AN ACT to amend chapter 987 of the laws of 1971 amending the education law and the civil practice law and rules relating to the regulation and practice of certain professions; and to continue the dental society of the state of New York, in relation to membership in the New York state dental association

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 5 of chapter 987 of the laws of 1971 amending the education law and the civil practice law and rules relating to the regulation and practice of certain professions; and to continue the dental society of the state of New York, as amended by chapter 278 of the laws of 2008, is amended to read as follows:

§ 5. The Dental Society of the State of New York is continued and shall be renamed the New York State Dental Association and shall be composed of the members of the district and county societies. The state dental association shall annually meet on the second Wednesday of May, or at such other time and at such place as may be determined in the bylaws of the association or by resolution, at the preceding annual meeting. Twenty members shall be a quorum. A president, president-elect, vice-president, and secretary-treasurer shall be elected annually, and shall hold their office for one year, and until others shall be chosen in their places. The officers shall be elected by the directors of the association. The association may elect honorary members from any state or country not eligible to regular membership, who shall not be entitled to vote or hold any office in the association. Such association may purchase and hold real estate and personal estate for the purpose of its incorporation. The association shall have the power to make all needful bylaws not inconsistent with the laws of the state, for the management of its affairs and property and the admission and expulsion of members, including the authority to adopt any bylaws admitting or amending any membership status of any persons, including licensed dentists and persons with dental degrees that qualify them for licensure, and allo-

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

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cating such members among district and county societies pursuant to such
bylaws as determined by the association. Notwithstanding any provision
of this section, determination regarding whether an individual who
applies for licensure as a dentist in New York state meets the educa-
tional requirements for such licensure shall be at the sole discretion
of the education department of the state of New York. Notwithstanding
any other provision of law, the directors of the association may, by a
three-fourths vote, suspend or remove any director of the association,
or by a two-thirds vote remove a district or county society as a compo-
nent member. Notwithstanding any other provision of law, the time period
for voting by the members of the association on any amendment to the
constitution or bylaws of the association shall run from the date of
giving written notice in any mailing or other publication by the associ-
atation of any such amendment to the date of the commencement of the next
regular meeting of the directors of the association.

§ 2. Subdivisions 1 and 2 of section 6 of chapter 987 of the laws of
1971 amending the education law and the civil practice law and rules
relating to the regulation and practice of certain professions; and to
continue the district dental societies of the state of New York, as
amended by chapter 288 of the laws of 2017, are amended to read as
follows:

1. The existing district dental societies are continued. In any judi-
cicial district in which a district dental society is not incorporated,
fifteen or more dentists of such district authorized to practice dentis-
try in this state may become a district dental society of such district,
by publishing a call for a meeting of the dentists of the district to be
held at a time and place mentioned therein within the district, in at
least one newspaper in each county of the district, at least once a week
for at least four weeks immediately preceding the time when such meeting
is to be held, and by meeting at the time and place specified in such
notice with such dentists authorized to practice dentistry in the
district as may respond to such call, and by making and filing with the
secretary of the state dental association a certificate, to be executed
and acknowledged by the dentists so meeting, or by at least fifteen of
them, which shall set forth that such meeting has been held pursuant to
such notice, the corporate name of the society, which shall be the
district dental society of the judicial district where located, the
names and places of residence of the officers of the society for the
first year, or until the first annual meeting, which officers shall be a
president, vice-president, secretary and treasurer, the time and place
of the annual meeting of the society and the general objects and
purposes of the association. Thereupon the persons executing such
certificate and all other dentists in good standing and authorized to
practice dentistry in such district, and persons with dental degrees
that qualify them for licensure, who shall subscribe to its bylaws,
shall be a corporation by the name expressed in such certificate. Every
licensed and registered dentist, and persons with dental degrees that
qualify them for licensure, in the judicial district in which such a
society is formed, shall be eligible to membership in the district soci-
ety of the district in which he or she resides or practices dentistry,
except if such dentist resides or practices dentistry in a county in
which a county dental society is formed in the manner hereinafter
provided, he or she shall be eligible to membership in such county soci-
ety; provided, however, that after September 1, 1990 any licensed and
registered dentist who is not a member of the state dental association
shall be eligible for membership only in the district or county society
1 in which he or she maintains his or her primary practice. Any member of
2 a district or county dental society who has been a member of such
3 district or county dental society continuously since January first,
4 nineteen hundred seventy-seven, may maintain his or her membership in
5 that district or county dental society notwithstanding where such member
6 resides or practices dentistry. The dental societies of the respective
7 districts of the state shall have power to make all necessary bylaws not
8 inconsistent with the laws of this state for the management of their
9 affairs and property and the admission and expulsion of members; provid-
10 ing that no bylaw of any district society shall be repugnant to or
11 inconsistent with the bylaws of the state association. Twenty members or
12 ten percent of the total membership entitled to vote, whichever is less,
13 shall be a quorum. Such societies may purchase and hold real and
14 personal property for the purposes of their incorporation.
15 2. Notwithstanding the provisions of this section or any other law or
16 rule to the contrary, a county dental society may be formed if applica-
17 tion by fifteen or more dentists of a county, or fifteen or more
18 dentists from each of contiguous counties, or fifty percent or more of
19 the dentists in a county or from each contiguous county with fewer than
20 thirty dentists is approved by the governing body of the New York State
21 Dental Association. Every licensed and registered dentist, and persons
22 with dental degrees that qualify them for licensure, who resides or
23 practices dentistry within the geographic area in which such a county
24 society is formed shall be eligible to membership in such society;
25 provided, however, that after September 1, 1990, any licensed and regis-
26 tered dentist who is not a member of the state dental association shall
27 be eligible for membership only in the county society in which he or she
28 maintains his or her primary practice. Any member of a district or coun-
29 ty dental society who has been a member of such district or county
30 dental society continuously since January first, nineteen hundred seven-
31 ty-seven, may maintain his or her membership in that district or county
32 dental society notwithstanding where such member resides or practices
33 dentistry. Such county dental societies shall have the same powers,
34 duties and quorum requirements as district dental societies.
35 § 3. This act shall take effect immediately.