§ 4361. Transplant council. 1. There shall be created in the department a transplant council which shall advise and make recommendations to the commissioner on matters relating to organ donation, procurement organizations, banks, and storage facilities and other issues related to the donation, procurement, storage, allocation, distribution, and transplantation of organs and tissue. The council shall consist of twenty-one members of which seven, including the chairperson, shall be appointed by the governor, seven by the temporary president of the senate and seven by the speaker of the assembly. The transplant council shall be composed of members of the general public, transplant recipients or donors or their family members, representatives of organ procurement organizations and banks or storage facilities, physicians with expertise in organ and tissue transplantation and the care of persons with end stage disease resulting from organ failure and persons with expertise in histocompatibility typing, law and ethics.

2. The terms of office of members of the transplant council shall be three years, provided, however, that of the members first appointed seven shall be appointed for terms which shall expire on December thirty-first, nineteen hundred ninety-two, seven shall be appointed for terms which shall expire on December thirty-first, nineteen hundred ninety-four and seven shall be appointed for terms which shall expire December thirty-first, nineteen hundred ninety-six. Vacancies shall be filled by appointment in like manner for the unexpired term of such member.

3. The transplant council shall meet as frequently as its business may require, and at least twice in each year.

4. The transplant council shall enact and from time to time may amend by-laws in relation to its meetings and the transaction of its business.

5. A majority of the appointed voting membership of the transplant council shall constitute a quorum.

6. The members of the council shall receive no compensation for their services as members of the council, but each of them shall be allowed

the necessary and actual expenses which are incurred in the performance of his or her duties under this article.

7. (a) The transplant council shall review existing federal law and policies, including federal regulations and the policies of the federal organ procurement and transplantation network governing organ procurement organizations and procurement activities, and make recommendations annually to the commissioner regarding state regulation of organ donation procurement organizations and activities and tissue banks and tissue procurement activities and transplantation.

(b) Prior to the commissioner's final approval and promulgation of proposed rules and regulations relating to organ donation, procurement and/or transplantation, if such rules and regulations are modified in any respect, they shall be submitted to the council in accordance with the provisions of subdivision three of section forty-three hundred sixty-five of this article. If the commissioner determines not to promulgate or amend such proposed rules and regulations as proposed by the council, the commissioner shall provide a written explanation of such determination to the council.