S T A T E O F N E W Y O R K

1503

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. WRIGHT -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to prohibiting the use of live human subjects on the dental licensing examination

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 2440 of the public health law, as added by chapter 450 of the laws of 1975, is amended to read as follows:

S 2440. Policy and purpose. The use of human subjects in medical research projects has brought about many beneficial scientific advances resulting in the increased health and well-being of the human race. Safeguarding the rights and welfare of individual human subjects in the conduct of these human research projects is a matter of vital state concern. Every human being has the right to be protected against the possible conduct of medical or psychological research upon his body without his voluntary informed consent. Human research may effect dangerous and unanticipated results causing irreversible damage to the human subject. Accordingly, it shall be the policy of this state to protect its people against the unnecessary and improper risk of pain, suffering or injury resulting from human research conducted without their knowledge or consent. IN ADDITION, THE USE OF LIVE HUMAN SUBJECTS AS SURGICAL SUBJECTS UPON WHOM UNLICENSED PERSONS OPERATE AS PART OF THE STATE DENTAL PROFESSIONAL LICENSING EXAMINATION IS CONTRARY TO THE POLICY OF THIS STATE TO PROTECT LIVE HUMAN SUBJECTS FROM UNNECESSARY AND IMPROPER RISK OF PAIN, SUFFERING OR INJURY. SUCH LIVE HUMAN SUBJECTS USED FOR SURGICAL PURPOSES ON THE STATE DENTAL LICENSING EXAMINATION ARE ENTITLED TO THE SAME PROTECTIONS AS ANY OTHER LIVE HUMAN RESEARCH SUBJECT. IN ADDITION, THE OVERWHELMING NUMBER OF THESE LIVE HUMAN SUBJECTS SUBJECTED TO SURGERY BY UNLICENSED PERSONS AS PART OF THE STATE DENTAL LICENSING EXAMINATION COME FROM THE POOR AND MINORITY COMMUNITIES

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

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OF THE STATE. NEITHER MEDICINE NOR PODIATRY, THE ONLY OTHER SURGICAL PROFESSIONS IN THE STATE, USES SUCH A BARBARIC AND DISCRIMINATORY LICENSING EXAMINATION. THE LEGISLATURE HEREBY DETERMINES THAT THE USE OF SUCH LIVE HUMAN SUBJECTS AS SURGICAL SUBJECTS OPERATED ON BY UNLICENSED PERSONS ON THE STATE DENTAL LICENSING EXAMINATION IS A POTENTIALLY DANGEROUS PRACTICE AND, IF CONTINUED AT ALL, SHOULD BE SUBJECT TO THE PROVISIONS OF THIS CHAPTER.

S 2. Section 2445 of the public health law, as added by chapter 450 of the laws of 1975, is amended to read as follows:

S 2445. Applicability. The provisions of this article shall not apply to the conduct of human research which is subject to, and which is in compliance with, policies and regulations promulgated by any agency of the federal government for the protection of human subjects. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROVISIONS OF THIS ARTICLE SHALL APPLY TO THE USE OF LIVE HUMAN SUBJECTS ON THE STATE DENTAL LICENSING EXAMINATION, AND NO SUCH LIVE HUMAN SUBJECTS SHALL BE USED ON THE STATE DENTAL LICENSING EXAMINATION UNLESS ALL THE REQUIREMENTS FOR RESEARCH ON LIVE HUMAN SUBJECTS CONTAINED IN THIS ARTICLE AND IN THE RULES AND REGULATIONS OF THE COMMISSIONER ARE COMPLIED WITH.

S 3. This act shall take effect immediately.