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

3089--A

2009-2010 Regular Sessions

I N A S S E M B L Y

January 22, 2009

Introduced by M. of A. BENJAMIN, SCHIMMINGER, GREENE, COOK, FIELDS, MAYERSOHN, CHRISTENSEN, DelMONTE, MAISEL, PEOPLES -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law and the public officers law, in relation to the duties of the ethics committee of the empire state stem cell board

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

Section 1. Paragraphs (a) and (e) of subdivision 2 of section 265-b of the public health law, as added by section 1 of part H of chapter 58 of the laws of 2007, are amended to read as follows:

(a) provide for an independent scientific peer review committee composed of individuals with expertise in the field of biomedical research who shall review grant applications based on the criteria requirements and standards adopted by the funding committee *AND THE ETHICS COMMITTEE*, and make recommendations to the funding committee for the award of grants;

(e) review grant applications based on the criteria, requirements, and standards adopted by the funding committee *AND THE ETHICS COMMITTEE* utilizing a process that gives due consideration to the amount of nonpublic funds contributed by the project sponsor, including cash, in-kind personnel, equipment or materials, donations, the opportunity to leverage funds, including federal, private and not-for-profit funds reasonably anticipated to be received by the project sponsors; provided, however, that nonpublic funds shall only be considered as a factor by the funding committee when reviewing applications of equivalent merit as determined by the independent scientific peer review committee;

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

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S 2. Subdivision 2 of section 265-c of the public health law, as added by section 1 of part H of chapter 58 of the laws of 2007, is amended to read as follows:

2. The ethics committee shall [make recommendations to the funding committee regarding]:

(a) [scientific, medical, and] ESTABLISH ethical standards FOR GRANT APPLICATIONS REVIEWED BY THE FUNDING COMMITTEE;

(b) ESTABLISH ETHICAL standards for all medical, socioeconomic, and financial aspects of clinical trials and therapy delivery to patients, including, but not limited to standards for safe and ethical procedures for: obtaining materials and cells for research; clinical efforts for the appropriate treatment of human subjects in medical research; and ensuring compliance with patient privacy laws;

(c) EXERCISE oversight of funded research to ensure compliance with the standards described in paragraphs (a) and (b) of this subdivision; [and]

(d) ADVISE THE FUNDING COMMITTEE REGARDING relevant ethical and regulatory issues; AND

(E) ESTABLISH STANDARDS BY WHICH GRANT APPLICANTS SHALL CERTIFY THAT:

(I) ALL RESEARCH TO BE FUNDED BY THE GRANT SHALL BE CONDUCTED IN COMPLIANCE WITH THE ETHICAL STANDARDS FOR RESEARCH SET FORTH BY THE ETHICS COMMITTEE; AND

(II) STANDARDS AND PROCEDURES HAVE BEEN ESTABLISHED BY THE GRANT RECIPIENT TO REVIEW ALL RESEARCH CONDUCTED PURSUANT TO THE GRANT, TO ENSURE THAT THE ETHICAL STANDARDS ESTABLISHED BY THE ETHICS COMMITTEE ARE FOLLOWED.

S 3. Section 108 of the public officers law, as added by chapter 511 of the laws of 1976 and as renumbered by chapter 652 of the laws of 1983, subdivision 1 as amended by chapter 80 of the laws of 1983, and subdivision 2 as amended by chapter 136 of the laws of 1985, is amended to read as follows:

S 108. Exemptions. Nothing contained in this article shall be construed as extending the provisions hereof to:

1. judicial or quasi-judicial proceedings, except proceedings of the public service commission and zoning boards of appeals;

2. a. deliberations of political committees, conferences and caucuses.

b. for purposes of this section, the deliberations of political committees, conferences and caucuses means a private meeting of members of the senate or assembly of the state of New York, or of the legislative body of a county, city, town or village, who are members or adherents of the same political party, without regard to (i) the subject matter under discussion, including discussions of public business, (ii) the majority or minority status of such political committees, conferences and caucuses or (iii) whether such political committees, conferences and caucuses invite staff or guests to participate in their deliberations; [and]

3. CONVERSATIONS BETWEEN MEETINGS BETWEEN MEMBERS OF THE EMPIRE STATE STEM CELL BOARD, ESTABLISHED PURSUANT TO SECTION TWO HUNDRED SIXTY-FIVE-A OF THE PUBLIC HEALTH LAW, AND ANY ACTIONS REGARDING THE ABILITY OF THE COMMITTEE TO SET AGENDAS, DRAFT DOCUMENTS AND/OR SELECT SPEAKERS, AND

4. any matter made confidential by federal or state law.

S 4. This act shall take effect immediately.