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2015-2016 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2015

Introduced by M. of A. ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. BRENNAN, CLARK, COOK, DINOWITZ, ORTIZ, PERRY, RIVERA -- 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-x to read as follows:
3 S 2805-X. 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 MATERIALS, 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

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

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

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

23 4. ON OR BEFORE JUNE FIRST, TWO THOUSAND SEVENTEEN, THE OFFICE OF
24 GENERAL SERVICES AND THE DEPARTMENT SHALL JOINTLY ISSUE A REPORT PROVID-
25 ING AN ANALYSIS OF THE IMPACT OF SUCH GUIDELINES AND SPECIFICATIONS ON
26 THE PURCHASING AND PROCUREMENT PRACTICES OF HOSPITALS.

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

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

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