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

1582--A

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. ENGLEBRIGHT, ESPAILLAT -- Multi-Sponsored by -- M. of A. BRENNAN, CLARK, COOK, DINOWITZ, JACOBS, ORTIZ, PERRY, J. RIVERA, WEISENBERG -- read once and referred to the Committee on Health -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law and the state finance law, in relation to the procurement and use of environmentally sensitive commodities and services by hospitals

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

Section 1. The public health law is amended by adding a new section 2805-u to read as follows:

S 2805-U. PROCUREMENT AND USE OF ENVIRONMENTALLY SENSITIVE COMMODITIES AND SERVICES. 1. FOR THE PURPOSES OF THIS SECTION THE FOLLOWING TERMS SHALL MEAN:

(A) "ENVIRONMENTALLY SENSITIVE COMMODITIES AND SERVICES" MEANS THOSE COMMODITIES AND SERVICES THAT MINIMIZE ADVERSE IMPACTS ON THE PUBLIC HEALTH AND THE ENVIRONMENT AS DETERMINED BY THE COMMISSIONER OF GENERAL SERVICES.

(B) "COMMODITY" OR "COMMODITIES" MEANS MATERIAL, GOODS, SUPPLIES, PRODUCTS, CONSTRUCTION ITEMS AND OTHER STANDARD ARTICLES OF COMMERCE OTHER THAN TECHNOLOGY.

(C) "CONSTRUCTION ITEM" MEANS ANY ITEM OR MATERIAL USED IN CONSTRUCTION AND WHICH IS PROCURED DIRECTLY BY A HOSPITAL OR BY A PERSON UNDER CONTRACT BY A HOSPITAL.

(D) "SERVICE" OR "SERVICES" MEANS THE PERFORMANCE OF A TASK OR TASKS AND MAY INCLUDE A MATERIAL GOOD OR A QUANTITY OF MATERIAL GOODS, AND

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

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WHICH IS SUBJECT OF ANY PURCHASE OR OTHER EXCHANGE. FOR THE PURPOSES OF THIS SECTION, TECHNOLOGY SHALL BE DEEMED A SERVICE.

2. THE COMMISSIONER OF GENERAL SERVICES, IN CONSULTATION WITH THE COMMISSIONER, SHALL ESTABLISH AND FROM TIME TO TIME AMEND GUIDELINES AND SPECIFICATIONS FOR ENVIRONMENTALLY SENSITIVE COMMODITIES AND SERVICES FOR USE IN HOSPITALS; AND FOR USE IN THE CONSTRUCTION, RENOVATION OR REPAIR OF HOSPITAL BUILDINGS AND RELATED FACILITIES. SUCH GUIDELINES SHALL BE USED TO IDENTIFY ENVIRONMENTALLY SENSITIVE COMMODITIES AND SERVICES WHICH ARE AVAILABLE IN THE FORM, FUNCTION AND UTILITY GENERALLY USED BY SUCH FACILITIES. SUCH COMMISSIONERS SHALL REVIEW AND EVALUATE EXISTING RESEARCH REGARDING ENVIRONMENTALLY SENSITIVE COMMODITIES AND SERVICES, INCLUDING BUT NOT LIMITED TO, THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S GUIDELINES FOR ENVIRONMENTALLY SENSITIVE COMMODITIES AND SERVICES, FOR THE PURPOSE OF DEVELOPING APPROPRIATE CRITERIA FOR SUCH GUIDELINES AND SPECIFICATIONS.

3. THE COMMISSIONER OF GENERAL SERVICES SHALL DISSEMINATE TO ALL HOSPITALS GUIDELINES AND SPECIFICATIONS FOR THE PURCHASE OR USE OF ENVIRONMENTALLY SENSITIVE COMMODITIES AND SERVICES IN HOSPITALS; AND FOR USE IN THE CONSTRUCTION, RENOVATION OR REPAIR OF HOSPITAL BUILDINGS AND RELATED FACILITIES. THE COMMISSIONER OF GENERAL SERVICES SHALL ALSO PREPARE AND DISSEMINATE TO ALL HOSPITALS A SAMPLE LIST OF SUCH ENVIRONMENTALLY SENSITIVE COMMODITIES AND SERVICES THAT MEET THESE GUIDELINES OR SPECIFICATIONS AND THEIR ENVIRONMENTAL AND HEALTH BENEFITS. EVERY HOSPITAL SHALL CONSIDER SUCH GUIDELINES, SPECIFICATIONS AND SAMPLE LIST WHEN MAKING DETERMINATIONS AS TO THE PURCHASE OF COMMODITIES, CONSTRUCTION ITEMS OR SERVICES FOR USE IN THE HOSPITAL, OR FOR USE IN THE CONSTRUCTION, RENOVATION, OR REPAIR OF HOSPITAL BUILDINGS.

4. ON OR BEFORE JUNE FIRST, TWO THOUSAND TWELVE, THE OFFICE OF GENERAL SERVICES AND THE DEPARTMENT SHALL JOINTLY ISSUE A REPORT PROVIDING AN ANALYSIS OF THE IMPACT OF SUCH GUIDELINES AND SPECIFICATIONS ON THE PURCHASING AND PROCUREMENT PRACTICES OF HOSPITALS.

S 2. Paragraph b of subdivision 3 of section 163 of the state finance law is amended by adding a new subparagraph (xii) to read as follows:

(XII) MAINTAIN A LIST OF FIRMS WHICH PRODUCE OR MANUFACTURE OR OFFER FOR SALE ENVIRONMENTALLY SENSITIVE COMMODITIES AND SERVICES IN THE FORM, FUNCTION, AND UTILITY GENERALLY USED BY HOSPITALS IN ACCORDANCE WITH SPECIFICATIONS OR GUIDELINES PROMULGATED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED FIVE-U OF THE PUBLIC HEALTH LAW.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided that the commissioners of health and general services are authorized to promulgate any and all rules and regulations and take any other measures necessary to implement the provisions of this act on its effective date on or before such date; and provided, further, that the amendment to paragraph b of subdivision 3 of section 163 of the state finance law, made by section two of this act, shall not affect the repeal of such section and shall be deemed repealed therewith.