

Amend Senate 6457, Assembly 9557, A BUDGET BILL, AN ACT to amend the social services law, the public health law, the penal law, the criminal procedure law, the labor law, the civil practice law and rules, the public health law, chapter 58 of the laws of 2005, amending the public health law ...

- Page 2, AN ACT clause unnumbered line 16, After "thereto;" insert "to amend the public health law and education law, in relation to the prescription drug retail price list;"
- Page 2, AN ACT clause unnumbered line 37, After "cigarettes;" insert to amend the insurance law, in relation to establishing the New York state biomedicine and biotechnology research program;"
- Page 2, AN ACT clause unnumbered line 45, After "(Part G);" strike out "and"
- Page 2, AN ACT clause unnumbered line 49, After "hospitals" insert "(Part H); and to amend mental hygiene law, in relation to the suspension, revocation or limitation of an operating certificate (Part I)"
- Page 3, Line 2, After "through" strike out "H" and insert "I"
- Page 6, Line 53, After "abuse;" Strike out "and"
- Page 6, Between lines 53 and 54 Insert "m. to implement and amend as needed the rules and regulations relating to provider sanctions, monetary penalties, and provider audits in parts 515, 516 and 517 of title 18 of the codes, rules and regulations of the state of New York; and"
- Page 6, Line 54, Strike out "m." and insert "n."
- Page 26, Line 2, After "for" strike out "community based detoxification" and insert "medically supervised inpatient crisis"
- Page 26, Line 20, After "section;" strike out "and"
- Page 26, Line 24, After "amounts" strike out "." and insert "; and"
- Page 26, Between lines 24 and 25 Insert "(iv) provided, however, that, for general hospitals which are certified pursuant to article thirty-two of the mental hygiene law and regulations promulgated thereunder to provide chemical dependence related crisis services, payments for and services provided to patients who are determined to be in the diagnosis-related groups as specified in this subdivision, or who are determined to be in diagnosis-related groups numbered seven hundred forty-four, seven hundred forty-seven or seven hundred fifty, shall be subject to subsequent review by the office of alcoholism and substance abuse services and the retention by such general hospitals of payments for such patients shall be conditioned upon a determination by such office"

that services provided by such hospitals to such patients, and the assignment by such hospitals of such patients to the appropriate diagnosis-related groups, are in compliance with standards and criteria set forth in article thirty-two of the mental hygiene law and applicable regulations promulgated thereunder with regard to the provision of medically managed withdrawal services and medically supervised withdrawal services."

Page 26, Line 27, After "public health law," insert "and subject to the availability of federal financial participation,"

Page 29, Line 20, After "inpatient" and insert "services"

Page 40, Between Lines 41 and 42 Insert "§ 65-a. The public health law is amended by adding a new section 4404-a to read as follows:

§ 4404-a. Mergers and acquisitions of health maintenance organizations 1. No person shall acquire control of a health maintenance organization, or of an entity that has been issued a special purpose certificate of authority pursuant to section forty-four hundred three-a of this article, unless such person has applied for and received the prior approval of the commissioner.

2. The commissioner shall charge, and each applicant shall pay to the department of health, an application fee of fifty thousand dollars for prior approval review performed pursuant to subdivision one of this section. The commissioner shall deposit all funds received into the managed care review account which the state comptroller is hereby directed to establish in the special revenue other fund."

Page 42, Between lines 19 and 20 Insert "§68-a. Section 133 of the social services law, as added by section 7 of chapter 619 of the laws of 1940, is amended to read as follows:

§133. Temporary preinvestigation grant. If it shall appear that a person is in immediate need, temporary assistance [or care] shall be granted pending completion of an investigation."

Page 56, Line 4, After "July 1," strike out "2007" and insert "2006"

Page 66, Line 44, Strike out "§ 17. Section 276-a of the public health law is REPEALED." And insert (LBD# 65324-01-6)

Page 73, Line 45, After "sections" strike out "thirty-one through "thirty-five " and insert "thirty-three through thirty-five"

Page 74, Line 31, After "588.13" insert "(g.)

Page 75, Line 31,

Strike out "(iv) Programs eligible for the cost of living adjustments under the auspice of the department of health include: adolescent services/ACT for youth; adolescent services/general; adolescent services/schools; clinical education; clinical guidelines development; clinical scholars; clinical trials experimental treatment; community development initiative; community HIV prevention and primary care; community services programs; criminal justice; education and training; evaluation and research; expanded syringe access program; families in transition; family centered care; harm reduction/general; harm reduction/syringe exchange; HIV health care and support services for women and kids; HIV prevention/primary care/support services for substance abusers; homeless shelters; legal services and advocacy; lesbian, gay, bisexual, transgender/adolescent; lesbian, gay, bisexual, transgender/general; lesbian, gay, bisexual, transgender/substance use; multiple service agency; nutritional services; pediatric centers of excellence; permanency planning; racial and ethnic minority; social day care; specialized care centers for youth; specialty; supportive housing; treatment adherence; women's services/general; women's services/peer; women's services/supportive services; youth access program; minority health; center for community health program; red cross emergency preparedness; nutrition outreach and education; obesity prevention; women, infants, and children; hunger prevention and nutrition assistance; Indian health; asthma; prenatal care assistance program; rape crisis; early intervention; health and human services sexuality related; infertility; maternity/early childhood foundation; abstinence education; family planning; school health; sudden infant death syndrome; childhood lead poisoning prevention; enhanced services for kids; act for youth; children with special health care needs; regional perinatal data centers; migrant health; dental services; osteoporosis prevention; eating disorders; cancer services; cancer registry; healthy heart; alzheimer's disease assistance centers; alzheimer's disease - research and education; diabetes screening, education and prevention; tobacco control; rabies; tick-borne; immunization; public health campaign; sexually transmitted disease; and tuberculosis control."

And insert "(iv) Programs eligible for the cost of living adjustments under the auspice of the department of health include: HIV/AIDS adolescent services/ACT for youth; HIV/AIDS adolescent services/general; HIV/AIDS adolescent services/schools; HIV/AIDS clinical education; HIV/AIDS clinical guidelines development; HIV/AIDS clinical scholars; HIV/AIDS clinical

trials experimental treatment; HIV/AIDS community development initiative; HIV/AIDS community HIV prevention and primary care; HIV/AIDS community services programs; HIV/AIDS criminal justice; HIV/AIDS education and training; HIV/AIDS evaluation and research; HIV/AIDS expanded syringe access program; HIV/AIDS families in transition; HIV/AIDS family centered care; HIV/AIDS harm reduction/general; HIV/AIDS harm reduction/syringe exchange; HIV/AIDS HIV health care and support services for women and kids; HIV/AIDS HIV prevention/primary care/support services for substance abusers; HIV/AIDS homeless shelters; HIV/AIDS legal services and advocacy; HIV/AIDS lesbian, gay, bisexual, transgender/adolescent; HIV/AIDS lesbian, gay, bisexual, transgender/general; HIV/AIDS lesbian, gay, bisexual, transgender/substance use; HIV/AIDS multiple service agency; HIV/AIDS nutritional services; HIV/AIDS pediatric centers of excellence; HIV/AIDS permanency planning; HIV/AIDS racial and ethnic minority; HIV/AIDS social day care; HIV/AIDS specialized care centers for youth; HIV/AIDS specialty; HIV/AIDS supportive housing; HIV/AIDS treatment adherence; HIV/AIDS women's services/general; HIV/AIDS women's services/peer; HIV/AIDS women's services/supportive services; HIV/AIDS youth access program, office of minority health; center for community health program; red cross emergency preparedness; nutrition outreach and education; obesity prevention; women, infants, and children; hunger prevention and nutrition assistance; Indian health; asthma; prenatal care assistance program; rape crisis; early intervention; health and human services sexuality related; maternity/early childhood foundation; abstinence education; family planning; school health; sudden infant death syndrome; childhood lead poisoning prevention; enhanced services for kids; act for youth; children with special health care needs; regional perinatal data centers; migrant health; dental services; osteoporosis prevention; eating disorders; cancer services; cancer registry; healthy heart; alzheimer's disease assistance centers; alzheimer's disease - research and education; diabetes screening, education and prevention; tobacco control; rabies; tick-borne; immunization; public health campaign; sexually transmitted disease; and tuberculosis control."

- Page 76, Line 21, After "each" insert "local government unit or direct contract"
- Page 77, Line 41, After "sixty" insert "five"
- Page 77, Line 41, After "million" strike out "four" and insert "eight"
- Page 77, Line 44, After "[thirty-six]" strike out "sixteen" and insert "seventeen"

- Page 77, Line 44, After "million" strike out "one" and insert "nine"
- Page 78, Line 33, After "[three]" strike out "ninety-seven" and insert "ninety-four"
- Page 78, Line 33, After "million" strike out "one" and insert "seven"
- Page 78, Line 36, After "[fifty-seven]" strike out "fifty-five" and insert "fifty-four"
- Page 78, Line 36, After "million" insert "two hundred thousand"
- Page 86, Line 8, After "two thousand six," strike out "seventy-three" and insert "seventy-four"
- Page 86, Line 9, After "and" strike out "twenty-six" and insert "eighty-three"
- Page 86, Between lines 21 and 22, After "(a)" Insert "(1)"
- Page 86, Line 23, Before "cents" strike out "twenty-five" and insert "fifty"
- Page 86, Line 26, After "[thirty-eight]" strike out "thirteen" and insert "twenty-five"
- Page 86, Between lines 28 and 29, Insert " (2) However, notwithstanding the opening paragraph of this subdivision or any other law to the contrary, in the event that the tax imposed on cigarettes under section four hundred seventy-one of the tax law shall decrease below either or both (i) one dollar and twenty-five cents for each ten cigarettes or fraction thereof, or (ii) with respect to a package of cigarettes containing more than twenty cigarettes, sixty-two and one-half cents for each five cigarettes or fraction thereof, then any such decrease shall result in an increase of the rate of tax on cigarettes authorized by this paragraph by the amount of any such decrease in the rate of such section four hundred seventy-one tax. Any such increase shall be imposed on the same date of any such decrease to such section four hundred seventy-one tax. Provided, however, any such increase shall not exceed fifty cents for each ten cigarettes or fraction thereof, or with respect to a package of cigarettes containing more than twenty cigarettes, twenty-five cents for each five cigarettes or fraction thereof. Provided, further, that no such increase shall be authorized if the director of the budget determines, within five business days of the enactment of such decrease to such section four hundred seventy-one tax, that any such increase in any such city cigarette tax would have an effect on cigarette consumption which would adversely affect the revenues of this state

under the tax law. Furthermore, the tax due on cigarettes possessed in any such city, as of the close of business on the day before the effective date of any such increase in the cigarette tax of such city as authorized by this subparagraph, by any person for sale, solely attributable such increase, may be paid in two installments, due on the twentieth days of the third and seventh months after the last day of the month preceding the month during which such increase takes effect, subject to such terms and conditions as such city may prescribe; provided, however that no less than twenty-five percent of each such tax due shall be paid by the twentieth day of the third month thereafter."

Page 86, Between lines
48 and 49,

Insert "§ 34-a. Paragraph 3 of subdivision a of section 11-1302 of the administrative code of the city of New York, as amended by local law number 10 of the city of New York for the year 2002, is amended to read as follows:

3. It is intended that the ultimate incidence of and liability for the tax shall be upon the consumer, and that any agent, distributor or dealer who shall pay the tax to the commissioner of finance shall collect the tax from the purchaser or consumer. Such tax shall be at the rate of four cents for each ten cigarettes or fraction thereof, provided, however, that if a package of cigarettes contains more than twenty cigarettes, the rate of tax on the cigarettes in such package in excess of twenty shall be two cents for each five cigarettes or fraction thereof. Provided further, however, that on and after July second, two thousand two, such tax shall be at the rate of seventy-five cents for each ten cigarettes or fraction thereof, provided, however, that if a package of cigarettes contains more than twenty cigarettes, the rate of tax on the cigarettes in such package in excess of twenty shall be thirty-eight cents for each five cigarettes or fraction thereof. Provided, further, that on and after June first, two thousand six, such tax shall be at the rate of twenty-five cents for each ten cigarettes or fraction thereof, provided, however, that if a package of cigarettes contains more than twenty cigarettes, the rate of tax on the cigarettes in such package in excess of twenty shall be thirteen cents for each five cigarettes or fraction thereof. Such tax shall be imposed only once on the same package of cigarettes.

§ 34-b. Subdivision a of section 11-1302 of the administrative code of the city of New York is amended by adding a new paragraph four to read as follows:

4. However, notwithstanding the provisions of paragraph three of this subdivision, in the event that the tax imposed on cigarettes under section four hundred seventy-one of the New York state tax law shall decrease below either or both (i) one dollar and twenty-five cents for each ten cigarettes or fraction thereof, or (ii) with respect to a package of cigarettes containing more than twenty cigarettes, sixty-two and one-half cents for each five cigarettes or fraction thereof, then any such decrease shall result in an increase of the rate of tax on cigarettes imposed by paragraph three of this subdivision by the amount of any such decrease in the rate of such section four hundred seventy-one tax. Any such increase shall be imposed on the same date of any such decrease to such section four hundred seventy-one tax. Provided, however, any such increase shall not exceed fifty cents for each ten cigarettes or fraction thereof, or with respect to a package of cigarettes containing more than twenty cigarettes, twenty-five cents for each five cigarettes or fraction thereof. Provided, further, that no such increase shall be imposed if the New York state director of the budget determines, within five business days of the enactment of such decrease to such section four hundred seventy-one of state tax law, that any such increase in any such city cigarette tax would have an effect on cigarette consumption which would adversely affect the revenues of New York state under the New York state tax law."

Page 87,	Line 4,	After "\$16,250,000]" strike out " <u>\$138,800,000</u> " and insert " <u>\$139,000,000</u> "
Page 87,	Line 5,	After "\$32,500,000]" strike out " <u>\$168,500,000</u> " and insert " <u>\$170,976,000</u> "
Page 87,	Line 6,	After " <u>up to</u> " strike out " <u>\$188,000,000</u> " and insert " <u>\$198,408,000</u> "
Page 87,	Between lines 7 and 8	Insert (LBD# 12127-01-6 as modified)
Page 87,	Line 8,	After "\$" strike out "36" and insert "37"
Page 87,	Line 15,	After "\$" strike out "37" and insert "38"
Page 87,	Line 24,	After "\$" strike out "38" and insert "39"
Page 87,	Line 33,	After "\$" strike out "39" and insert "40"
Page 88,	Line 5,	After "act" insert "and the amendments to subdivision a of section 11-1302 of the administrative code of the city of New York made by sections thirty-four-a and thirty-four-b of this act"
Page 88,	Line 6,	After "paragraph" insert "and subdivision"

Page 90, After Line Insert "Part I" and (LBD# 71010-01-6)
53,

Page 91, Line 11, After "through" strike out "H" and insert "I"