

3831

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 27, 2015

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

AN ACT to amend the public health law, in relation to prohibiting the  
use of live human subjects on the dental licensing examination

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

1     Section 1. Section 2440 of the public health law, as added by chapter  
2     450 of the laws of 1975, is amended to read as follows:  
3     S 2440. Policy and purpose. The use of human subjects in medical  
4     research projects has brought about many beneficial scientific advances  
5     resulting in the increased health and well-being of the human race.  
6     Safeguarding the rights and welfare of individual human subjects in the  
7     conduct of these human research projects is a matter of vital state  
8     concern. Every human being has the right to be protected against the  
9     possible conduct of medical or psychological research upon his body  
10    without his voluntary informed consent. Human research may effect  
11    dangerous and unanticipated results causing irreversible damage to the  
12    human subject. Accordingly, it shall be the policy of this state to  
13    protect its people against the unnecessary and improper risk of pain,  
14    suffering or injury resulting from human research conducted without  
15    their knowledge or consent. IN ADDITION, THE USE OF LIVE HUMAN SUBJECTS  
16    AS SURGICAL SUBJECTS UPON WHOM UNLICENSED PERSONS OPERATE AS PART OF THE  
17    STATE DENTAL PROFESSIONAL LICENSING EXAMINATION IS CONTRARY TO THE POLI-  
18    CY OF THIS STATE TO PROTECT LIVE HUMAN SUBJECTS FROM UNNECESSARY AND  
19    IMPROPER RISK OF PAIN, SUFFERING OR INJURY. SUCH LIVE HUMAN SUBJECTS  
20    USED FOR SURGICAL PURPOSES ON THE STATE DENTAL LICENSING EXAMINATION ARE  
21    ENTITLED TO THE SAME PROTECTIONS AS ANY OTHER LIVE HUMAN RESEARCH  
22    SUBJECT. IN ADDITION, THE OVERWHELMING NUMBER OF THESE LIVE HUMAN  
23    SUBJECTS SUBJECTED TO SURGERY BY UNLICENSED PERSONS AS PART OF THE STATE  
24    DENTAL LICENSING EXAMINATION COME FROM THE POOR AND MINORITY COMMUNITIES  
25    OF THE STATE. NEITHER MEDICINE NOR PODIATRY, THE ONLY OTHER SURGICAL

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

LBD04971-01-5

1 PROFESSIONS IN THE STATE, USES SUCH A BARBARIC AND DISCRIMINATORY  
2 LICENSING EXAMINATION. THE LEGISLATURE HEREBY DETERMINES THAT THE USE  
3 OF SUCH LIVE HUMAN SUBJECTS AS SURGICAL SUBJECTS OPERATED ON BY UNLI-  
4 CENSED PERSONS ON THE STATE DENTAL LICENSING EXAMINATION IS A POTENTIAL-  
5 LY DANGEROUS PRACTICE AND, IF CONTINUED AT ALL, SHOULD BE SUBJECT TO THE  
6 PROVISIONS OF THIS CHAPTER.

7 S 2. Section 2445 of the public health law, as added by chapter 450 of  
8 the laws of 1975, is amended to read as follows:

9 S 2445. Applicability. The provisions of this article shall not apply  
10 to the conduct of human research which is subject to, and which is in  
11 compliance with, policies and regulations promulgated by any agency of  
12 the federal government for the protection of human subjects. NOTWITH-  
13 STANDING ANY OTHER PROVISION OF LAW, THE PROVISIONS OF THIS ARTICLE  
14 SHALL APPLY TO THE USE OF LIVE HUMAN SUBJECTS ON THE STATE DENTAL  
15 LICENSING EXAMINATION, AND NO SUCH LIVE HUMAN SUBJECTS SHALL BE USED ON  
16 THE STATE DENTAL LICENSING EXAMINATION UNLESS ALL THE REQUIREMENTS FOR  
17 RESEARCH ON LIVE HUMAN SUBJECTS CONTAINED IN THIS ARTICLE AND IN THE  
18 RULES AND REGULATIONS OF THE COMMISSIONER ARE COMPLIED WITH.

19 S 3. This act shall take effect immediately.