

# STATE OF NEW YORK

2848

2019-2020 Regular Sessions

## IN ASSEMBLY

January 25, 2019

Introduced by M. of A. ORTIZ -- Multi-Sponsored by -- M. of A. COLTON,  
McDONOUGH, ZEBROWSKI -- 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 Assem-  
bly, 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 § 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 twenty-one: 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 twenty-two: 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

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

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1 remaining original appointees of the speaker of the assembly and one  
2 original appointee of the minority leader of the assembly;

3 (c) Effective January first, two thousand twenty-three: The two  
4 remaining original appointees of the governor, the remaining original  
5 appointee of the temporary president of the senate, the remaining  
6 original appointee of the speaker of the assembly, the remaining  
7 original appointee of the minority leader of the senate and the remain-  
8 ing original appointee of the minority leader of the assembly;

9 (d) Replacements or reappointments thereafter shall be made at the  
10 expiration of the term of each member, by the appointing official who  
11 originally appointed such member; and

12 (e) Vacancies shall be filled by appointment in like manner for unex-  
13 pired terms.

14 2. The committee shall evaluate the safety and efficacy of dietary  
15 supplements and its duties shall include, but not be limited to, the  
16 following:

17 (a) establish a system of reporting adverse events associated with  
18 dietary supplements and support voluntary reporting by consumers, health  
19 practitioners and others;

20 (b) assess available data and make specific recommendations to the  
21 commissioner regarding banning the sale of certain dietary supplements  
22 the committee deems harmful; and

23 (c) establish a public health education campaign on dietary supple-  
24 ments, with variations specifically directed to target different groups.

25 3. The advisory council shall meet at least three times a year, at the  
26 request of the chairperson.

27 4. The members of the council shall receive no compensation for their  
28 services, but shall be allowed their actual and necessary expenses  
29 incurred in the performance of their duties.

30 5. The commissioner is hereby authorized to ban the sale of any  
31 dietary supplement sold or offered for sale in this state upon recommen-  
32 dation by the committee. Any such ban may be limited in its scope to ban  
33 the sale of any such supplement to minors only.

34 6. For purposes of this section, the term "dietary supplement" means  
35 (a) a product (other than tobacco) that is intended to supplement the  
36 diet and that bears or contains one or more of the following dietary  
37 ingredients: a vitamin, a mineral, an herb or other botanical, an amino  
38 acid, a dietary substance for the use by a person to supplement the diet  
39 by increasing the total daily intake, or a concentrate, metabolite,  
40 constituent, extract, or combinations of these ingredients; (b) intended  
41 for ingestion in pill, capsule, tablet, or liquid form; and (c) labeled  
42 as a "dietary supplement" pursuant to the federal Dietary Supplement  
43 Health and Education Act, 21 U.S.C. 321, as amended.

44 § 2. This act shall take effect January 1, 2020. The appointments  
45 required to be made pursuant to subdivision 1 of section 25 of the  
46 public health law, as added by section one of this act, shall be made on  
47 or before such effective date.