

5731

2013-2014 Regular Sessions

I N S E N A T E

June 10, 2013

Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the public officers law, in relation to personally identifiable information and certain researchers; and to amend the public health law, in relation to unlawful interference with research laboratory operations

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

1 Section 1. Subdivision 2 of section 87 of the public officers law is
2 amended by adding a new paragraph (m) to read as follows:
3 (M) ARE RECORDS CONCERNING RESEARCH, INCLUDING ACTUAL RESEARCH DOCU-
4 MENTS, CONDUCTED UNDER THE AUSPICES OF A RESEARCH LABORATORY, AS THAT
5 TERM IS DEFINED IN SECTION FIVE HUNDRED SIX OF THE PUBLIC HEALTH LAW,
6 THAT CONTAIN PERSONALLY IDENTIFIABLE INFORMATION OR OTHER INFORMATION
7 NOT GENERALLY AVAILABLE TO THE GENERAL PUBLIC.
8 S 2. Subdivision 2 of section 96 of the public officers law is amended
9 by adding a new paragraph (e) to read as follows:
10 (E) PERSONAL INFORMATION OR OTHER INFORMATION THAT IS NOT GENERALLY
11 AVAILABLE TO THE PUBLIC RELATING TO RESEARCH CONDUCTED AT A RESEARCH
12 LABORATORY AS THAT TERM IS DEFINED IN SECTION FIVE HUNDRED SIX OF THE
13 PUBLIC HEALTH LAW.
14 S 3. The public health law is amended by adding a new section 506 to
15 read as follows:
16 S 506. UNLAWFUL INTERFERENCE WITH RESEARCH LABORATORY OPERATIONS. 1.
17 DEFINITIONS. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL
18 HAVE THE FOLLOWING MEANINGS:
19 (A) "RESEARCH LABORATORY" MEANS ANY BUILDING, STRUCTURE, LABORATORY,
20 VEHICLE, PASTURE, Paddock, POND, IMPOUNDMENT OR PREMISES REGULATED
21 PURSUANT TO THIS ARTICLE AT WHICH LEGAL BIOMEDICAL RESEARCH OR TEACHING

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

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1 IS CONDUCTED OR ATTEMPTED OR WHERE RECORDS OR DOCUMENTS RELATING TO
2 EXPERIMENTS, PRODUCTION, EDUCATION OR INVESTIGATION ARE MAINTAINED.

3 (B) "FAMILY OR HOUSEHOLD MEMBER" MEANS A SPOUSE, FAMILY MEMBER, FORMER
4 SPOUSE, PARENT, CHILD, PERSONS RELATED BY BLOOD OR MARRIAGE, PERSONS WHO
5 ARE IN A DATING RELATIONSHIP, PERSONS WHO ARE PRESENTLY RESIDING TOGETH-
6 ER OR WHO HAVE RESIDED TOGETHER IN THE PAST, PERSONS WHO HAVE A CHILD IN
7 COMMON REGARDLESS OF WHETHER THEY ARE OR HAVE BEEN MARRIED OR LIVED
8 TOGETHER AT ANY TIME.

9 (C) "RESEARCHER" MEANS A PERSON ENGAGED IN, OR PROVIDING SUPPORT
10 SERVICES FOR A PERSON ENGAGED IN LEGAL BIOMEDICAL RESEARCH OR TEACHING.

11 2. UNLAWFUL TAMPERING WITH BIOMEDICAL RESEARCH OCCURS WHEN AN INDIVID-
12 UAL:

13 (A) WITH THE INTENT TO INTERFERE WITH RESEARCH, DAMAGES, VANDALIZES OR
14 STEALS ANY PROPERTY IN OR ON A RESEARCH LABORATORY, OR ANY REAL OR
15 PERSONAL PROPERTY OF A PERSON OR ENTITY HAVING A CONNECTION TO,
16 RELATIONSHIP WITH, OR TRANSACTIONS WITH A RESEARCH LABORATORY;

17 (B) WITH THE INTENT TO INTERFERE WITH THE OPERATIONS, OBTAINS ACCESS
18 TO A RESEARCH LABORATORY TO PERFORM ACTS NOT AUTHORIZED BY THAT RESEARCH
19 LABORATORY;

20 (C) OBTAINS OR EXERTS UNAUTHORIZED CONTROL OVER RECORDS, DATA, MATERI-
21 ALS OR EQUIPMENT OF ANY RESEARCH LABORATORY WITH THE INTENT TO INTERFERE
22 WITH RESEARCH BY CONCEALING, ABANDONING OR DESTROYING SUCH RECORDS,
23 DATA, MATERIALS OR EQUIPMENT;

24 (D) WITH THE INTENT TO INTERFERE WITH RESEARCH, POSSESSES OR USES
25 RECORDS, DATA, MATERIALS OR EQUIPMENT THAT THE PERSON REASONABLY
26 BELIEVES HAVE BEEN OBTAINED BY THEFT OR DECEPTION FROM A RESEARCH LABO-
27 RATORY OR WITHOUT THE AUTHORIZATION OF A RESEARCH LABORATORY;

28 (E) PUBLISHES INFORMATION DESCRIBING OR DEPICTING A RESEARCHER, THE
29 RESEARCHER'S FAMILY OR HOUSEHOLD MEMBER OR THE LOCATION WHERE A
30 RESEARCHER OR FAMILY OR HOUSEHOLD MEMBER MAY BE FOUND, WITH THE INTENT
31 THAT A PERSON IMMINENTLY USE THE INFORMATION TO COMMIT A CRIME INVOLVING
32 VIOLENCE OR A THREAT OF VIOLENCE AGAINST THE RESEARCHER OR FAMILY OR
33 HOUSEHOLD MEMBER AND THE INFORMATION IS LIKELY TO AID IN THE IMMINENT
34 COMMISSION OF THE CRIME;

35 (F) COMMITS THE CRIME OF AGGRAVATED HARASSMENT IN THE SECOND DEGREE AS
36 DEFINED BY SECTION 240.30 OF THE PENAL LAW WITH THE INTENT TO INTERFERE
37 WITH RESEARCH OR INTIMIDATE A RESEARCHER.

38 3. UNLAWFUL TAMPERING WITH BIOMEDICAL RESEARCH IS A CLASS E FELONY
39 PUNISHABLE IN ACCORDANCE WITH THE PENAL LAW.

40 S 4. This act shall take effect immediately.