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

1383

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. WRIGHT, AUBRY, GREENE, ORTIZ, ROBINSON, BENJAMIN -- Multi-Sponsored by -- M. of A. DIAZ, HEASTIE, J. RIVERA, TOWNS -- read once and referred to the Committee on Health

AN ACT to amend the New York city charter, in relation to experimental medical testing of children

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

Section 1. Section 617 of the New York city charter is amended by adding a new subdivision d to read as follows:

D. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER SHALL BE REQUIRED TO OBTAIN A COURT ORDER GRANTING THE COMMISSIONER AUTHORITY TO CONSENT TO EXPERIMENTAL MEDICAL TESTING ON BEHALF OF CHILDREN UNDER THE CARE AND/OR CONTROL OF THE ADMINISTRATION OF CHILDREN'S SERVICES. THE COURT, IN GRANTING SUCH ORDER OF CONSENT, SHALL CONSIDER WHETHER THE EXPERIMENTAL MEDICAL TESTING: (1) POSES A MINIMAL RISK TO THE CHILD UNDERGOING SUCH TESTING; AND (2) IF THERE IS A DIRECT BENEFIT TO THE CHILD UNDERGOING SUCH TESTING.

S 2. This act shall take effect immediately.

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

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