

ARTICLE 15
HANDLING OF LIVE PATHOGENIC ORGANISMS

§15.01 Definition.

When used in this article, pathogen means any live pathogenic microorganism or virus other than vaccine virus.

§15.03 Permit, registration and application of this article.

- (a) No person other than a licensed physician, dentist or veterinarian or a person under the direct supervision of a licensed physician, dentist or veterinarian shall possess or cultivate pathogens without a permit issued by the Commissioner. A permit shall not be issued unless the applicant's education, experience and moral character are satisfactory to the Commissioner, and unless the Commissioner is satisfied that the pathogens in the possession of the applicant will not endanger public health. The fee for and the expiration date of such a permit shall be as prescribed by §5.07 of this Code. However, no permit shall be required under this subsection where the person possessing or cultivating pathogens at a given location is the holder of a New York State Department of Health permit to maintain or operate a clinical laboratory at the same location, which permit qualifies the permittee to perform tests in microbiology including the subspecialties of bacteriology, mycobacteriology, virology, mycology and parasitology pursuant to the New York State Public Health Law and regulations promulgated thereunder.
- (b) A person, other than a licensed physician, dentist or veterinarian or a person under the direct supervision of a licensed physician, dentist or veterinarian, in charge of a place where pathogens are handled or cultivated shall register such place with the Department. A pathogen permit issued in accordance with subsection (a) of this section shall constitute such registration. No registration is required where the person possessing or cultivating pathogens at a given location is the holder of a New York State Department of Health permit to maintain or operate a clinical laboratory at the same location, which permit qualifies the permittee to perform tests in microbiology.
- (c) This article shall not apply to a laboratory maintained by the City, State, government of the United States or by any county within the State.

§15.05 Sale or other disposal; permission, labeling, exceptions.

- (a) No person shall sell, give away or convey pathogens to any other person without the permission of the Commissioner. Every container of pathogens sold, given away or conveyed shall bear a label stating the contents of the container, the name, address and registration number of the distributor and the name, address and registration number of the recipient.
- (b) This section does not apply to diseased tissue, exudate or other specimens sent to a laboratory for tests to obtain information for diagnosis, prophylaxis or treatment by a licensed physician, veterinarian or other person authorized by law to use the results of such tests in his practice.

§15.07 Records.

Persons or places required to be registered in accordance with §15.03(b) shall keep a record of the names and addresses of persons from whom pathogens are received and the dates of receipt and of the names, addresses and registration numbers, if any, of persons to whom pathogens are sold, given away or conveyed and the dates of such disposal.