

1502

2009-2010 Regular Sessions

I N   S E N A T E

February 2, 2009

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Introduced by Sens. DeFRANCISCO, GOLDEN, LARKIN, LAVALLE, MORAHAN, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health 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:

1     Section 1. Paragraphs (a) and (e) of subdivision 2 of section 265-b of  
2     the public health law, as added by section 1 of part H of chapter 58 of  
3     the laws of 2007, are amended to read as follows:  
4     (a) provide for an independent scientific peer review committee  
5     composed of individuals with expertise in the field of biomedical  
6     research who shall review grant applications based on the criteria  
7     requirements and standards adopted by the funding committee AND THE  
8     ETHICS COMMITTEE, and make recommendations to the funding committee for  
9     the award of grants;  
10    (e) review grant applications based on the criteria, requirements, and  
11    standards adopted by the funding committee AND THE ETHICS COMMITTEE  
12    utilizing a process that gives due consideration to the amount of  
13    nonpublic funds contributed by the project sponsor, including cash,  
14    in-kind personnel, equipment or materials, donations, the opportunity to  
15    leverage funds, including federal, private and not-for-profit funds  
16    reasonably anticipated to be received by the project sponsors; provided,  
17    however, that nonpublic funds shall only be considered as a factor by  
18    the funding committee when reviewing applications of equivalent merit as  
19    determined by the independent scientific peer review committee;  
20    S 2. Subdivision 2 of section 265-c of the public health law, as added  
21    by section 1 of part H of chapter 58 of the laws of 2007, is amended to  
22    read as follows:  
23    2. The ethics committee shall [make recommendations to the funding  
24    committee regarding]:

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

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1 (a) [scientific, medical, and] ESTABLISH ethical standards FOR GRANT  
2 APPLICATIONS REVIEWED BY THE FUNDING COMMITTEE;  
3 (b) ESTABLISH ETHICAL standards for all medical, socioeconomic, and  
4 financial aspects of clinical trials and therapy delivery to patients,  
5 including, but not limited to standards for safe and ethical procedures  
6 for: obtaining materials and cells for research; clinical efforts for  
7 the appropriate treatment of human subjects in medical research; and  
8 ensuring compliance with patient privacy laws;  
9 (c) EXERCISE oversight of funded research to ensure compliance with  
10 the standards described in paragraphs (a) and (b) of this subdivision;  
11 [and]  
12 (d) ADVISE THE FUNDING COMMITTEE REGARDING relevant ethical and regu-  
13 latory issues; AND  
14 (E) ESTABLISH STANDARDS BY WHICH GRANT APPLICANTS SHALL CERTIFY THAT:  
15 (I) ALL RESEARCH TO BE FUNDED BY THE GRANT SHALL BE CONDUCTED IN  
16 COMPLIANCE WITH THE ETHICAL STANDARDS FOR RESEARCH SET FORTH BY THE  
17 ETHICS COMMITTEE; AND  
18 (II) STANDARDS AND PROCEDURES HAVE BEEN ESTABLISHED BY THE GRANT  
19 RECIPIENT TO REVIEW ALL RESEARCH CONDUCTED PURSUANT TO THE GRANT, TO  
20 ENSURE THAT THE ETHICAL STANDARDS ESTABLISHED BY THE ETHICS COMMITTEE  
21 ARE FOLLOWED.  
22 S 3. This act shall take effect immediately.