

# Assembly Rejects Bill Requiring Written Consent on Test Drugs

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ALBANY, April 1—The Assembly defeated a bill tonight that would have required "informed, written consent" from patients receiving experimental drugs and experimental medical treatment.

The vote was 69 for and 62 against the bill, previously passed by the Senate, but the margin was seven votes short of the 76-vote majority required for passage.

In an hourlong debate preceding the vote, an emotional speech against the bill by Assemblyman Eli Wager, Democrat of Queens, whose district also includes part of Nassau County, may have swayed some of his colleagues.

### Recalls Fight for Child

Mr. Wager praised doctors and nurses who fought unsuccessfully to save the life of one of his children, a leukemia victim, nine years ago at the Memorial Hospital for Cancer and Allied Diseases and the affiliated Sloane-Kettering Institute for Cancer Research.

"It was an institution where treatment was research," Assemblyman Wager said, describing the devoted efforts of medical and research staff alike to save his child.

His voice trembled as he told his fellow Assemblymen: "If we pass this bill, and the Governor by a reckless act signs it, and if one human life is impaired by this, or if one person's chance to live is diminished, we would be committing an act so heinous that none of us would be forgiven even in Heaven."

Supporting the bill, Assembly Majority Leader Moses M. Weinstein, also a Democrat of Queens, said that "human dignity, human rights and human principles demand" that "all those who grace this earth be protected."

Proponents of the legislation contended that it would bar only medical and drug experimentation that was not designed to benefit the patient, but was designed solely to further scientific knowledge.

However, opponents contended that as drafted, the bill would go beyond this. They said that the language might restrict experimentation of immediate benefit to the patient.

The proposed legislation also provided for medical review boards and a central registry of experiments.

### U. S. Aid Requirements

The United States Public Health Service, which underwrites 40 per cent of all medical research in the country, requires experimenters obtain and keep documented evidence of informed consent

on all investigations supported by Federal funds.

Patients are required to be informed of the "purposes, methods, demands, inconveniences and discomforts" of proposed medical experimentation, "to enable the volunteer [patient] to make a mature judgment as to his willingness and ability to participate."

Laxity in enforcement of the Federal code came to public attention with the disclosure last winter that 3,000 patients had received experimental drugs or placebos (they were not told which), without written consent, in the Federally funded psychopharmacological clinic at Kings County Hospital.

### Live Cancer Cells

The proposed law would have applied to the injection of liver cancer cells on patients suffering from Parkinson's disease, and other chronic diseases as conducted at Ewing, Memorial and Jewish Chronic Disease Hospital, and it might have applied to the injection of live hepatitis virus on retarded children at Willowbrook State Hospital, and of liver biopsies performed on inebriated derelicts at Bellevue.

Willowbrook said that it was in the hepatitis injections in an effort to control the spread of the disease.

Nile Albright, a fourth-year medical student at the Columbia University medical school, told a forum last week that he "routinely did liver and renal biopsies on all inebriated patients" at Bellevue, and had accepted the procedure as conventional medical practice until it was attacked by State Senator Seymour Thaler, author of the bill defeated in the Legislature.

"I now can see many legal and ethical grounds for objection," Mr. Albright told the forum, on the topic "The Ethics of Experiments Using Human Patients," at Columbia University's College of Physicians and Surgeons. "It was not medically beneficial to the patients, although a case can be made out that it helped in diagnosis."

The nation's drug manufacturers initially opposed the state law on the grounds that "obtaining informed consent from certain classes of patients is virtually impossible." They warned that the bill would "seriously impede medical research in New York."