislation which would allow Trooper Lakeman's widow to receive benefits to which she should have been entitled to for many years. When Trooper Lakeman passed away of pancreatic cancer after having worked at 9/11 at the time, pancreatic cancer wasn't recognized as related to a 9/11 issue. Years later after he had passed it was, but by that time, his widow didn't have a reason to be looking into whether the benefits would apply. So this would allow her to apply for the benefits and allow the family to receive benefits to which they should have been entitled. So thank you very much and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Wallace in the affirmative.

Mr. Norris to explain his vote.

MR. NORRIS: Thank you, Mr. Speaker. I would like to take this opportunity to first thank the sponsor, Assemblywoman Wallace, for championing this bill, this very important piece of legislation. We've worked on it together for many years and on behalf of the family, Larry Lakeman -- Trooper Lakeman's wife, Audra, and their two daughters, Alexandra and Sydney, this is going to mean the world to them to bring justice to the situation, whose father passed away, and husband passed away due to pancreatic cancer from 9/11. So again, I would encourage all my colleagues to please vote for this bill to provide justice for this family. And again, I'd like to thank the sponsor. It means so much that you carried this bill. Thank you, Assemblymember Wallace. Thank you,

Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Norris in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03403-A, Rules Report No. 439, Cruz, Burdick, Barrett, Thiele, Hevesi, Simon, Morinello, Tague, Sillitti, Walsh, González-Rojas, Bendett, Epstein, Zinerman, Zaccaro, Seawright, Tapia, Simone, Cunningham, Anderson, Burgos, Clark, Pheffer Amato. An act to amend the Veterans' Services Law, the Military Law and the Executive Law, in relation to establishing the Alex R. Jimenez New York State Military Immigrant Family Legacy Program.

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.)

Ms. Cruz to explain her vote.

MS. CRUZ: Thank you, Mr. Speaker. This is the third time, and I believe it's hopefully going to be the last time we have to vote on this bill. As many of you might remember, in years past I've talked about Sergeant Jimenez gave up his life for our

country. And while he -- his body was missing in Iraq, his wife was fighting her deportation. And this program is going to give our veteran immigrant families what they deserve, which is a chance to become American citizens, a chance to fight possible deportation, the chance to remain in the country that they love. We are creating the first in the nation program to provide assistance to veterans and their immigrant families to make sure that they are on their path to that American Dream.

I want to thank the Speaker for prioritizing it every year, I want to thank my colleagues in the Senate who have helped lead this, and we finally got it through and I am hoping that the next time we have to talk about Sergeant Jimenez is that the Governor is signing it, recognizing that veterans deserve much more than a program that is simply pro bono. They have given up their lives for this country and it is the minimum we can do. And I couldn't think of a better way to close Memorial week -- Memorial Day week than by recognizing Sergeant Jimenez. I get to go back to Corona and call his mother and tell her that her son's legacy is going to live on in our State. Thank you.

ACTING SPEAKER AUBRY: Thank you. Ms. Cruz in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03451, Rules Report

No. 440, DeStefano. An act in relation to authorizing the Ruth AME Zion Church to file with the Town of Brookhaven Assessor an application for certain real property tax exemptions.

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. A03486, Rules Report No. 441, DeStefano. An act in relation to authorizing the assessor of the Town of Brookhaven to accept an application for exemption from real property taxes from Al-Muneer Foundation, Inc.

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. A03499, Rules Report No. 442, Carroll, Stirpe, Reyes, Taylor, Dickens, DeStefano, Ramos,

Mikulin, Sayegh, Smith, Williams, Cook, Seawright, Reilly, Miller, Rozic, Epstein, Cruz, Steck, Ra, Benedetto, Jacobson, Hyndman, Thiele, Lavine, Stern, Jones, Buttenschon, Braunstein, Fall, Paulin, L. Rosenthal, Wallace, Dilan, Aubry, Jean-Pierre, Darling, Walker, Anderson, Jackson. An act to amend the General Business Law and the Vehicle and Traffic Law, in relation to designating new automotive broker businesses.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A03983, Rules Report No. 443, Thiele, DeStefano. An act to amend the Vehicle and Traffic Law, in relation to first degree aggravated unlicensed operation (AUO) of a motor vehicle.

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.

THE CLERK: Assembly No. A03986, Rules Report No. 444, Fahy, Simon, Gallagher, Epstein, Carroll, Jackson, Hunter, McMahon, Mitaynes, Davila, Burdick, González-Rojas, Kelles, Simone, L. Rosenthal. An act to amend the Vehicle and Traffic Law,

in relation to the operation of bicycles at stop signs and traffic control signals.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A04033, Rules Report No. 445, Simpson, Blankenbush, Maher, Manktelow, DeStefano, Lemondes, Gibbs, Bendett. An act to amend the Highway Law, in relation to designating a portion of the State Highway System as the "Lance Cpl. Scott Lee Schultz Memorial Bridge."

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. A04066-A, Rules Report No. 446, Burgos, Sillitti, Gallagher, Fahy, Braunstein, Clark, Fall, Septimo, Mamdani, Rivera, Durso, Miller, Lunsford, Darling, Santabarbara, Destefano, J.A. Giglio, Smith, K. Brown, Ramos, Lavine, McMahon, Jacobson, Shimsky, Cunningham, Shrestha, L. Rosenthal, Thiele, De Los Santos, Meeks, McDonough, Williams, Colton, Joyner, Dinowitz, Hevesi, Gunther, Burke, Tapia, Cook, Stern, Walker, Weprin, Benedetto, Simone, Jean-Pierre, Norris, Jensen, Beephan, Epstein, Slater, Gray, Conrad, McDonald,

Seawright, Burdick, Bores, Brabenec, Hyndman, Zaccaro, Aubry, Stirpe, Reilly, Dilan, Solages, Sayegh, Cruz, Carroll, Tague, Alvarez, Lupardo, Levenberg, Flood, González-Rojas, Morinello, Bronson, Woerner, Zebrowski, E. Brown, Reyes, Ardila, Gallahan, Simpson, Gandolfo, Bendett, McGowan, Steck. An act to amend the Vehicle and Traffic Law, in relation to requiring motor vehicle dealer franchisors to fully compensate franchised motor vehicle dealers for warranty service agreements.

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. A04444-A, Rules Report No. 447, Palmesano. An act to amend the Tax Law, in relation to authorizing an occupancy tax in the Village of Bath, in Steuben County; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Read the last section -- Home Rule message is at the desk. 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. A04796-A, Rules Report No. 448, Magnarelli. An act to amend the General Business Law, in relation to vehicle cost recovery fees.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 60th 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. A05109-A, Rules Report No. 449, Glick, Lupardo, Simon, Burdick, Epstein, Dinowitz, Stirpe, Thiele, L. Rosenthal, Lavine, Woerner, Cruz, Pretlow, Santabarbara, Colton. An act to amend the Agriculture and Markets Law, in relation to prohibiting the slaughtering of horses for human or animal consumption.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05180-A, Rules

Report No. 450, Wallace, Conrad, McMahon, Colton, Seawright, Darling, Dinowitz, Gunther, Zinerman, Thiele, Simon, Steck, Jacobson, Sillitti, Hevesi, Septimo, Jackson, Forrest, Otis, L. Rosenthal. An act to amend the Election Law, in relation to encouraging student voter registration and pre-registration.

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

THE CLERK: This act shall take effect July 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. A05221-A, Rules Report No. 451, Otis, Benedetto, Simon, Lee. An act to amend the Environmental Conservation Law, in relation to requiring the Department of Environmental Conservation to implement permit regulations and guidance regarding shoreline management.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05263, Rules Report No. 452, Sayegh, Burdick, Shimsky, Levenberg, Otis. An act to amend the Public Officers Law, in relation to the employee status of certain persons working as guardians ad litem in the County of

Westchester.

ACTING SPEAKER AUBRY: On a motion by Mr. Sayegh, 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. A05332-A, Rules Report No. 453, Palmesano. An act to amend the Tax Law, in relation to extending the authorization of the County of Yates to impose an additional one percent of sales and compensating use taxes.

ACTING SPEAKER AUBRY: On a motion by Mr. Palmesano, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. 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. A05729-A, Rules Report No. 454, Paulin, Steck, Burdick, Hevesi, Kelles, McMahon, Simon, Zebrowski, J.A. Giglio, McDonough, Weprin. An act to amend the Insurance Law, in relation to requiring certain insurers to provide coverage for tattooing performed by a physician as part of breast reconstruction surgery.

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. A05841, Rules Report No. 455, Lavine, Davila, Walker. An act to amend the Real Property Actions and Proceedings Law, in relation to notices required prior to mortgage foreclosure.

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. A05872-A, Rules Report No. 456, Brabenec, McGowan. An act to amend the Tax Law, in relation to authorizing the County of Rockland to impose an additional rate of sales and compensating use taxes.

ACTING SPEAKER AUBRY: Home Rule message is at the desk. 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: Thank you, Mr. Speaker, for allowing me to interrupt our proceedings just to briefly introduce some guests of our colleague, Didi Barrett. These are 4th graders from the Spackenhill School in the District -- Spackenhill School District in the Town of Poughkeepsie. So if you will welcome these 4th graders to our Chambers, with their teachers and -- that would be very appreciated.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mrs. Peoples-Stokes, Ms. Barrett, the Speaker and all the members, we welcome you here to the New York State Assembly, extend to you

the privileges of the floor. Happy to see you today. When you came in, you brought a little breath of freshness into the Assembly. Please continue that. Know that we will always be supportive. Thank you so very much.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A05939, Rules Report No. 457, Eichenstein, Weprin. An act to amend the Correction Law, in relation to requiring religious dietary food options in prison commissaries and visitor's areas.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 60th 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. A06030-C, Rules Report No. 458, Paulin, Fahy. An act to amend the Education Law, in relation to nonpatient specific orders a registered professional nurse may perform.

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. A06046-B, Rules Report No. 459, Bronson, Shimsky, González-Rojas, Hevesi, Reyes, Simone, Seawright, Solages, Cruz, Shrestha, Clark, Simon, Epstein, Paulin, Glick, Gallagher, Lunsford, O'Donnell, Kelles, L. Rosenthal, Bores, Burdick, Stirpe, Fahy, Burgos, Weprin. An act to amend the Family Court Act, the Executive Law, the Civil Practice Law and Rules, the Criminal Procedure Law, the Education Law, the Public Health Law and the Insurance Law, in relation to gender-affirming care.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06091, Rules Report No. 460, Otis. An act to amend the Education Law, in relation to student governments.

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

THE CLERK: This act shall take effect September 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. A06247, Rules Report No. 461, Aubry, Levenberg. An act to amend the Correction Law, in relation to amending the definition of special populations to include persons who are in the first eight weeks for the post-partum recovery period regardless of pregnancy outcome.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06659, Rules Report No. 462, De Los Santos. An act to amend Chapter 470 of the Laws of 2022 authorizing the City of New York to discontinue the use as parkland of a portion of real property in the County of New York and to grant easements to the Metropolitan Transportation Authority so that it may make handicapped accessible improvements and upgrades to the New York City Transit Authority 168 Street Transit Station, in relation to making technical amendments thereto.

ACTING SPEAKER AUBRY: Home Rule message is at the desk. 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.)

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker, to explain my vote briefly. I generally do not appreciate the discontinuation of parkland, or the alienation of parkland, but in this instance when it comes to the subway, it is in a very fixed position. There aren't options for the MTA or the Transit Authority to make our subways accessible without using a specific location that is confined based to the contours of the subway station. So in this instance, I will be supporting this measure despite the alienation of parkland, and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06688, Rules Report No. 463, Shrestha. An act to amend the Tax Law and Chapter 200 of the Laws of 2002 amending the Tax Law relating to certain tax rates imposed by the County of Ulster, in relation to extending the authority of the County of Ulster to impose an additional 1 percent sales and compensating use tax.

ACTING SPEAKER AUBRY: On a motion by Ms. Shrestha, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. The Clerk will record -- 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. A06698, Rules Report No. 464, Weinstein, Peoples-Stokes, Dinowitz, Zebrowski, Lavine, Glick, L. Rosenthal, Aubry, Paulin, Colton, Hyndman, Weprin, Joyner, Santabarbara, Taylor, Carroll, Jacobson, Burke, Steck, Simon, Dilan, Fall, Jean-Pierre, Dickens, Darling, Solages, Wallace, Cruz, Cook, Rajkumar, Benedetto, Burgos, Stern, Mitaynes, Lunsford, Hunter, Sillitti, Hevesi, Mamdani, Stirpe, Gibbs, McMahon, Epstein, Seawright, Burdick, Magnarelli, Kim, Meeks, Anderson, Tapia, Novakhov, Shrestha, Reyes. An act to amend the Estate, Powers & Trust Law, in relation to the payment and distribution of damages in wrongful death actions.

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.)

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. So I -- I

have been in favor of this bill in the past and I will be again this year, but I -- I don't like an aspect of the bill that's changed from last year to this year and I wanted to just bring attention to that. Under this version of the bill there's an expanded group of individuals who are going to be allowed to bring actions and be able to receive compensation for the loss of -- of their loved ones and I don't doubt that they -- that they've experienced loss, but I have a problem with expanding it to include individuals like step-grandparents. I think we're going a little bit too far afield on the -- the group of people who are going to be able to collect. I do hope that there will be some kind of a chapter maybe addressing that issue, but overall I think that this is a needed change in -- in our law and I will support it. So, Mr. Speaker, I'll be in the affirmative but I do have that concern. Thank you.

ACTING SPEAKER AUBRY: Ms. Walsh in the affirmative.

Are there any other votes? Announce the results.
(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06712, Rules Report No. 465, Smullen. An act to amend the Tax Law, in relation to extending the authorization of the County of Hamilton to impose an additional one percent of sales and compensating use taxes.

ACTING SPEAKER AUBRY: On a motion by Mr. Smullen, the Senate bill is before the House. The Senate bill is

advanced. Home Rule message is at the desk. 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 LAVINE: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06922, Rules Report No. 466, Magnarelli. An act to amend Chapter 3 of the Laws of 2020 relating to establishing the stretch limousine passenger safety task force, in relation to extending the provisions thereof.

ACTING SPEAKER LAVINE: On a motion by Mr. Magnarelli, 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 LAVINE: 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. A06996, Rules Report No. 467, Wallace. An act to amend the Education Law, in relation to

information to be provided by a veterinarian initially prescribing or dispensing a drug to a dog, cat, or rabbit; and to amend Buoy's Law, in relation to the effectiveness thereof.

ACTING SPEAKER LAVINE: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER LAVINE: 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. A07009, Rules Report No. 468, McDonald, Fahy. An act to amend Chapter 105 of the Laws of 2009, amending Chapter 693 of the Laws of 1980 enabling the County of Albany to impose and collect taxes on occupancy of hotel or motel rooms in Albany County relating to revenues received from the collection of hotel or motel occupancy taxes, in relation to the effectiveness thereof; to extend the authorization of the County of Albany to impose and collect taxes on occupancy of hotel or motel rooms in Albany County.

ACTING SPEAKER LAVINE: On a motion by Mr. McDonald, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER LAVINE: 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. A07016-B, Rules Report No. 469, Magnarelli. An act to amend the Highway Law, in relation to requiring the commissioner of transportation to provide a report on collisions that have occurred between motor vehicles and bridges or elevated structures on or crossing highways.

ACTING SPEAKER LAVINE: Read the last section.

THE CLERK: This act shall take effect on 365th day.

ACTING SPEAKER LAVINE: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. I just wanted to rise and to thank the sponsor of this piece of legislation. From what I understand, out in the sponsor's neck of the woods, they're running into the same problems that I am in my district with one particular bridge that's getting struck all of the time by -- by vehicles that are too tall. And we've been working hard with DOT to

try to install different alarm systems, flashing lights, multiple signs. Thank God nobody has gotten hurt yet, but I think we do need to pay very close attention and keep a list of the bridges that are these particular problems so that we can try to address the -- the collision issues. I mean when a bridge has its own Facebook page because it is so well-known as being its own entity as having been struck so many times, you know that there's a problem. So many thanks to the sponsor for this piece of legislation and I do hope that it helps. Thank you.

ACTING SPEAKER LAVINE: Thank you, Ms. Walsh.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07061-A, Rules Report No. 470, Burgos. An act to amend Chapter 544 of the Laws of 2022, authorizing the City of New York to discontinue a portion of real property in the County of the Bronx as parkland and to grant easements for improvements to the railroad right-of-way to bring Metro-North railroad service to four new stations in the Bronx and to Pennsylvania Station in the county, in relation to authorizing the City of New York to discontinue a portion of real property in the County of the Bronx as parkland and to grant easements for improvements to the railroad right-of-way to bring Metro-North railroad service to four new stations in the Bronx and to Pennsylvania Station in the County

of New York and making technical corrections thereto; and to repeal Section 6 of Chapter 544 of the Laws of 2022, authorizing the City of New York to discontinue a portion of real property in the County of the Bronx as parkland and to grant easements for improvements to the railroad right-of-way to bring Metro-North railroad service to four new stations in the Bronx and to Pennsylvania Station in the county.

ACTING SPEAKER LAVINE: Home rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER LAVINE: 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. A07113, Rules Report No. 471, Mamdani. An act to amend the Alcoholic Beverage Control Law, in relation to a license to sell liquor at retail for consumption on certain premises.

ACTING SPEAKER LAVINE: On a motion by Mr. Mamdani, 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 LAVINE: 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. A07254, Rules Report No. 472, Lavine. An act to amend the Real Property Tax Law, in relation to base proportions in assessing units in Nassau County.

ACTING SPEAKER LAVINE: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER LAVINE: 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. A07348, Rules Report No. 473, Dickens. An act to amend the Family Court Act, in relation to notices given to respondents in child abuse and neglect proceedings in family court.

ACTING SPEAKER LAVINE: Read the last section.

THE CLERK: This act shall take effect on the 60th day.

ACTING SPEAKER LAVINE: 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. A07349, Rules Report No. 474, Hevesi. An act to amend the Social Services Law, in relation to kinship guardianship of children whose parental rights were surrendered or terminated.

ACTING SPEAKER LAVINE: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER LAVINE: 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. A07351, Rules Report No. 475, Weinstein. An act to amend the Civil Practice Law and Rules, the Business Corporation Law, the General Associations Law, the Limited Liability Company Law, the Not-for-Profit Corporation Law and the Partnership Law, in relation to consent to jurisdiction by foreign business organizations authorized to do business in New York.

ACTING SPEAKER LAVINE: Read the last section

-- laid aside.

THE CLERK: Assembly No. A07367, Rules Report No. 476, Simone. An act to amend the Executive Law, in relation to the definition of "sexual orientation" as applicable to the Human Rights Law.

ACTING SPEAKER LAVINE: On a motion by Mr. Simone, 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 LAVINE: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Simone to explain his vote.

MR. SIMONE: Thank you, Mr. Speaker, to explain my vote. In 2002 this Legislature passed the Sexual Orientation Non-Discrimination Act (SONDA), which I advocated for with many other activists and LBGT New Yorkers. While SONDA provided important protections from discrimination and hate crimes for lesbian, gay and bisexual New Yorkers, it left at least one vestige of homophobia enshrined in State law. The definition of sexual orientation added by SONDA to Section 292 of the Human Rights Law, New York antidiscrimination statute reads: The term sexual orientation means heterosexuality, homosexuality, bisexuality, or asexuality whether actual or perceived, however nothing contained herein shall be construed to protect conduct otherwise prescribed by

law. Of the 40 statutory terms defined in Section 292, sexual orientation is the only one that contains a disclaimer but the definition does not permit otherwise illegal conduct. The compellation of homosexuality with criminality is deeply harmful and rooted in a time when states, including New York State, had laws on the book criminalizing consensual sexual acts between adults. Yes, as LGBT New Yorkers we are intimate. There's nothing inherently criminal about one's sexual orientation and our State's Antidiscrimination Law should reflect that. On this first day of Pride Month, I am so proud to vote to remove the history of homophobia from all laws. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Simone in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07376, Rules Report No. 477, Weprin. An act to amend the Banking Law, in relation to electronic notices or documents in premium finance transactions.

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. A07393, Rules Report No. 478, Darling. An act to amend Part FFF of Chapter 59 of the Laws of 2018, amending the Public Health Law relating to authorizing the commissioner of health to redeploy excess reserves of certain not-for-profit managed care organizations, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07424-A, Rules Report No. 479, Davila, Taylor, Simpson, Maher. An act establishing a fiscal cliff task force to conduct a study on fiscal cliffs in the state's public assistance programs and to make recommendations related thereto; and providing for the repeal of such provision upon expiration thereof.

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.)

Mr. Maher to explain his vote.

MR. MAHER: Thank you, Mr. Speaker. This is something that we're really actually very excited about. Myself and the Chairwoman Maritza Davila, as well as our partners in the Senate got together and really thought about a way we could have a bipartisan

effort to study what fiscal cliffs have been doing in terms of those that are on Social Services. There are a lot of disincentives for folks that we're trying to help to accept a raise, get the job that they really want because they'll potentially lose their benefits. So being able to evaluate that and have a bipartisan discussion is something that we are very excited about and I just want to thank my colleagues on the other side of the aisle for their cooperation and looking forward to this yielding some positive results.

ACTING SPEAKER AUBRY: Mr. Maher in the affirmative.

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. I rise to join in thanking the sponsor for bringing this forward. And for all the people that worked on making this bill what it is. I think, you know, we -- we do pass a lot of bills in this -- in this House creating task forces, and we saw unfortunately last year that the Governor took, I don't know, like three dozen or so and vetoed all of them saying that they all had fiscal implications that weren't addressed in the budget. So I think we have to be careful to pick and choose which task forces have the most merit going forward because we don't want to see that happen again. I think we run the risk when we pass a lot of task force bills that they could potentially all get vetoed, which is what we saw last year. But I do think that this particular bill creating the fiscal cliff task force is so important and I really hope that when the Governor reviews this bill that she will allow -- that she'll sign it and allow this

to go forward. This is so important. I think all of us agree that we don't want to when we're looking at public assistance create disincentives for people to get off of public assistance and become self-sufficient and be able to move forward in that manner. So I do hope that -- that this bill will be signed and will be put into law. We do need this task force and I hope that -- I hope that it comes to pass and I'm happily going to be voting in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly. Ms. Walsh in the affirmative.

Mr. Palmesano to explain his vote.

MR. PALMESANO: Yes, Mr. Speaker, and my colleagues. To kind of take off from what my colleague just said, this is a good bill, this should be signed into law, but let's face it. How often do we see the Governor veto bills that pass unanimously in this House? If the Governor wants to veto a bill, so be it, that's her constitutional right to veto it, but it's also our constitutional right to bring the bill back here and override her veto, show her that we're an equal partner in government and that we have that right and responsibility to say no, we disagree with you. We passed this bill 150 to nothing or whatever this is going to be. We're going to make this law because we want it to be law. You're wrong, Governor, so you veto it, that's your constitutional right, our constitutional right is to override that veto. We should do that more in this House. To stand up to this Governor instead of letting her veto bills and then just

accept it willy-nilly. So thank you. I vote yes. Let's override some vetoes for once.

ACTING SPEAKER AUBRY: Mr. Palmesano in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07558, Rules Report No. 480, Thiele, Pheffer Amato, Smith, Solages. An act to amend the Legislative Law, in relation to the legislative commission on the future of the Long Island Power Authority.

ACTING SPEAKER AUBRY: On a motion by Mr. Thiele, page 15, Rules Report 480, Bill No. A07558, the amendments are received and adopted.

THE CLERK: Assembly No. A07646, Rules Report No. 481, Septimo. An act to amend the Executive Law, in relation to reciprocal minority and women-owned business enterprise certification.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 270th 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.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could now go to our debate list. We're going to start with Rules Report No. 399 by Ms. Solages. Then we're going to go to Rules Report No. 178 by Mr. McDonald, followed by Calendar No. 174 and -- by Ms. -- Ms. Rozic and then Calendar No. 148 by Mr. Dinowitz, and lastly in this order, Mr. Speaker, we'll take Rules Report No. 168 by Ms. Paulin.

ACTING SPEAKER AUBRY: Thank you. Rules Report No. 399, page 15, the Clerk will read.

THE CLERK: Assembly No. A07107-B, Rules Report No. 399, Solages, Stirpe, Hunter, Magnarelli, Fahy. An act to amend the Education Law, in relation to permissible activities for athletic associations, conferences, or other groups of organizations with authority over intercollegiate athletics and the definition of student-athlete.

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.

Page 6, Rules Report No. 178, Clerk will read.

THE CLERK: Assembly No. A07154, Rules Report No. 178, McDonald. An act to amend the Public Health Law, in relation to adult immunization reporting requirements.

ACTING SPEAKER AUBRY: Mr. McDonald, an explanation has been requested, sir.

MR. MCDONALD: Thank you, Mr. Speaker. This bill would require health care providers who administer a vaccine to an individual 19 years of age or older to report the immunization to either the Department of Health or the New York City Registry, immunization registry, unless the individual objects to the reporting to the proper registry. This legislation or this bill will bring New York State into the modern era. Currently throughout this country there are 51 registries between a few cities and states. And New York State is one of five in the country that have an opt-in procedure which is a burden to the providers versus an opt-out. So it actually modernizes the process and brings us in line with the practice of the majority of states throughout the country.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Jensen.

MR. JENSEN: Thank you, Mr. Speaker. Will the sponsor yield for some questions?

MR. MCDONALD: Yes, sir.

ACTING SPEAKER AUBRY: Mr. McDonald?

MR. MCDONALD: Yes, sir.

ACTING SPEAKER AUBRY: Mr. McDonald

yields.

MR. JENSEN: Thank you, Mr. McDonald. So just going back to your explanation. So currently vaccines for New Yorkers over the age of 19 are being reported via an opt-in affirmative consent provision, correct?

MR. MCDONALD: Well, for clarification, for vaccines other than COVID. So for shingles vaccines, influenza vaccines, an individual has to say check a box saying I want my vaccine administered. What people may or may not realize - and this started with the Trump Administration and has continued with the Biden Administration - it's required every COVID vaccine administered had to be submitted to the registry. So we've actually been going through this practice for the last two years.

MR. JENSEN: Okay. Well, with your approval, Mr. McDonald, I think throughout the rest of the debate when I just say "vaccines" I'm going to mean vaccines that are non-COVID related. So typical vaccines pre-2020. Does this legislation's removal of the voluntary opt-in of reporting of the vaccines pursuant to what the current law is represent a departure from the privacy protections that patients already have when it comes to their private healthcare decision-making? When I go into my -- my general practitioner I get asked to opt-in into sharing any of those medical decisions that are made then with any other healthcare providers.

MR. MCDONALD: I do believe that it does not

impact their privacy, if that's what the question is.

MR. JENSEN: So what I'm saying is, is a departure -- is having -- is moving from affirmative consent opt-in into a voluntary opt-out, is that a departure from the current privacy protections that are in place across the rest of healthcare decision-making processes?

MR. MCDONALD: Actually, no. This is actually bringing us in line with the other registries throughout the country to a typical standard of care recommended by the CDC.

MR. JENSEN: So I'm not -- I'm not talking about what's in place in other states. I'm saying what's currently in statute with patients' decision-making about opting in into sharing protected medical data with other entities. Is that -- are there -- are they currently opt-in processes?

MR. MCDONALD: Currently, you have to designate that you want this information in the registry.

MR. JENSEN: So this would be -- no. I'm not -- I'm not talking about the vaccines. I'm talking about sharing other health care information with other protected entities. You have to opt in to that process. It's not an opt-out, correct?

MR. MCDONALD: Are you talking about electronic health records?

(Inaudible/cross-talk)

MR. JENSEN: -- if you have to opt in.

MR. MCDONALD: Are you talking about the

RHIOs and the (inaudible)?

MR. JENSEN: Yeah, so you have to opt in for that.

MR. MCDONALD: You have to consent to that, correct.

MR. JENSEN: Right. So that is an opt-in for that sharing of the medical information?

MR. MCDONALD: Yes, that is. Yes.

MR. JENSEN: Okay. What enforcement mechanisms, if any, would be in place to ensure that providers are making their patients or individuals aware of their right to object to this reporting or to actually opt out?

MR. MCDONALD: There will be -- the Department of Health provides information on their websites for people to opt out if they choose to, is number one. I -- I will be honest with you. The individuals who are not supportive of this legislation are the individuals who probably are hesitant to receive vaccines, which is fine. As you know I'm not a mandate person. So I don't think it's going to be really a large concern for that population. But the reality is when a pharmacist -- I speak from a pharmacy perspective.

MR. JENSEN: Mm-hmm.

MR. MCDONALD: I don't know what goes on in a doctor's office because I usually get my vaccines at the pharmacy. But, you know, the provider will go over here's what we're doing, here's what we're administering and, you know, that's where it's at. The individual will have the responsibility to say I don't want that

reported to the registry. And if it is reported, the DOH has forms on site and any healthcare provider can help an individual if it was reported pull that information back.

MR. JENSEN: So you mentioned possible forums. So would DOH have to develop those forums --

MR. MCDONALD: No. It's -- it's already a process in place.

MR. JENSEN: It's already a process?

MR. MCDONALD: Yep.

MR. JENSEN: Okay.

MR. MCDONALD: Yep.

MR. JENSEN: So would these forums, whether they're in place or if there has to be additional ones conceived, will patients be provided with those affirmatively or would they have to be supplied with them after they say that they'd like to opt out?

MR. MCDONALD: They would like to -- to have to request it. Well, first of all, if they opt out, nothing's reported. If somebody walks into a doctor's office or a clinic or a pharmacy and says I want to get a shingles vaccine but I don't want to report it, it's not reported and the provider controls that. The provider's responsible for that.

MR. JENSEN: So under that example, with the shingles vaccine be provided, would there be no caveat that the provider would have to say *would you like to like opt out of this being reported to the vaccine database* or --

MR. MCDONALD: No. It would be assumed that it's going to be reported unless you opted out.

MR. JENSEN: So is there any public information campaign, whether through DOH or directly from providers, to educate New York's patients about the change in the policy to say that they'd have to request this change in the sharing of their medical information as opposed to consenting affirmatively as is the process now with every other medical decision-making --

MR. MCDONALD: I don't know of any -- there's nothing in the legislation, if that's what you're asking, to put forth a campaign to encourage people or to educate them about opting out.

MR. JENSEN: Is there any way that a patient would be able to verify that if they make that active choice to opt out, under the terms of this legislation, is there any way for them to verify that that decision was actually made?

MR. MCDONALD: I mean a very simple way to do it - and I've had members on both sides of the aisle here ask me saying I'm not really sure what my -- where my vaccine status is. And I'll say well, Josh, give me permission, I'll go in and check your records, and we can go in and check the records. So -- so basically if -- if you had a concern like gee, I -- I didn't want this reported. John, would you check for me to see if it was reported? I can go in with your permission to the system as a health -- as -- as one of the few members that are -- excuse me -- as a licensed or approved individual to access the NYSIIS system. I could go in and verify that for you.

MR. JENSEN: So what you're saying is I would have to give you affirmative consent or opt in to allow you to access that information.

MR. MCDONALD: No. I would have -- well, the -- the onus and the responsibility here is always on the provider to ask for permission --

MR. JENSEN: Correct.

MR. MCDONALD: -- to access the records.

Nobody can just get on the NYSIIS system, which is the immunization registry, and just start doodling around and see what's going on in there. We can only go in there if we have consent from the patient.

MR. JENSEN: Well, and I think that's one of the things, you know, raising the concern is that the -- the changes in this legislation are a departure, which you've stated multiple times, it is a departure from the standard operating procedure in every other aspect of allowing somebody else to have access to your medical data, your medical information. And it's -- I think that's where there's going to be confusion between for patients and New Yorkers that every other sharing of medical data you have to give that affirmative consent except for now the ability to share your vaccine data. And I think you talk about a reason why somebody may not get the vaccine -- give vaccines and they wouldn't have to worry about this. But I think a concern that somebody could have is about the protection of data privacy. We see hacking widespread where people are accessing governmental databanks and my question is what sort of data privacy

safeguards are currently in place to ensure that information contained within the immunization information system is protected both at the DOH level State --

MR. MCDONALD: Mm-hmm.

MR. JENSEN: -- and at the local -- in the city, in New York City.

MR. MCDONALD: So I have talked to NYSIIS and met with them to go over the process and, you know, it'd be interesting to know that, you know, the standard care has been for those under 18 since 2008 that vaccines are automatically reported. It's the responsibility of the provider, parents have no say, no consent. It's anyone under 18, all those vaccines are put in. And it's amazing to know that over 180 million immunizations now rest in that database, which I think is amazing, it's an amazing number. And there's not been one case of any privacy being violated.

MR. JENSEN: Well, that -- that's always the case until there is the first case of --

MR. MCDONALD: You know, let me ask you a question.

MR. JENSEN: Sure.

MR. MCDONALD: Hope this has never happened to you, did you ever have to get a prescription for a narcotic like a pain pill?

MR. JENSEN: Yes.

MR. MCDONALD: Do you know that's

automatically put into a registry without your consent?

MR. JENSEN: I -- I was not aware of that.

MR. MCDONALD: That's true. That is a fact of life. Because of I-STOP, which we passed back in 2009 to address the opioid abuse issues, every single prescription for a narcotic, Class 225 is reported to the PMP, the patient has no say, whatsoever. So I guess my question is, what is it about vaccines that is different than opioid and substance abuse disease? I don't -- I don't understand the dynamic. The reality is for vaccines we are, it's a public health issue. We want to be able to respond with the proper resources to communities if there needs to be more resources put in for vaccination. And I understand there are people who are hesitant, that don't like vaccines, I get that, but their voices are important to be heard, but they should not be overheard by public health concerns we have when we come to communicable diseases which are very difficult to treat.

MR. JENSEN: And I understand that and I respect it, especially for you as a -- as a practitioner. But I think we are already have a process for reporting the vaccines and with this change in the legislation going from an opt-in provision to an opt-out provision, it's inconsistent with the -- the vast majority of how we -- how people give consent to share their information. And I think that is what the underlying concern is for for folks who may have opposition to this legislation is that if people don't know about their ability to opt out, that's a choice they're never going to be aware they could actively

make. And while I may have no problem with sharing my vaccine data with the bank, there may be other people who I represent who do, and I think that is fundamentally the concern is that we're -- we're deviating from accepted practice in every other aspect of healthcare decision-making that is of affirmative consent. And I think that's where there is some issue.

MR. MCDONALD: So to respond to that, I will respectfully disagree with you because as I explained with the PMP, it's actually standard practice to report these items.

MR. JENSEN: Mm-hmm.

MR. MCDONALD: As I mentioned earlier, there are 51 registries throughout the country. New York State and New York City are two of five that do not follow the standard of care, the accepted practice. So I think if anything, that's -- you know, we're actually trying to bring things into the norm, not making the exception. I understand what you're saying. As of today, you come in and get a shingles vaccine, you have to designate I want this reported. It is going to be a change. Is it a change for the better? Personally I think so. I think so because in this mobile society we live in, when people are changing providers on a regular basis, they're changing addresses, changing states, the fact that there's one registry that if they ever need to get their records for whatever reason, whether it's to get back into school, whether it's to get a job, whatever it may be, there's one spot that a health care professional, who is designated by the Department of Health through the Health Commerce System through

New York State Registry can get that information. It's a -- the benefits, from my perspective, far outweigh the concerns that some are raising.

MR. JENSEN: Mr. McDonald, I appreciate you answering my questions. Mr. Speaker, thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. Jensen.

Mr. Ra.

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

ACTING SPEAKER AUBRY: Mr. McDonald, will you yield?

MR. MCDONALD: Yes, I will.

ACTING SPEAKER AUBRY: Mr. McDonald yields, sir.

MR. RA: Thank you. So just a quick question and -- and I mean you alluded to this in your conversation with Mr. Jensen, but just reading the -- the text regarding this opt-out. I'm looking on page 2, lines 13 through 19, you know, and it basically -- it says reporting by a health care provider of administration of immunization to a person 19 years of age or older to a regional health information organization or other health information exchange shall satisfy the reporting requirements in this section. If such data is provided by the regional health information organization or health information exchange to the Department -- wait, I'm reading the wrong spot.

MR. MCDONALD: Mr. Ra, I can't hear you.

MR. RA: I'm sorry. I'm reading -- I'm reading from the wrong spot anyway, I lost my place. Here we go, okay. This is what I was looking at. Page 2, 14 --

MR. MCDONALD: Yep, that's better.

MR. RA: -- which is the opt-out language. So it has language. No report shall be made under this paragraph if the person to whom the vaccine is administered or a person authorized to consent to health care for the person objects to the person who administered the vaccine prior to the making of the report.

Do you envision that the patient who comes in is just going to be generally aware that they have this option? Is there any affirmative requirement that the practitioner let that person know that they have that option of opting out of having the information shared?

MR. MCDONALD: To be honest with you in this day and age when patients come into a pharmacy or clinic, I don't think they know what their options are. I don't think they know either way. Just like as I shared earlier when it comes to COVID vaccine, I don't think people in this room realize that their vaccines are reported to the registry, at all, automatically without any choice. Without any decision. So I -- you know, as Mr. Jensen brought up and I will reiterate, is it a change? It is a change. It's a change to what is normal in regards to the standard of care recommended by the Center for Disease Control, but in regards to handing out a sheet of paper saying you now have to opt out, that's not prescribed in this legislation. If the

Department of Health decides they want to do that, they may, but, you know, let's not forget what the underlying basis of this is. More data allows the Department of Health or epidemiologists to respond to the crisis at hand. And I think that is an important aspect. You know, Rockland County a couple years ago had a significant measles outbreak and, you know, sadly only 25, 30 percent of the actual vaccines were actually reported to the system so it was really difficult to gauge the response and the resources.

MR. RA: So let me ask it this way from I mean either your experience as a practitioner or just in general how this is done. Under the current system where it is an opt-in, what happens? The patient comes and they say *if you would like I will share this information with the regional --*

MR. MCDONALD: So, you know, this is -- you raised a very good question because I -- I don't know what everyone's experience is in their pharmacy or clinic but basically usually a clerk will give you the form, you fill out the form; name, rank, serial number, have you had a problem with our vaccines before, whatever, and there's a box down at the bottom that you have to check. And what I hear from the provider community, not just me, but others, is that it's an extra step to try to get this permission. And as we talk about in this House on a regular basis our healthcare system is overburdened. We're having a challenge to get people to come to work in hospitals, in nursing homes, and in pharmacies, in medical offices. This, if anything, might help reduce some of the burden on

providers but they'll be an option on the form if they want to opt out, they opt out. So if they read the form, they'll have the option to opt out.

MR. RA: Okay. But -- so you envision then just like the opt-in is there, there would be a box to opt out, but the legislation doesn't --

MR. MCDONALD: The opt-in won't be there, the opt-in will not be there. The opt-out will be.

MR. RA: Okay. Is that -- now that's not in the bill text. Is that by regulation right now what the --

MR. MCDONALD: That would be -- that would be by regulation.

MR. RA: Okay. Thank you, thank you very much. Thank you, Mr. Speaker.

MR. MCDONALD: Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. -- Ms. Giglio.

MS. GIGLIO: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER AUBRY: Mr. McDonald, will you yield?

MR. MCDONALD: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: Sponsor yields.

MS. GIGLIO: So I wasn't aware when I got my COVID vaccination here, in the Capitol, that that was automatically

being reported. And I didn't sign any documents when I signed up to get the vaccination, I don't recall signing a document saying that it was okay to report it to a register. I -- I actually did not even get the Empire Passport which -- because I didn't want it electronically known to everybody that I actually got the vaccination. If I wanted to tell them or if I needed it for proof, I would give a card. So I'm just -- you know, with the HIPPA forms that we have to fill out when we go to a doctor - and I just filled out two of them because my children went from being under -- under the supervision of a pediatrician to now a doctor - and when I filled out the forms, it said *do you want to share this information with anybody - if it's a doctor, if it's your mom, you know, let me know*. And of course I put my name in there because I want to know everything. But, I -- I filled that out in the HIPPA form, it asked me do I want to share the information and I just think that it isn't going to be a separate HIPPA form in the documents that you fill out when you go to a doctor's office if there's not already one on file saying that you opt in.

MR. MCDONALD: It'll just be a form where you opt out and say I don't want this reported to the State registry.

MS. GIGLIO: So that will be in the HIPPA packet that you --

MR. MCDONALD: HIPPA, HIPPA is very important, I'm not disregarding it, but we're talking about when you are getting a vaccine and you're consenting that I want to receive this vaccine that if you choose you do not want it reported. There's a

couple different things. You can have the standard form that the Department of Health has, which pharmacies can provide saying Jackie never wants her vaccines reported, pharmacy can go in in your profile, scan this in, check a box to make sure the automated systems don't report it and it's done. You can do that off the bat or you can do it each and every time you get a vaccine. Maybe you want your flu reported, maybe you don't want your shingles reported. Everyone has a choice, they can do whatever they want. But if you don't want your vaccines reported, you just fill out your objection and go from there.

MS. GIGLIO: So is -- so --

MR. MCDONALD: But it's not -- the HIPPA package is Federal. That's a whole nother ball of wax. This is something that you would do separate and apart when it comes to the vaccines. I just wanted to clarify that for you.

MS. GIGLIO: Okay. So in your opinion, is this legislation going to serve as a precursor to enforce vaccine passports which may impede an individual's ability to work, go to college, access healthcare, access public places or travel?

MR. MCDONALD: No.

MS. GIGLIO: No. So you're saying that if you don't have a specific vaccine or if you opted out --

MR. MCDONALD: I can't -- I can't get into predicting the future on vaccines. You know, as you know there wasn't a vaccine mandate per se with COVID. There were situations where rules were put into place with regards to admission, but, you

know, I can't predict what the future is going to be on vaccines, but you know, I don't if I really understand what your question is.

MS. GIGLIO: I just -- I feel that it's -- when we were being told if you don't have the COVID vaccination and you're a nurse, you can't come to work anymore, or if you're a nursing student, you can't go to a clinical trial at a hospital, or if you are a student you cannot go to Stony Brook or you can't go to State campuses.

MR. MCDONALD: So to -- to answer your question this bill does not mandate adult vaccines, does not.

MS. GIGLIO: So you don't believe that it's a precursor to exclude people --

MR. MCDONALD: It does not mandate all vaccines but the good news is if you lost your card and you needed the information for whatever reason, you can ask any health care provider that has access to go into the system, find a record, print your report and you got your report.

MS. GIGLIO: Okay. Which is what happens now, because like I said, my children switched from a pediatrician to a doctor and we had to go to the doctor's office and print out the vaccines that they had received.

MR. MCDONALD: Mm-hmm.

MS. GIGLIO: My daughter had to get the meningitis vaccine because she hadn't had it yet. So, but that is held within her doctor's office. I don't believe that that --

MR. MCDONALD: No, it's not. It's -- it's -- that's

part -- that's in the immunization registry already. If your daughter is under 18 or --

MS. GIGLIO: She's not. She's not under 18.

MR. MCDONALD: But -- but any vaccine she received under 18 is automatically in the registry already.

MS. GIGLIO: Okay. So she's 19 now.

MR. MCDONALD: It's still there. The information doesn't go away.

MS. GIGLIO: So she got the meningitis vaccine the other day.

MR. MCDONALD: Which is good.

MS. GIGLIO: So now is she -- is that going to be reported, because I don't recall seeing the opt-out form at the doctor's office.

MR. MCDONALD: I -- you'd have to talk to your provider and if it's a vaccine, if she's over 19 and it's a vaccine that you did not want reported or she did not want reported, the provider can remove that vaccine -- can remove that dose, if she's over 18.

MS. GIGLIO: So our schools -- our school health care doctors are going to be able to access this information.

MR. MCDONALD: Only individuals authorized by the Department of Health are able to access the information.

MS. GIGLIO: And do you know who those individuals may be?

MR. MCDONALD: I don't know. There's over

15,000 in the State of New York but I don't know who they are. Pharmacies, pharmacists are, doctors are, nurse practitioners are, nurses are. But they have to go through a very strenuous, rigorous process to have access to the system. There's a safe amount of training that's associated with it as well. I know that -- I know that nurses in schools to answer -- trying to get more towards your question, I know that nurses in schools or medical providers that are the doctors for the schools are able to access the system.

MS. GIGLIO: Okay. And what precipitated this legislation seeking to amend Section 2168 of the Public Health Law?

MR. MCDONALD: What precipitated it?

MS. GIGLIO: Yeah.

MR. MCDONALD: From my perspective, when you look at the amount of entities that are supporting this, it's very clear that we want to make sure that the Health Department has all the available information not to look at individuals, but to look how we're responding to healthcare crises. Now we've had issues with polio in the last couple of years, we've had issues with polio outbreaks, excuse me, and with measles outbreaks and it's helpful to at least from a zip code area be able to look at what is the participation of vaccines, where does there appear to be a lack of individuals who are being vaccinated where we can't mandate them to get the vaccine but we may want to encourage them to get the vaccine. And the other thing is and, you know, we talk about mandates all the time around here and when I look at the large group of individuals supporting it anywhere

from, you know, ACOG, the American Nurses Association, the health plans are on board supporting this, the medical societies are on board supporting this, the family practitioners. Obviously when you have entities that are being asked to do more and they're supportive of it, it's obviously important because it's about having the standard of care, it's about having all the patient's information in front when a provider is caring for a patient to make sure that the best informed decisions are being made. And the other thing I want to add as they quiet down back there a little bit, is as you know there are people out there that are not supportive of vaccination. Those individuals are the ones who really should love this bill the most because what it will do is prevent unnecessary vaccinations. I like to joke with Mr. Goodell, who's not here today, about how he has his wife working the farm all the time. Well, one of those day she steps on a nail, has to go to the ER, and the first thing they say is hey --

MS. GIGLIO: Have you had a tetanus shot?

MR. MCDONALD: -- have you had a tetanus shot?

And, you know, I -- I actually know when I got my last tetanus shot but not many people do. A simple -- if this was reported to the registry, you can go right in there and look at it and say guess what? I don't need a tetanus shot, I got it five years ago, I just forgot about that. You and I have talked about the shingles vaccine in the past. And what people don't realize is that there's a current regimen but there's an old regimen. And if that old regimen was actually put in place, it would give the provider better ability to discern whether you

really needed to follow through on that dose. Same thing now with pneumonia. Pneumonia is obviously a -- a disease that's affecting a lot of our elderly individuals and they keep changing the variations, but understanding the patient's history of what they've got in the past will determine what if any vaccines they need. So from my perspective, if you want to ask me why I push this, it's because I want to prevent unnecessary vaccinations. I know it sounds kind of funny from a guy who makes a living providing vaccines but the truth is, vaccines should be a shared decision with a provider with the facts that are present.

MS. GIGLIO: Okay, thank you.

MR. MCDONALD: Thank you.

MS. GIGLIO: Thank you. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect in 90 days.

ACTING SPEAKER AUBRY: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. So the Minority Conference will generally be in the negative on this piece of legislation, but there very well may be members who wish to be in the affirmative and they're very welcome to having vote that way at their desks. So thank you very much.

ACTING SPEAKER AUBRY: Thank you so much.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Majority Conference is generally going to be in favor of this piece of legislation; however, there may be a few who desire to be an exception, they should feel free to do so at their seat. Thank you.

ACTING SPEAKER AUBRY: Thank you. The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Dinowitz.

MR. DINOWITZ: Very briefly to explain my vote. I'm very happy to vote for this excellent bill. Vaccines save lives. Millions of lives have been saved. And data is good so I'm not sure why there'd be opposition. But I just want to let everybody know that the earth is round and there are a lot of things that people should agree upon, in my opinion, and one of them is this so I vote yes. Thank you.

ACTING SPEAKER AUBRY: Mr. Dinowitz in the affirmative.

Mr. Pirozzolo.

MR. PIROZZOLO: Thank you, Mr. Speaker, for allowing me to explain my vote. I think that the same thing -- I mean I appreciate the intent of the bill. I do think the same thing could be accomplished if we had an opt-in instead of an opt-out. Since the medical providers are willing to do whatever extra work there is, it certainly could be an opt-in if you're there right on the form. I think any time the government or any entity start collecting data on individuals without them expressly being told that that data is being

collected, is incorrect. So I would urge everyone to vote no. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Pirozzolo in the negative.

Ms. Giglio to explain her vote.

MS. GIGLIO: Thank you, Mr. Speaker, to explain my vote. So I rise today on behalf of many of my constituents that are deeply concerned about the many negative implications of this bill. Mandatory vaccine reporting which places the burden on individuals to opt out if they object to such reporting as this bill calls for in my opinion really has no place in our State. At a time when our State is spending our tax dollars to appeal thorough and well-reasoned judicial decisions that struck down draconian COVID-19 regulations such as the isolation and quarantine camp DOH regulation, it is in really bad taste that this Legislature attempts to impede on medical privacy and medical autonomy once again. The State's vaccine reporting provision is currently voluntary, not mandatory and relies on the consent of the person being vaccinated. This bill would unduly transfer the burden of obtaining consent to vaccination reporting from the administrator of the vaccine to the person being administered the vaccine having to affirmably object to vaccination reporting. Notwithstanding the troubling data privacy implications that this bill poses, this bill is also an affront to personal rights and individual liberties and may potentially make it easier for the State to implement vaccine passports should it ever decide to. For these reasons and

many more, I urge my colleagues to vote in the negative on this legislation. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Giglio in the negative.

Mrs. Gunther.

MRS. GUNTHER: Well, I want to congratulate my colleague Mr. McDonald. As a person that's a nurse and was an infectious disease nurse, I think it's very important, a person can opt out and I'm sure they'll tell you that, that's an easy thing of a yes or a no. But the research that we do shows the efficacy of immunizations and I think it's so important to track that to make sure that we have healthy children and healthy adults. And throughout my -- my mother would talk to me a lot about her brother dying of polio and how that immunization wasn't available when -- his name was John Collins was born. And we've saved so many lives so I think it's important and I congratulate the sponsor. Thank you.

ACTING SPEAKER AUBRY: Mrs. Gunther in the affirmative.

Mr. McDonald to explain his vote.

MR. MCDONALD: Thank you, Mr. Speaker, and first of all to my colleagues who we discussed this with, I appreciate their comments. I have a cold so my voice is harsh but my tone wasn't I hope. And you know, I understand the concerns that individuals have, we've been through an awful lot with COVID and a lot of information out there, some accurate, some not. The reality is this is

not a major departure, particularly for these children, as of 2008 these vaccines have been automatically reported. And as they live a more mobile society it's important that they continue to have an important record. And at the same token let's be very clear. This is not a mandate on vaccines, by any stretch of the imagination. It's about having a centralized depository so the Department of Health and the good people that work there have the ability to respond when there are outbreaks to be able to have some facts to make the best informed decision. Far too often we let some of the -- the noise going on on the outside entrap us from addressing this. And I think the other point that I just want to reinforce, I can tell you by far there are more prescriptions dispensed for Hydrocodone and Valium and Xanax on a daily basis, every single prescription, we're talking hundreds of millions, are every day submitted to a registry and never once has anyone ever complained about this. And we know how bad the opioid crisis has been, but at the same token we want to make sure that the Department of Health is armed with the appropriate information to respond when a communicable disease comes about. So, therefore, Mr. Speaker, surprisingly I'm in favor of this legislation.

ACTING SPEAKER AUBRY: Mr. McDonald in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 26, Calendar No. 174, the Clerk will read.

THE CLERK: Assembly No. A5610-D, Rules Report -- Calendar No. 174, Rozic, Hevesi, McDonald, Aubry, Simon, Novakhov. An act to amend the General Business Law, in relation to establishing restrictions on the sale of over-the-counter diet pills and dietary supplements for weight loss or muscle building.

ACTING SPEAKER AUBRY: Ms. Rozic, an explanation is requested.

MS. ROZIC: Thank you, Mr. Speaker. This bill prohibits individuals or entities from selling or offering for sale over-the-counter diet pills to any person under the age of 18 and requires retailers selling these pills to require proof of legal age for purchase. This applies to all venues of sales including phone, on line or in person. It takes a departure from last year's bill that we did by focusing on more of the label and marketing of these pills to teenagers as opposed to ingredients. Overall, I would say there are a lot of health concerns that experts have raised about the use of pills and powders to lose weight or build muscle that are marketed as diet supplements, and these pills are often sort of the gateway to eating disorders, which we all know is a growing health concern for children and teens.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Will the sponsor yield for a few questions?

ACTING SPEAKER AUBRY: Ms. Rozic, will you yield?

MS. ROZIC: Sure.

ACTING SPEAKER AUBRY: Sponsor yields.

MS. WALSH: Thank you very much. So as -- as you mentioned, the bill has changed a little bit between last year and this year. Last year after we voted on it, the Governor vetoed it. In reviewing her veto message, could you please, just for our benefit, explain what the Governor's concerns appear to be as the reason for the veto?

MS. ROZIC: Sure. So this bill is very different from last year's version. We took a lot of the veto message from the Governor in recrafting the bill. The bill last year prohibited the sale of diet pills and supplements to minors based on a list of ingredients covered that would be determined by Department of Health. The bill was vetoed due to concerns about the efficacy of keeping a list and, you know, ingredients are ever-evolving so having a static list of covered products just didn't make sense, nor did Department of Health have the capacity to keep the list. So this legislation actually takes a new approach, which is more targeted towards the way in which products are labeled or marketed, rather than what the actual products are within the diet pill.

MS. WALSH: Thank you for your -- for your answer. So as you mentioned during your explanation of the bill, the bill changed in response to the Governor's veto and the changes that were made to the bill, you -- you believe do address and they do appear to address what the Governor's concerns were at that time. So

I just have a few more questions for you about what the bill does. So one question I had was specifically -- I know you're focusing more on the way that the over-the-counter diet pill or dietary supplement for weight loss or muscle building is being marketed. Are you specifically looking at those products that are being marketed specifically to teens or to teens and adults or how does -- when looking at marketing, like what are you specifically looking at?

MS. ROZIC: So it actually in the bill defines what an over-the-counter diet pill would be, and it also defines what a dietary supplement for weight loss or muscle building would be and I would just refer to those definitions. In terms of when, you know -- when the Attorney General might bring a suit, or if there's a problem or if someone wants to bring a suit against a specific problem, there is a set of criteria that they would have to follow in determining that or that the court shall consider. And that would include whether the product contains an ingredient approved by the FDA for weight loss or muscle building, steroid or creatine, green tea extract, a bunch of other extracts --

MS. WALSH: Okay.

MS. ROZIC: -- I won't name them all because it's a long list -- whether the products labeled or marketed bear statements that express or imply that the product will modify, maintain or reduce bodyweight, fat, appetite or metabolism or maintain or increase muscle strength or strength.

MS. WALSH: Okay, thank -- thank you so much.

So going back to the -- maybe the original bill, what was the -- what was the genesis of the bill? Did the Department of Health ask for this bill or did they take any position on this bill originally?

MS. ROZIC: No, but the -- I can't speak to that but I have talked to experts over the course of many years around the prolific increase in eating disorders that is impacting a lot of teenagers, it's one of the leading causes of death among teenagers. And so experts are very concerned that diet pills are being used by minors, specifically for weight loss and eventually leads to eating disorders.

MS. WALSH: I'm glad you brought that up. Are -- are there any cases or specific studies where supplements are directly tied to body dysmorphia or does it document a causal relationship exists?

MS. ROZIC: There's a whole body of work that comes out of Harvard, actually and their center and I can follow up with you and provide that.

MS. WALSH: Okay. So there is data and research that backs it up and it's out of Harvard, thank you. Do you happen to know how many people -- has there ever been any kind of a study as to how many people are impacted by this in New York State?

MS. ROZIC: I don't have that offhand but I'm happy to follow up.

MS. WALSH: Okay. As far as -- I -- I -- I think I noticed that in between the previous bill and this bill there's now some

language specifically dealing with online retailers. Could you talk about how the bill addresses online retailers?

MS. ROZIC: Sure. So, you know, it's very similar to the process by which you would sign for a product or prove your age for deliveries of alcohol, right. It models the very similar language in terms of what type of proof is needed for delivery. And it's sort of in line with that.

MS. WALSH: So if -- if there was say a teenager that was attempting to do an online order, when that online order is being delivered to the home or to the apartment, there would have to be an individual 18 or above to actually sign for the package, is that correct?

MS. ROZIC: Correct.

MS. WALSH: Okay.

MS. ROZIC: And that they would have to provide proof of your identification of the age.

MS. WALSH: Okay. So as long as there's somebody in the household that was there to sign for it, it doesn't necessarily have to be the individual that is the intended user of the product, it just is somebody in the home that's signing for the package, is that correct?

MS. ROZIC: You -- you have to prove your age at the point of sale and then again at delivery.

MS. WALSH: Okay, all right. Let's see. As far as the role of the Attorney General in all of this, what's the -- did -- did the Attorney General request enforcement of -- of -- you know, as identified in this bill or how did it come about that it would be the

Attorney General that would be the enforcement arm?

MS. ROZIC: The OAG brings suits like this on various other consumer products. They can bring an action in the name of anyone to issue an injunction or impose a penalty up to \$500. We've seen that in other parts of the law as well.

MS. WALSH: How does this bill envision the enforcement by the AG of -- of what this bill requires? I mean I think it could be like going out and visiting stores, are they going to be doing like stings? I mean, you know, like how are they going to try to enforce this? Is it going to be based on complaints lodged or --

MS. ROZIC: That's a great question. I think it would -- I would think it would be consumers calling in to --

MS. WALSH: I'm so sorry. I can't hear you.

MS. ROZIC: I assume that it will be consumers who call in.

MS. WALSH: Okay, okay, very good. Has there been any estimate from the Attorney General's Office as far as what their cost will be to -- to enforce this bill?

MS. ROZIC: They do this on various other consumer products. I don't imagine an additional cost.

MS. WALSH: Okay. So I have a question as far as vending machines. Some -- some vending machines may offer products like this. How does this bill address that issue as far as a vending machine supplying these types of -- of pills or supplements?

MS. ROZIC: I assume it would apply just like any

other venue of sale.

MS. WALSH: Does the bill specifically speak to vending machines?

MS. ROZIC: Hold on.

(Pause)

MS. WALSH: The reason I'm asking is that within -- within the Capitol we have vending machines that sell drinks that are like Celsius that are -- that have on their label, you know, that they're advertised for --

MS. ROZIC: These are for diet pills.

MS. WALSH: -- weight loss.

MS. ROZIC: So Section 2 says no person, firm, corporation, partnership, association, limited liability company or other entity shall sell or offer to sell or give away. So I assume that "other entity" would be whatever company owns that vending machine.

MS. WALSH: Okay. So you started to say something earlier though and I -- I apologize, I couldn't -- I couldn't quite hear you well, but were you saying that it would not apply to something like a -- like a drink that I was referring to in a vending machine, that it only referring to pills? I just wanted to make sure I heard you properly.

MS. ROZIC: Prohibits the sale of over-the-counter diet pills or dietary supplements for weight loss or muscle building.

MS. WALSH: Okay.

MS. ROZIC: And again, it's only for minors.

MS. WALSH: So a -- a drink that is advertised on the label as helping to burn fat, would that come under the language in this bill as far as something that would be regulated by this bill?

MS. ROZIC: If it fits into the -- the definition of an over-the-counter diet pill or dietary supplement for weight loss or muscle building.

MS. WALSH: Well, I'm just trying to figure out, you know, cause when you think about it, convenient stores who are opposed to this bill and other retailers are going to have to try to figure out whether what they're selling in their store is something that they're going to have to age check now. So I just want -- for the legislative record I'm just trying to make it really clear for them in trying to interpret this because there -- they certainly don't want to be held liable and fined.

MS. ROZIC: It doesn't include protein drinks, which I think is what you're referring to. But what I would say is any convenient store or local retailer who is concerned should keep in mind that we are -- we are trying to protect minors at the end of the day and this is specifically tailored for someone under the age of 18 trying to buy these pills or supplements.

MS. WALSH: Okay, all right. Well, thank you very much for your answers to my questions.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. WALSH: Thank you. So I appreciate the answers given by the sponsor. I do think that some of the amendments that were made in response to the Governor's veto do tighten up the bill a little bit and do improve it. I think especially the piece having to do with online sales. I think one of my concerns about the bill is that the definition of what is going to come under this umbrella and be subject to this regulation is subject to some interpretation, and if the convenience store owner, if the bodega owner, if the vending machine operator, if the -- you know, if they make a mistake, they could get investigated and -- and fined by the Attorney General's Office. And so I think that it's something that really we need to be very clear about. I -- I trust that the sponsor when she says that there is a body of research on the -- the causal link between these types of supplements and substances and dysmorphia and anorexia but, you know, I haven't seen it but I -- I trust that it's probably out there. But that was another concern that was raised. I think that it could definitely potentially expose these different retailers to additional liability. And I -- and I just have to say in the time that I've got remaining, that I think that as we just -- big picture as we take a look at some of the bills that we have passed even just this Session allowing no age restriction for other things like birth control pills, to have to say that for this particular item we're going to strictly adhere to nobody under 18 and we're going to be testing for it, I think it's a very interesting contrast shall we say between and a disparity between the way that we're treating those who are under 18 for some -- in some

respects when it comes to operating an ATV to take yesterday's example or to -- to receive birth control pills, we're saying that the -- we're -- we're just treating young people differently depending on what the topic is, and I do think that there is a disparity there. I think that there will be some of our members who may disagree with this bill and may vote in the negative. And some will support it. I think it will probably be a mix as it was last year. But I thank the sponsor for her answers to my questions and thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms.

Walsh.

Mr. Durso.

MR. DURSO: Thank you, Mr. Speaker. Would the sponsor yield for a couple quick questions?

ACTING SPEAKER AUBRY: Ms. Rozic?

MS. ROZIC: Yes, I will.

ACTING SPEAKER AUBRY: Ms. Rozic yields.

MR. DURSO: Thank you, Ms. Rozic. I'm sorry. I just have a couple quick questions.

MS. ROZIC: I'm tired.

MR. DURSO: I know you are, I apologize. So just asking. You're saying it's anybody under 18 that's buying these products, correct, would have to have -- they would have to show ID essentially to buy the products, correct?

MS. ROZIC: Correct.

MR. DURSO: So now when you were talking about

whether it's an online dealer, online retailer, let's say you were buying through let's say Amazon, which obviously sells a lot of dietary supplements and muscle-building products. Amazon will just come and drop it off on your front porch. Now will there will be regulations in place for sellers like an Amazon or other delivery retailers that will have to now check ID when dropping it at your doorstep?

MS. ROZIC: Yes. They do that for alcohol.

MR. DURSO: Well, I haven't -- I haven't ordered alcohol on line to be delivered so I just want to make sure of that. So within this bill, because obviously stores like that or online retailers like that deliver all across the country. In New York State if a company as such would drop it off at your house, they now have to check ID, the ID would have to match the person that purchased it or the person that is receiving it? Because if my -- let's just say if my child goes on line at 16 --

MS. ROZIC: At delivery. At delivery it has to be someone over the age of 18.

MR. DURSO: Right. But my question is if my 16-year-old child was to order this on line, right, under their name and then it's delivered to the home, they couldn't receive it --

MS. ROZIC: She would have to show proof of ID at the point of sale.

MR. DURSO: At the point of sale on line. How do they do that currently?

MS. ROZIC: I -- I think there are procedures for that.

You put in your ID upon point of sale.

MR. DURSO: Okay. So another question is as stated in the bill and in saying here, sale of over-the-counter diet pills, dietary supplements and muscle-building products. Are those only FDA-approved products, because most muscle-building and dietary pills are not FDA-approved.

MS. ROZIC: No, that's exactly why we need this because the FDA has very little -- not jurisdiction but kind of regulatory framework around diet pills and supplements.

MR. DURSO: So it's just anything that has those lists of ingredients in it that you stated in the bill or anything that could be considered a dietary supplement or muscle-building product. And I want you to understand. I supported the bill in the past, I'm still supporting it, I just want to make sure that the -- the enforcement of it can be done.

MS. ROZIC: Yeah. And the reason why we switched from ingredients like that approach to a more marketing approaches precisely because the FDA doesn't regulate what ingredients go into these pills or these supplements. So doing -- you know, taking the focus away from that and more on the labels or marketing seems like a better approach.

MR. DURSO: Okay. And then again, I know the AG's office obviously will be involved in investigating those who maybe sell the product to those underage. But who will be enforcing it essentially it from day to day? Is it going to be something that has

to be reported to the AG's Office?

MS. ROZIC: Yes.

MR. DURSO: Okay. So it's only on report, correct?

And then just quick. As far as the liability goes for whether it's a -- a mom and pop shop or a brick and mortar store, if a underage person is working at that store, let's say 17 years old and they're selling that product to someone who is 17 years old. Is it that person -- as -- as -- as we were saying before alcohol law, right, if you're selling to a person that is under 21 and you're selling them alcohol you are responsible along with the store. Who will be responsible in this case?

MS. ROZIC: So in the bill it says no person, firm, corporation, partnership, association, LLC or other entity so that person would be under this bill, but it does give clear instructions on how exactly or what kinds of identification they need to -- they need to take when they're doing the transaction.

MR. DURSO: Okay. And just my last question. As far as those stores go, online retailers, brick and mortar stores, will they be given regulations from the State, hopefully once this bill is passed and signed into law, on what products are considered within this bill that they cannot sell over the counter if you're under 18?

MS. ROZIC: That's a great question and I'll follow up with you on that.

MR. DURSO: Okay, great. Thank you, Ms. Rozic. I appreciate it.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. DURSO: Again, I -- I thank the sponsor for this bill. I think it is important because there are so many underage children that are taking dietary supplements and muscle-building products because they think it's obviously going to help them whether it's in the gym or lose weight. It's something that we do need to consider and look at because they are dangerous some of these products. Again, I'm -- I am concerned about the enforcement of it. I again will be supporting this bill. I just hope that between the AG's office and ourselves we do a better job at making sure that we keep some of these children safe and don't get them hooked on some of these products that do have dangerous supplements in them. So thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Gandolfo.

MR. GANDOLFO: Thank you, Mr. Speaker. Would the sponsor yield for just a couple of quick questions?

ACTING SPEAKER AUBRY: Ms. Rozic?

MS. ROZIC: Yeah, I'm here.

MR. GANDOLFO: All right, thank you and I'm sorry for making you get back up. But just to clarify on a question asked by Ms. Walsh here. The -- we have drinks sold here that are sold in supermarkets, wholesale clubs like the Celcius drinks that are sold across the hall on the Senate side in those vending machines. In

the LOB they sell the Bang Energy drinks which are protein drinks, but both of them market themselves as having either strength-building properties or weight loss and fat-burning properties. Would those fall under the definition of dietary supplement here?

MS. ROZIC: I'm going to read the definition of what a dietary supplement is according to this bill and I hope that it answers your question. It's a class of dietary supplements that are labeled, marketed or otherwise represented for the purpose of achieving weight loss or muscle-building. It does not include protein powders, protein drinks or other food marketed as containing protein unless the protein powder, drink or food marketed as containing protein contains an ingredient other than protein which would, considered alone, constitute a dietary supplement for weight loss or muscle-building.

MR. GANDOLFO: Okay. So then under that definition then, an energy drink that advertises itself as a fat loss product as well would be an age-restricted item and could not be sold to someone under 18?

MS. ROZIC: Yeah, and the court would have to consider whether the product contains an ingredient approved by the FDA for weight loss or muscle-building, a steroid or many of the extracts that I've mentioned at the top of the debate. It would also have to consider whether the products labeled or marketed bear statements that express or imply the product will modify, maintain or reduce body weight, fat, appetite or metabolism or maintain or increase muscle or strength. They would have to consider whether the

product or its ingredients are otherwise represented for the purpose of achieving weight loss or building muscle, and they would also have to consider whether the retailer has categorized the dietary supplement for weight loss or muscle-building.

MR. GANDOLFO: Okay, thank you. I just wanted to clarify that because some of these drinks are sold in vending machines, they're sold in supermarkets, pretty much everywhere nowadays and they're pretty popular so I just wanted to clarify if those were age-restricted, but thank you for your answer, I appreciate it. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Bendett to explain his vote.

MR. BENDETT: I just wanted to thank the sponsor for this bill. As a former high school and college wrestler and somebody who struggled to make weight I was a participant in some of these programs at a young age and I think that this is a really good idea to keep kids safe and make sure that they're under the guidance of their, you know, family or physician in making certain that they're as healthy as they can in losing the weight that they would prefer to lose

so thank you.

ACTING SPEAKER AUBRY: Mr. Bendett in the affirmative.

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, would you please call the Judiciary Committee to the Speaker's Conference Room?

ACTING SPEAKER AUBRY: Judiciary Committee, Speaker's Conference Room immediately, please. Thank you.

Page 24, Calendar No. 148, the Clerk will read.

THE CLERK: Senate No. S02997, Calendar No. 148, Senator Rivera (A6065 -- Dinowitz, Paulin, Sayegh). An act to amend the Civil Practice Law and Rules, in relation to changing reference from physician, osteopath or dentist to health care practitioner.

ACTING SPEAKER AUBRY: An explanation has been requested, Mr. Rivera.

(Pause)

MR. DINOWITZ: Are we ready?

ACTING SPEAKER AUBRY: I'm sorry. Mr. Dinowitz, I missed it.

MR. DINOWITZ: Okay.

ACTING SPEAKER AUBRY: (Inaudible)

substituted.

MR. DINOWITZ: This bill amends Rule 2106 of the CPLR to extend to all licensed health care practitioners the right of affirmation of affidavits.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER AUBRY: Mr. Dinowitz?

MR. DINOWITZ: I would be delighted to.

MS. WALSH: Well, thank you. So I was looking at this bill earlier preparing and I had a very strange feeling like Yogi Berra says déjà vu all over again, because didn't we last -- just a few days ago, we passed a bill, it was Calendar No. 176, Mr. Lavine's bill, and that had to do with affidavits versus affirmations, right? Do you -- do you remember that debate?

MR. DINOWITZ: You might be having hallucinations, I'm not sure.

MS. WALSH: I -- I could very well be having hallucinations but I don't think I am because I've got both of the bills in front of me.

MR. DINOWITZ: Oh, I believe that's correct.

MS. WALSH: Okay. So that previous bill, which was Assembly bill 5772, that changed the CPLR - same section as your bill - Section 2106 to provide that a statement by any person

wherever made subscribed and affirmed by that person to be true under the penalty of perjury to be used in an -- an action in New York in lieu of an affidavit but with the same force and effect as an affidavit.

MR. DINOWITZ: Mm-hmm.

MS. WALSH: And that bill passed and so your bill today amends the same section, Rule 2106 of the CPLR, and it specifically deals with expanding the health care practitioners who will be permitted to create an affirmation versus an affidavit. And I guess a -- a very long way of getting to the point of saying why do we need your bill if we just passed Mr. Lavine's bill just a few days ago which allows anybody to do an affirmation versus an affidavit?

MR. DINOWITZ: Well, I like my bill.

MS. WALSH: I'm sure you do.

(Laughter)

MR. DINOWITZ: I do, and I have a funny feeling a majority of people here just might like it but we don't know that yet, of course. Mr. Lavine's bill is definitely a fine bill. But this bill is also a fine bill and it might be a little narrower. So I don't think there's any conflict between the two and we should just pass it. It's a very simple bill. It makes virtually no changes except it -- it takes a sentence out where it specifically lists physician, osteopath or dentist and then it replaces it with a larger list of -- of people.

MS. WALSH: A much larger list, and I appreciate --

MR. DINOWITZ: Much, much.

MS. WALSH: Let's talk about your bill, because I know you said you like it. And I'm sure it is a very fine bill. What it does is it -- it greatly expands the current law which says that any health care practitioner -- oh, no. It says that a physician, dentist or osteopath may current -- under current law do an affirmation versus an affidavit and it expands it to say any health care practitioner who is defined in Title 8 of the Education Law so I pulled that up and that would include -- boy -- that would include physician assistants, specialist assistants, chiropractic, dentistry, dental hygiene and certified dental assisting, perfusion, whatever that is, I have no idea, veterinary medicine, vet techs, physical therapy and physical therapists, pharmacists, registered pharmacy technicians, nurses, professional midwives, podiatrists, optometrists, ophthalmol -- ophthamolo -- ophthalmic dispensers, and on and on and on, I won't read them all but that's a lot. So what is the -- what's the rationale for expanding it to all these other health -- health care practitioners?

MR. DINOWITZ: Well, I think that's the logical conclusion based on what we want to do in the bill. And keep in mind, it's possible, I'm not -- I don't want this to happen but it's possible that Mr. Lavine's bill could be vetoed in which case we have nothing. So thank goodness we have this bill to address the situation.

MS. WALSH: So it's kind of like a plan B then, your bill is like a plan B.

MR. DINOWITZ: Well, I like my bill as plan A and his is plan B but you can -- that's only (inaudible).

MS. WALSH: Is -- is part of the rationale for your bill that it's difficult to find a notary, because as I mentioned when I debated Mr. Lavine's bill the other day, we have almost 300,000 registered notaries in New York State so they're not very scarce.

MR. DINOWITZ: You know what? Actually they're not, they are scarce. In my office, in my district office, everybody is a notary. I mean we have them take the test and, you know, qualify and all that and we get a lot people coming in to get things notarized and I can't say how often they say thank goodness you're the only people in the neighborhood. You know, banks don't offer notary service anymore and a lot of other places that used to offer notary service do not, so it's not always so easy to find a notary. And in certain circumstances like -- I mean I'm a notary but I don't think I'm necessary to do certain things. So this just makes things more doable for people.

MS. WALSH: Okay, very good. Thank you so much for your answers.

MR. DINOWITZ: You're welcome.

MS. WALSH: Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill.

MS. WALSH: So I'm glad that I was not hallucinating, because that is always something I worry about, but there was a bill, a bill that is even broader than the bill that we're discussing today that we just passed a few days ago. And my goodness, with all the bills that are introduced every year, to be taking

up two bills that are so similar, you can't blame me for being a little bit confused about it. I think as far as this bill that we're debating today, I do think that it's a -- it's a pretty wide open expansion in the definition of health care practitioners. So we may have some of our members who wish to vote in the negative. I would just ask, you know, given the bill that was just passed a couple days ago, do we really need this bill? That would be my overall comment. So I thank you, Mr. Speaker, and I thank the sponsor, thank you.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. So the Minority Conference will generally be in the negative on this bill. If there are members who wish to vote in the affirmative they can do so at their desks, thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Benedetto.

MR. BENEDETTO: Yes. In light fashion the Majority Conference will be in the affirmative on this vote. Anybody thinking differently, though, is free to cast their ballot in the negative, thank you.

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.

Page 5, Rules Report No. 168, the Clerk will read.

THE CLERK: S05512, Rules Report No. 168,
Senator Rivera (A06115 -- Paulin, Hevesi, Jacobson, L. Rosenthal,
McDonald, Kelles, Thiele, Glick, Burdick, Simon, Levenberg, Steck,
Stern, Colton, Rajkumar, Stirpe, Reyes, Rivera, González-Rojas,
Ardila, Dickens, Otis, Dinowitz, Lunsford, Fahy, Simone, De Los
Santos, Gunther, Slater). An act to amend the Public Health Law, in
relation to enacting the Lead Pipe Right to Know Act.

ACTING SPEAKER AUBRY: An explanation is
requested, Ms. Paulin.

MS. PAULIN: Thank you so much. The bill makes
information about the number and location of lead pipes easily
accessible to the public.

ACTING SPEAKER AUBRY: Mr. Jensen.

MR. JENSEN: Thank you, Mr. Speaker. Will the
sponsor yield for some questions?

ACTING SPEAKER AUBRY: Ms. Paulin, will you
yield?

MS. PAULIN: Happy to.

ACTING SPEAKER AUBRY: Sponsor yields.

MR. JENSEN: Thank you very much, Madam Chair. Since December of 2021 the Federal Government has had the lead and copper rule revisions in place that largely mirror the provisions within this legislation. Is this legislation redundant to the statute that's at the Federal level?

MS. PAULIN: The provisions that are being imposed so-to-speak, you know, are nearly identical. But the added piece that we are adding into the law in New York State is the transparency aspect by requiring it to be on the DOH website as well as the websites of the utilities.

MR. JENSEN: So when the -- the water authorities -- and let me just rephrase this question -- so it would be -- so each water authority in the State, would they have to compile a list of lead and copper pipes or just lead pipes that they had within their service area?

MS. PAULIN: They -- there's a certain, the Federal Government has outlined exactly what pipes. I think they're primarily lead of a certain -- like certain amount, right? So perhaps if it was a combo but it rose to the level of having enough lead, according to the Federal Government's guidelines and regulations, then they would probably have to expose that one, too.

MR. JENSEN: So would -- so they would have to take -- they would have to review all of their lead service pipes that they have coverage under their water authority and they would have to put that into a list that is searchable on the Department of Health

website as well as their own authority's website?

MS. PAULIN: So mostly yes, the answer is kind of yes, yeah. So the -- they have to provide that information anyway. You know we're not asking them to provide different information than is already required, but they would be required in addition because of this new bill to -- to put it on their website, and then DOH would take that information and make a map so people could see where the pipes were. You know just because, you know, lead is such a toxic chemical that, you know, its desires for the community to know exactly where they are so that they could prevent exposure.

MR. JENSEN: Is there a proposed cost to the water authorities to have to create this interactive map to host on their own authority website? For instance, if it's a small village water authority that only has a couple hundred accounts, they might not have a website that can sufficiently host that type of interactive aspect. Would there be a cost that they'd have to incur to meet the --

MS. PAULIN: So most of them have websites and if they don't have one we really only make it for the ones who have websites, you know. And the minimum is 10,000 customers, so that's 10,000 households, you know, which is pretty significant town or village, you know, I mean so -- because we're talking about units, you know, not -- so, for example, in my town we have 5,500 units but 16,000 people. So we're talking about units, 10,000 units and so I think that's a pretty large amount of customers to have, there's usually a website.

MR. JENSEN: So under current State law, do water authorities already have to disclose to DOH or in any other place what their lead service lines are, or is this going to be the first time they have to disclose this information publicly?

MS. PAULIN: The Federal Government's requirements are the ones that are requiring this so it is a first time that they're doing this but that's already in Federal statute. Again, all we're saying is take that information and make it available so that the public can see it.

MR. JENSEN: Is there any concern that this could create a undue administrative burden on the water authorities to have to compile this data a -- a second time or in a second method in addition to what the Federal Government's --

MS. PAULIN: No. It's the same information that they would be submitting to both.

MR. JENSEN: So the only additional caveat is they have to just produce that interactive map.

MS. PAULIN: That's DOH that has to do the map so they're not even doing that.

MR. JENSEN: So -- so the water -- so the water authority -- so the Monroe County Water Authority, for -- for example, where I represent, they wouldn't have to create their own map and post it on their own website.

MS. PAULIN: No, they just have to put the information that they send on the list. The -- the map is going to make

it easier for people and DOH would be responsible for implementing that.

MR. JENSEN: Is there any concern that this could lead to some sort of stifling of economic growth if suddenly people are going in and checking oh, there's lead pipes here, there's lead pipes there, you know, maybe this is not where I want to invest whether buying a home or opening a business. Is there a concern that they could have economic development ramifications?

MS. PAULIN: I -- I think that it might, I'm not going to say it won't. I -- I think that people are concerned about this. Not everyone would know to look, for example. But anyone concerned about it could look and it might persuade someone to buy in a different community or a different block, which then would encourage the replacement of these pipes.

MR. JENSEN: So in communities or water authorities where they've already started to make a commitment to replace their lead service lines, how often do the public disposable list that would be created and the maps have to be updated? Do they have to do it as they replace service lines or is it on a regular set basis?

MS. PAULIN: I don't know that we have that in the statute -- oh, it's annually, but I would think that if you replaced one you would want to post that, you know, so I don't know that -- so yes, so it's annually that they would have to up -- update it, but at the same time, again, if they did the positive thing, you would -- I would imagine they'd want to do it right away.

MR. JENSEN: Are there any other states that have this type of registry in place currently?

MS. PAULIN: I don't know because this is a kind of new Federal requirement so we -- we may be setting a precedent or there might be states that have done it because it's a new Federal requirement. You know, it's kind of a new -- a new -- a new thing we're -- we're looking at.

MR. JENSEN: Does -- so since DOH would be the ones hosting these interactive maps and all this information, do they have the technology in place currently to be able to host this type of data in a interactive map because sometimes when you visit some of our State authority's websites they appear generously antiquated. Do they have the capacity to process this data and get it up on a consumer-friendly method --

MS. PAULIN: I think all they have to do is hire a 25-year-old.

MR. JENSEN: Well, that's -- I mean that's seemingly been a problem with some of our State agencies securing data and other information. Thank you very much, Chairwoman Paulin. I appreciate you answering my questions and thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Would the sponsor yield for a question?

ACTING SPEAKER AUBRY: Ms. Paulin, will you yield?

MS. PAULIN: Absolutely.

ACTING SPEAKER AUBRY: Sponsor yields.

MR. MANKTELOW: Thank -- thank you, Chairwoman. How does this -- how would a water authority provide the information if they don't know what's in the ground?

MS PAULIN: If they don't -- they -- their

MR. MANKTELOW: If they don't know what kind of line is in the ground.

MS. PAULIN: That's -- honestly, we're just saying that they have to provide the same information they're providing to the Federal Government. It's the Federal Government that has outlined what they have to provide. So that's really not what we're discussing in a way, you know, here. We're just simply saying what you provide to the Federal Government, you should provide to the State government.

MR. MANKTELOW: So if a water authority takes over our water system from a small community, if they don't know what's in the ground for lead service, so that would not be reported? They -- they would not have to report something they don't know?

MS. PAULIN: That's in Federal statute so I'm not familiar what --

MR. MANKTELOW: All right. So you're not sure about that?

MS. PAULIN: So apparently in the Federal statute there's an option to list that which they don't know.

MR. MANKTELOW: Okay.

MS. PAULIN: And so therefore that would be what is being provided to the State as well.

MR. MANKTELOW: Okay. Thank you for taking the time. Thank you. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Ra.

MR. RA: Thank you, Mr. Speaker. This is a Party vote. The Republican Conference will be generally in the negative. Those members wishing to vote in the affirmative should do so at their desks.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Benedetto.

MR. BENEDETTO: Not to be outdone, this is a Party vote and we are going to be in the affirmative but, of course, free will and thinking, if anybody wants to vote no we will accept that too. Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. Benedetto.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Lunsford to explain her vote.

MS. LUNSFORD: I just want to rise to commend the sponsor. I think this is a really great partnership with the State and the Federal Government. The Federal Government is requiring an inventory be done which is going to be time-consuming and costly and we at the State level should leverage that enormous effort to ensure that our residents have all the information that's entitled to them. We also did a huge amount of work in the budget this year to make sure that there was funding for our municipalities and our private homeowners so that when they find out there are lead service lines in their neighborhood or going into their homes or businesses that we have created a mechanism to help them replace that. For too long we've relied on the health of children as indicators of environmental hazards in our communities and this is the time to be more proactive so I commend the sponsor and I vote in the affirmative, thank you.

ACTING SPEAKER AUBRY: Ms. Lunsford in the affirmative.

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, if we could now go to our main Calendar, page 3 for our resolutions.

ACTING SPEAKER AUBRY: Resolutions, page 3, Assembly No. 594, the Clerk will read.

THE CLERK: Assembly No. 594. Mr. Lavine.
Legislative Resolution memorializing Governor
Kathy Hochul to proclaim June 4, 2023, as Cancer Survivors Day 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.

THE CLERK: Assembly No. 595, Ms. Rosenthal.
Legislative Resolution memorializing Governor
Kathy Hochul to proclaim June 2023, as Cytomegalovirus Awareness
Month 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.

THE CLERK: Assembly No. 596, Ms.
Chandler-Waterman.

Legislative Resolution memorializing Governor
Kathy Hochul to proclaim June 2023, as Gun Violence Awareness
Month in the State of New York.

ACTING SPEAKER AUBRY: Ms.
Chandler-Waterman on the resolution.

MS. CHANDLER-WATERMAN: Thank you, Mr.
Speaker. I am proud to stand here today. We had our Assembly
District 58th Public Safety Task Force that's been leading the charge
in our district when it comes to reducing Gun Violence awareness.

We have the mothers, the Mothers for Safe City [sic] that lost their sons tragically to gun violence. We had EFV, an anti-violence group, Kings Against Violence Initiative and (inaudible) that was all here in the fight to reduce gun violence due to advocacy as well. So here today I am proud that we are memorializing Gun Violence Awareness Month, the month of June, we notice an uptick when it comes to gun violence and as it gets hot in the summer months so we're now having intentional conversations. We just finished in our roundtable so I'm happy and proud to stand here before you in the affirmative with my colleagues as we designate June as Gun Violence Awareness Month and wear your orange all the way through June, thank you so much.

ACTING SPEAKER AUBRY: Thank you.

Ms. Jackson on the resolution.

MS. JACKSON: Thank you, Mr. Speaker, for allowing me to speak on this resolution. Gun violence has had a place in my district for a really long time. The Bronx, as much, much of the City of New York has been dealing with the loss of lives, mostly our young people, to gun violence and what I've noticed is that when we give young people things to do, when we give them places to go and we give them functional adults to be around, then that reduces gun violence. So we -- we acknowledge June as Gun Violence Awareness Month, we wear our orange in support of people who have lost their lives and for awareness, but if we really want to do anything to reduce gun violence we have to increase gainful employment, we have to increase conflict resolution when it comes to our young people, we

have to include Social Services, wraparound services and that will reduce our gun violence.

Our cities and urban -- cities with the most wealth don't deal with gun violence in the same way that we do with in the Bronx. So that let's me know that poverty has something to do with the amount of violence that we see. So I say thank you, Mr. Speaker, for allowing me to speak on this resolution.

ACTING SPEAKER AUBRY: Thank you.

Mr. Anderson.

MR. ANDERSON: Thank you, Mr. Speaker. To briefly speak on this resolution as we commemorate and acknowledge June as Gun Violence Awareness Month in the State of New York. This is more, Mr. Speaker, than just a month, this is more than just a color. This is a movement to make sure that we're actively working to fight back against this public health crisis that we call gun violence. This crisis that has taken so many of our baby boys and our baby girls away from us. This gun violence that took away ten-year-old Justin Wallace in my district. This crisis that has taken away NeShawn and SheShawn [sic] Plummer who helped -- in their crisis helped to put gun violence as an issue on the map for many young people who advocated for it and began the start of my career as an activist and an organizer in our community. This is so important, Mr. Speaker, and I commend the chair of the subcommittee on gun violence and the caucus and to many of our members in this Body who continuously work to actively fight back against gun violence. Thank you, Mr.

Speaker. I'll vote in the affirmative.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Taylor on the resolution.

MR. TAYLOR: Thank you, Mr. Speaker. I rise to lend my support to this resolution. I want to commend the sponsor for this resolution as well and although we are wearing orange today as a symbolic recognition of gun violence awareness, but it has plagued our nation in such a way that statistics say or data says that gunfire is the leading cause of death for young people and is certainly not a stranger in the communities of which we all represent. So I stand again to salute my colleague and it's going to require more than just pontificating years. It's going to require more than words, it's going to require faith with action, which means we're going to need more resources to combat this and not just say this is great to do but America is having a hard time with this across the board but it's even double-downed in communities of color. So again, I want to commend the sponsor and I look forward to doing real work that's going to transform and bring in the resources to the communities that need it the most. Thank you so much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

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

THE CLERK: Assembly No. 597, Ms. Williams.

Legislative Resolution memorializing Governor

Kathy Hochul to proclaim June 2023, as Caribbean Heritage Month 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.

THE CLERK: Assembly No. 598, Ms. Barrett.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 2023, as Farmers Market Appreciation Month 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.

THE CLERK: Assembly No. 599, Mr. Zebrowski.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim August 12, 2023, as Model Aviation Day 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.

THE CLERK: Assembly No. 600, Mr. Sayegh.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim September 16, 2023, as Teaching Assistant's Day 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.

THE CLERK: Assembly No. 601, Mr. DeStefano.
Legislative Resolution memorializing Governor
Kathy Hochul to proclaim October 2023, as Pet Rescue Awareness
Month in the State of New York.

ACTING SPEAKER AUBRY: Mr. DeStefano on the
resolution.

MR. DESTEFANO: Thank you, Mr. Speaker, for
allowing me to speak on this important resolution. I want to speak
today on the importance of October being Pet Rescue Awareness
Month in the State of New York. This is an excellent opportunity for
us to all come together to raise awareness of the critical issue of pet
over population and homelessness in our communities. As we all
know, New York's pet population is facing a daunting challenge in our
State. Each year thousands of dogs and cats find themselves in
overcrowded shelters or on the streets where they struggle to survive
without proper medical care or food. It's our responsibility as a
community to help these animals and address this issue, which is why
Pet Rescue Awareness Month is so crucial. Pet Rescue Awareness
Month is a time for reflection of the important work that pet rescue
organizations do and the crucial role they play in caring for these
animals. These organizations work tirelessly to save dogs and cats
from overcrowded shelters providing them with medical attention,
food, shelter and love. In New York we have many fantastic pet
rescue organizations who constantly go above and beyond to help
these animals. These organizations' commitment to these pets in our

community is admirable and it is essential that we recognize them and support their work. During this month of awareness let us all take a moment to consider what we can do to help. You don't need to directly be involved with an animal rescue organization to make a difference. You can start by spreading the word about this issue through social media platforms, speaking with friends and neighbors and educating ourselves about the importance of proper pet care.

While we all contribute even by donating our time to the resources of one of these organizations, while adopting a pet would be an excellent way to support these organizations it's not the only way. Volunteering at a local animal shelter or supporting these organizations' fundraising efforts go a long way to help and is greatly appreciated.

In conclusion, let us all take this opportunity to raise awareness of pet rescue in our communities and the importance of supporting the organizations that work tirelessly to save these loving animals. By coming together, we can make a real difference in the lives of animals across our State. Thank you, Mr. Speaker.

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

THE CLERK: Assembly No. 602, Mr. Epstein.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim November 1, 2023, as Vegan Day 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.

THE CLERK: Assembly No. 603, Mr. Slater.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim November 17, 2023, as Prematurity Day in the State of New York.

ACTING SPEAKER AUBRY: Mr. Slater on the resolution.

MR. SLATER: Thank you, Mr. Speaker, on the resolution. I just wanted to take a moment to recognize World Prematurity Day. In November on the 17th, my daughter Elizabeth was born at 37 weeks. We spent one week in the NICU. And while that seemed like a great challenge to us, it was nothing in comparison to what many of those parents who had much more troubling births and their children were facing. One in ten in the US are born premature. And I just want to take a moment for us to show some compassion to those who are dealing with a premature birth or expecting a child and are anxious about a premature birth but have no fear because some of our great leaders in the world in world history, people like Albert Einstein and Winston Churchill were actually born premature as well. And so, Mr. Speaker, thank you for the time on the resolution and again for those who it means a lot for World Prematurity Day on November 17th, we lift them up and we thank them.

ACTING SPEAKER AUBRY: Certainly.

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

THE CLERK: Assembly No. 604, Mr. Bores.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim December 2-9, 2023, as Computer Science Education Week in the State of New York.

ACTING SPEAKER AUBRY: Mr. Bores on the resolution.

MR. BORES: Thank you, Mr. Speaker. I'm proud to be sponsoring this resolution memorializing Governor Kathy Hochul to proclaim December 2-9 as Computer Science Education Week in the State of New York. Though I had a wonderful public school education in New York, there was actually no required formal computer science as part of it, and so it was only later in life that I was properly exposed to the power and dare I say the beauty of computer science that lead to a career in tech and ultimately right here to the New York State Assembly. Most people are familiar that there's been a gender gap in computer science studies that thankfully has narrowed quite a bit recently but isn't historically true. In fact most of the foundational computer scientists were women. One of whom, Grace Hopper was a Rear Admiral in the US Navy, invented the first compiler and her work led to one of the first program languages, COBOL. Her birthday is December 5th, and so in honor of her birthday, we're calling on the Governor to recognize this whole week as Computer Science Education so that we can have more students of

all stripes exposed to computer science and the career it can provide, thank you.

ACTING SPEAKER AUBRY: Thank you.

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

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: We do have housekeeping.

On behalf of Ms. Woerner, Bill No. A01080, Assembly Bill recalled from the Senate. The Clerk will read the title of the bill.

THE CLERK: An act to amend the Education Law.

ACTING SPEAKER AUBRY: Motion to reconsider the vote by which the bill passed the House. The Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

The bill is before the House and the amendments are received and adopted.

On behalf of Mr. Brown, Bill No. A02753, Assembly Bill recalled from the Senate. Clerk will read the title of the bill.

THE CLERK: An act authorizing the Bais Tefila of

Inwood.

ACTING SPEAKER AUBRY: Motion to reconsider the vote by which the bill passed the House. The Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

The bill is before the House and the amendments are received and adopted.

On behalf of Mr. DeStefano, Bill No. A03486, Assembly Bill recalled from the Senate. The Clerk will read the title of the bill.

THE CLERK: An act in relation to authorizing the assessor of the town of Brookhaven.

ACTING SPEAKER AUBRY: Motion to reconsider the vote by which the bill passed the House. The Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

The bill is before the House and the amendments are received and adopted.

Privileged resolution by Mr. Ramos, 610, the Clerk will read.

THE CLERK: Assembly No. 610, Mr. Ramos.

Legislative Resolution commemorating the 103rd Anniversary of the naming of the Borinqueneers on June 4, 2023, and paying tribute to these soldiers of the 65th Infantry Regiment for their courage, bravery, service and dedication to the United States Armed Forces.

ACTING SPEAKER AUBRY: Mr. Ramos on the resolution.

MR. RAMOS: Mr. Speaker, I rise today as a proud Puerto Rican, American, a former Chair of the Veterans Committee and the grandson of a Borinqueneers in support of this resolution commemorating June 4th, as the 103rd Anniversary of the naming of the 65th Infantry Division. The 65th Infantry was a Puerto Rican regiment who had a long history of military service to the United States. Originally constituted in the volunteer army as a Puerto Rican regiment of volunteering for treatment, they later become known as the 65th Infantry. During the Korean War, Army General Douglas MacArthur wrote that, The Puerto Ricans forming the ranks of the gallant 65th Infantry give daily proof in the battlefields of Korea of their courage, determination, resolute, will to victory, their invincible loyalty to the United States, their fervored devotion to those immutable principles to which human relations which the American of the continent and Puerto Rico have in common. They're willing to and they are writing a brilliant record of heroism in battle. And I am indeed proud to have them under my command. I wish that we can count on many more like that. The Borinqueneers, like the Tuskegee

Airmen, faced racism, segregation, but are remembered for playing a significant role in breaking down the racial barriers in the military. They demonstrated that bravery and valor are not defined by one's skin color but rather by their willingness to fight. Their courage and bravery have helped to ensure this country's freedom. We owe a debt of gratitude to this nation's veterans for their service to our country and to the Puerto Rican soldiers of the 65th Infantry. The Borinqueneers are no exception, thank you.

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

Assembly Resolution 608, the Clerk will read.

THE CLERK: Assembly No. 608, Mr. Reilly.

Legislative Resolution celebrating the life and accomplishments of Nicholas W. D'Amora, inspiration for the Autism community and distinguished citizen.

ACTING SPEAKER AUBRY: Mr. Reilly on the resolution.

MR. REILLY: Thank you, Mr. Speaker. Thank you to my colleagues for giving me the time to present some information about a wonderful, remarkable young man from Staten Island. Nicholas D'Amora, he was 25 years old when he passed suddenly from a seizure. He was born with autism and he was nonverbal. Him and his mother Barbara were instrumental advocates for the autism community, especially those who were nonverbal. They were

founding -- Barbara was a founding member of the Grace Foundation in Staten Island which supported that community. Let me tell you a little bit more about all the great things that Nicholas and his mom Barbara did. He was a passionate advocate, nonverbal, autistic person. Despite being nonverbal himself due to autism, Nicholas and his mother Barbara dedicated their lives to helping nonverbal, autistic individuals learn to communicate. Nicholas attended several schools in Staten Island and he was voted the more inspirational Staten Islander in 2015. And these are the reasons why. Nicholas and his mother hosted seminars to raise awareness about the rapid prompting method. It's a way of autistic nonverbal people can communicate with their loved ones and other people. They actually created a not-for-profit called CrimsonRise to help others who are unable to communicate with their loved ones. In 2010, Nicholas and his mother traveled to Texas to learn RPM at the HALO Clinic. With the help of this special education itinerary, Nicholas began communicating with his family. Surprising and inspiring those who witnessed his abilities, he and his mother continued to promote RPM through seminars giving people insight into autism and showcasing the potential of nonverbal individuals. But there was much more to Nicholas. Nicholas had a passion for cooking, he had a passion for traveling and he did all this when we would have thought it impossible. He truly was an inspiration for us all. And I'm so humbled here to share a little bit about him with you. And keep Barbara and William, his parents; his brother Christian and his sister Natalie in your thoughts. But his

legacy doesn't stop there. As he lay there in a coma and he died, he passed away, his legacy lives on. He was an organ donor. He gave life even after his was gone. So please join me in acknowledging his legacy living on forever because truly to know Nicholas was to love him. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

On the resolution, all those in favor --

(Applause)

-- all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Assembly Resolution 609, the Clerk will read.

THE CLERK: Assembly No. 609, Mr. Santabarbara. Legislative Resolution commemorating the 135th Anniversary of the YWCA of NorthEastern NY.

ACTING SPEAKER AUBRY: Mr. Santabarbara on the resolution.

MR. SANTABARBARA: Thank you, Mr. Speaker. I'm very pleased to introduce this resolution to celebrate a remarkable milestone, the 135th Anniversary of the YWCA in the City of Schenectady, in my Assembly District. It's an occasion filled with joy, gratitude and reflection as we commemorate the incredible journey of this organization and the many lives it has touched and the transformation it has fostered in our community. For more than a century, the YWCA has been a beacon of hope, empowerment and positive change. Since its founding in 1888, the institution has

worked tirelessly to promote equality, support women and girls and foster a sense of belonging for all. It has been a constant presence in the lives of individuals and families offering a sanctuary where dreams are nurtured and aspirations are realized. Throughout its long and illustrious history, the YWCA has been at the forefront of social -- social change from advocating for women's suffrage to championing racial justice. This organization has never shied away from tackling the most pressing issues of our time. So on this 135th anniversary, let us celebrate the legacy of this organization, honor the remarkable women who have led this organization with unwavering dedication. We applaud the staff, volunteers, supporters who have made a difference in the lives of countless individuals and as we reflect on the past let us embrace the future with hope and determination. Together let us continue the work of the YWCA shaping a better more compassionate world for generations to come. Thank you, Mr. Speaker, and I'm pleased to introduce this resolution and I encourage everyone to support it.

ACTING SPEAKER AUBRY: Certainly. Thank you, Mr. Santabarbara.

On the resolution, all those in favor -- oh, I'm sorry, Ms. Walsh to be heard on the resolution.

Sorry, Ms. Walsh.

MS. WALSH: No, that's fine, Mr. Speaker. Just very briefly. I'm just so glad to be able to commemorate the 135th Anniversary of the YWCA of NorthEastern New York. I had an

opportunity to work with Kim Siciliano, Wendi Gapczynski and an amazing group of women over the years who are -- have been incredibly supportive of women who are struggling to get out of very bad home situations, need to get back on their feet. And these remarkable women really, really care and have done so much to help support women from being able to help them to get clothing, to secure housing, counseling and just the list goes on. So I -- I just really wanted to just stand and add my voice to congratulate them on this milestone anniversary. They've done remarkable work over the years and I wish them many, many more years of success and working for women in our area and our Capital District. So thank you very much for giving me the opportunity.

ACTING SPEAKER AUBRY: And thank you, Ms. Walsh.

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

We have numerous other fine resolutions 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. 605-610 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I'll now move that the Assembly stand adjourned until Friday, June 2nd, tomorrow being a legislative day and that we reconvene at 12 noon on

Monday, June 5th being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, 4:26 p.m., the Assembly stood adjourned until Friday, June 2, Friday being a legislative day, and to reconvene on Monday, June 5 at 12:00 p.m., Monday being a Session day.)