

4184

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 1, 2013

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Introduced by M. of A. ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. BRENNAN, CLARK, COOK, DINOWITZ, JACOBS, ORTIZ, PERRY, RIVERA, WEISENBERG -- read once and referred to the Committee on Health

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:

1     Section 1. The public health law is amended by adding a new section  
2     2805-v to read as follows:  
3     S 2805-V.     PROCUREMENT AND USE OF ENVIRONMENTALLY SENSITIVE COMMOD-  
4     ITIES AND SERVICES. 1. FOR THE PURPOSES OF THIS SECTION THE FOLLOWING  
5     TERMS SHALL MEAN:  
6     (A) "ENVIRONMENTALLY SENSITIVE COMMODITIES AND SERVICES" MEANS THOSE  
7     COMMODITIES AND SERVICES THAT MINIMIZE ADVERSE IMPACTS ON THE PUBLIC  
8     HEALTH AND THE ENVIRONMENT AS DETERMINED BY THE COMMISSIONER OF GENERAL  
9     SERVICES.  
10    (B) "COMMODITY" OR "COMMODITIES" MEANS MATERIAL, GOODS, SUPPLIES,  
11    PRODUCTS, CONSTRUCTION ITEMS AND OTHER STANDARD ARTICLES OF COMMERCE  
12    OTHER THAN TECHNOLOGY.  
13    (C) "CONSTRUCTION ITEM" MEANS ANY ITEM OR MATERIAL USED IN  
14    CONSTRUCTION AND WHICH IS PROCURED DIRECTLY BY A HOSPITAL OR BY A PERSON  
15    UNDER CONTRACT BY A HOSPITAL.  
16    (D) "SERVICE" OR "SERVICES" MEANS THE PERFORMANCE OF A TASK OR TASKS  
17    AND MAY INCLUDE A MATERIAL GOOD OR A QUANTITY OF MATERIAL GOODS, AND  
18    WHICH IS SUBJECT OF ANY PURCHASE OR OTHER EXCHANGE. FOR THE PURPOSES OF  
19    THIS SECTION, TECHNOLOGY SHALL BE DEEMED A SERVICE.  
20    2. THE COMMISSIONER OF GENERAL SERVICES, IN CONSULTATION WITH THE  
21    COMMISSIONER, SHALL ESTABLISH AND FROM TIME TO TIME AMEND GUIDELINES AND  
22    SPECIFICATIONS FOR ENVIRONMENTALLY SENSITIVE COMMODITIES AND SERVICES  
23    FOR USE IN HOSPITALS; AND FOR USE IN THE CONSTRUCTION, RENOVATION OR

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

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1 REPAIR OF HOSPITAL BUILDINGS AND RELATED FACILITIES. SUCH GUIDELINES  
2 SHALL BE USED TO IDENTIFY ENVIRONMENTALLY SENSITIVE COMMODITIES AND  
3 SERVICES WHICH ARE AVAILABLE IN THE FORM, FUNCTION AND UTILITY GENERALLY  
4 USED BY SUCH FACILITIES. SUCH COMMISSIONERS SHALL REVIEW AND EVALUATE  
5 EXISTING RESEARCH REGARDING ENVIRONMENTALLY SENSITIVE COMMODITIES AND  
6 SERVICES, INCLUDING BUT NOT LIMITED TO, THE UNITED STATES ENVIRONMENTAL  
7 PROTECTION AGENCY'S GUIDELINES FOR ENVIRONMENTALLY SENSITIVE COMMODITIES  
8 AND SERVICES, FOR THE PURPOSE OF DEVELOPING APPROPRIATE CRITERIA FOR  
9 SUCH GUIDELINES AND SPECIFICATIONS.

10 3. THE COMMISSIONER OF GENERAL SERVICES SHALL DISSEMINATE TO ALL  
11 HOSPITALS GUIDELINES AND SPECIFICATIONS FOR THE PURCHASE OR USE OF ENVI-  
12 RONMENTALLY SENSITIVE COMMODITIES AND SERVICES IN HOSPITALS; AND FOR USE  
13 IN THE CONSTRUCTION, RENOVATION OR REPAIR OF HOSPITAL BUILDINGS AND  
14 RELATED FACILITIES. THE COMMISSIONER OF GENERAL SERVICES SHALL ALSO  
15 PREPARE AND DISSEMINATE TO ALL HOSPITALS A SAMPLE LIST OF SUCH ENVIRON-  
16 MENTALLY SENSITIVE COMMODITIES AND SERVICES THAT MEET THESE GUIDELINES  
17 OR SPECIFICATIONS AND THEIR ENVIRONMENTAL AND HEALTH BENEFITS. EVERY  
18 HOSPITAL SHALL CONSIDER SUCH GUIDELINES, SPECIFICATIONS AND SAMPLE LIST  
19 WHEN MAKING DETERMINATIONS AS TO THE PURCHASE OF COMMODITIES,  
20 CONSTRUCTION ITEMS OR SERVICES FOR USE IN THE HOSPITAL, OR FOR USE IN  
21 THE CONSTRUCTION, RENOVATION, OR REPAIR OF HOSPITAL BUILDINGS.

22 4. ON OR BEFORE JUNE FIRST, TWO THOUSAND FIFTEEN, THE OFFICE OF GENER-  
23 AL SERVICES AND THE DEPARTMENT SHALL JOINTLY ISSUE A REPORT PROVIDING AN  
24 ANALYSIS OF THE IMPACT OF SUCH GUIDELINES AND SPECIFICATIONS ON THE  
25 PURCHASING AND PROCUREMENT PRACTICES OF HOSPITALS.

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

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

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