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

4974

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

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

AN ACT to amend the public health law, in relation to requiring hospitals to provide DNA testing of newborns or take blood samples from newborns for future DNA testing

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 2500-k to read as follows:

S 2500-K. DNA TESTING OF NEWBORNS. 1. EVERY GENERAL OR OBSTETRIC HOSPITAL SHALL PROVIDE DNA TESTING OF NEWBORNS OR TAKE BLOOD SAMPLES FROM NEWBORNS AND PRESERVE SUCH SAMPLES IN A MANNER THAT DNA TESTING MAY BE PERFORMED THEREON IN THE FUTURE. SUCH TESTING OR TAKING OF BLOOD SHALL ONLY BE PERFORMED IF THE CHILD'S MOTHER AND FATHER, IF SUCH FATHER IS READILY IDENTIFIABLE AND AVAILABLE, CONSENT IN WRITING TO HAVE A DNA TEST PERFORMED ON THEIR CHILD OR HAVE A BLOOD SAMPLE TAKEN FROM THE CHILD FOR FUTURE DNA TESTING.

2. EVERY GENERAL OR OBSTETRIC HOSPITAL SHALL PROVIDE WRITTEN NOTICE OF THE PROVISIONS OF THIS SECTION TO THE MOTHER OF EVERY CHILD BORN IN SUCH HOSPITAL WITHIN TWENTY-FOUR HOURS OF THE BIRTH.

3. THE COMMISSIONER SHALL PROMULGATE ANY RULES AND REGULATIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

4. FOR THE PURPOSES OF THIS SECTION, "DNA" SHALL MEAN DEOXYRIBONUCLEIC ACID.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law. Effective immediately that any rules and regulations necessary for the timely implementation of this act on its effective date are authorized and directed to be promulgated on or before such date.

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

LBD08224-01-9