

3548

2015-2016 Regular Sessions

I N A S S E M B L Y

January 27, 2015

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

AN ACT to amend the public health law, in relation to establishing a dietary supplements safety committee

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 25  
2 to read as follows:

3 S 25. DIETARY SUPPLEMENTS SAFETY COMMITTEE. 1. THERE IS HEREBY ESTAB-  
4 LISHED IN THE DEPARTMENT THE DIETARY SUPPLEMENTS SAFETY COMMITTEE TO BE  
5 COMPOSED OF EIGHTEEN MEMBERS WHO SHALL BE APPOINTED IN THE FOLLOWING  
6 MANNER: THREE SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE  
7 SENATE; TWO SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE;  
8 THREE SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY; TWO SHALL BE  
9 APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY; AND EIGHT SHALL BE  
10 APPOINTED BY THE GOVERNOR. THE GOVERNOR SHALL DESIGNATE THE CHAIRPERSON  
11 OF THE COMMITTEE. THE MEMBERS OF THE COMMITTEE SHALL BE REPRESENTATIVE  
12 OF THE PUBLIC HEALTH FIELD, HEALTH CARE SERVICES PROVIDERS, DIETICIANS  
13 AND NUTRITIONISTS. SUCH APPOINTING OFFICIALS SHALL EITHER REPLACE OR  
14 REAPPOINT THE MEMBERS OF SUCH COMMITTEE FOR THREE YEAR TERMS, ACCORDING  
15 TO THE FOLLOWING SCHEDULE:

16 (A) EFFECTIVE JANUARY FIRST, TWO THOUSAND SEVENTEEN: ANY THREE  
17 ORIGINAL APPOINTEES OF THE GOVERNOR, ONE ORIGINAL APPOINTEE OF THE  
18 TEMPORARY PRESIDENT OF THE SENATE, ONE ORIGINAL APPOINTEE OF THE SPEAKER  
19 OF THE ASSEMBLY AND ONE ORIGINAL APPOINTEE OF THE MINORITY LEADER OF THE  
20 SENATE;

21 (B) EFFECTIVE JANUARY FIRST, TWO THOUSAND EIGHTEEN: ANY THREE OF THE  
22 REMAINING ORIGINAL APPOINTEES OF THE GOVERNOR, ONE OF THE REMAINING  
23 ORIGINAL APPOINTEES OF THE TEMPORARY PRESIDENT OF THE SENATE, ONE OF THE  
24 REMAINING ORIGINAL APPOINTEES OF THE SPEAKER OF THE ASSEMBLY AND ONE  
25 ORIGINAL APPOINTEE OF THE MINORITY LEADER OF THE ASSEMBLY;

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

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1 (C) EFFECTIVE JANUARY FIRST, TWO THOUSAND NINETEEN: THE TWO REMAINING  
2 ORIGINAL APPOINTEES OF THE GOVERNOR, THE REMAINING ORIGINAL APPOINTEE OF  
3 THE TEMPORARY PRESIDENT OF THE SENATE, THE REMAINING ORIGINAL APPOINTEE  
4 OF THE SPEAKER OF THE ASSEMBLY, THE REMAINING ORIGINAL APPOINTEE OF THE  
5 MINORITY LEADER OF THE SENATE AND THE REMAINING ORIGINAL APPOINTEE OF  
6 THE MINORITY LEADER OF THE ASSEMBLY;

7 (D) REPLACEMENTS OR REAPPOINTMENTS THEREAFTER SHALL BE MADE AT THE  
8 EXPIRATION OF THE TERM OF EACH MEMBER, BY THE APPOINTING OFFICIAL WHO  
9 ORIGINALLY APPOINTED SUCH MEMBER; AND

10 (E) VACANCIES SHALL BE FILLED BY APPOINTMENT IN LIKE MANNER FOR UNEX-  
11 PIRENED TERMS.

12 2. THE COMMITTEE SHALL EVALUATE THE SAFETY AND EFFICACY OF DIETARY  
13 SUPPLEMENTS AND ITS DUTIES SHALL INCLUDE, BUT NOT BE LIMITED TO, THE  
14 FOLLOWING:

15 (A) ESTABLISH A SYSTEM OF REPORTING ADVERSE EVENTS ASSOCIATED WITH  
16 DIETARY SUPPLEMENTS AND SUPPORT VOLUNTARY REPORTING BY CONSUMERS, HEALTH  
17 PRACTITIONERS AND OTHERS;

18 (B) ASSESS AVAILABLE DATA AND MAKE SPECIFIC RECOMMENDATIONS TO THE  
19 COMMISSIONER REGARDING BANNING THE SALE OF CERTAIN DIETARY SUPPLEMENTS  
20 THE COMMITTEE DEEMS HARMFUL; AND

21 (C) ESTABLISH A PUBLIC HEALTH EDUCATION CAMPAIGN ON DIETARY SUPPLE-  
22 MENTS, WITH VARIATIONS SPECIFICALLY DIRECTED TO TARGET DIFFERENT GROUPS.

23 3. THE ADVISORY COUNCIL SHALL MEET AT LEAST THREE TIMES A YEAR, AT THE  
24 REQUEST OF THE CHAIRPERSON.

25 4. THE MEMBERS OF THE COUNCIL SHALL RECEIVE NO COMPENSATION FOR THEIR  
26 SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES  
27 INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

28 5. THE COMMISSIONER IS HEREBY AUTHORIZED TO BAN THE SALE OF ANY  
29 DIETARY SUPPLEMENT SOLD OR OFFERED FOR SALE IN THIS STATE UPON RECOMMEN-  
30 DATION BY THE COMMITTEE. ANY SUCH BAN MAY BE LIMITED IN ITS SCOPE TO BAN  
31 THE SALE OF ANY SUCH SUPPLEMENT TO MINORS ONLY.

32 6. FOR PURPOSES OF THIS SECTION, THE TERM "DIETARY SUPPLEMENT" MEANS

33 (A) A PRODUCT (OTHER THAN TOBACCO) THAT IS INTENDED TO SUPPLEMENT THE  
34 DIET AND THAT BEARS OR CONTAINS ONE OR MORE OF THE FOLLOWING DIETARY  
35 INGREDIENTS: A VITAMIN, A MINERAL, AN HERB OR OTHER BOTANICAL, AN AMINO  
36 ACID, A DIETARY SUBSTANCE FOR THE USE BY A PERSON TO SUPPLEMENT THE DIET  
37 BY INCREASING THE TOTAL DAILY INTAKE, OR A CONCENTRATE, METABOLITE,  
38 CONSTITUENT, EXTRACT, OR COMBINATIONS OF THESE INGREDIENTS; (B) INTENDED  
39 FOR INGESTION IN PILL, CAPSULE, TABLET, OR LIQUID FORM; AND (C) LABELED  
40 AS A "DIETARY SUPPLEMENT" PURSUANT TO THE FEDERAL DIETARY SUPPLEMENT  
41 HEALTH AND EDUCATION ACT, 21 U.S.C. 321, AS AMENDED.

42 S 2. This act shall take effect January 1, 2016. The appointments  
43 required to be made pursuant to subdivision 1 of section 25 of the  
44 public health law, as added by section one of this act, shall be made on  
45 or before such effective date.