

7103

I N S E N A T E

April 27, 2012

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, the election law and the vehicle and traffic law, in relation to establishing Lauren's law

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Short title. This act shall be known and may be cited as
2 "Lauren's law".

3 S 2. Subdivision 2 of section 4310 of the public health law, as
4 amended by chapter 161 of the laws of 2010, is amended to read as
5 follows:

6 2. Such registration of consent to make an anatomical gift can be made
7 through (a) indication made on the application or renewal form of a
8 license, (b) indication made on a non-driver identification card appli-
9 cation or renewal form, (c) enrolling in the registry website maintained
10 by the department, which may include using an electronic signature under
11 regulations of the commissioner and subject to article three of the
12 state technology law, (d) indication made on a voter registration form
13 pursuant to subdivision five of section 5-210 of the election law, or
14 (e) through any other method identified by the commissioner. THE
15 COMMISSIONER SHALL FURTHER ENSURE THAT SPACE IS PROVIDED ON ANY CONSENT
16 APPLICATION SO THAT THE APPLICANT SHALL REGISTER OR DECLINE REGISTRATION
17 IN THE DONATE LIFE REGISTRY FOR ORGAN AND TISSUE DONATIONS UNDER THIS
18 SECTION AND THAT THE FOLLOWING IS STATED ON THE APPLICATION IN CLEAR AND
19 CONSPICUOUS TYPE:

20 "YOU MUST FILL OUT THE FOLLOWING SECTION: WOULD YOU LIKE TO BE ADDED
21 TO THE DONATE LIFE REGISTRY? CHECK BOX FOR 'YES' OR 'NOT AT THIS
22 TIME'."

23 THE COMMISSIONER SHALL NOT MAINTAIN RECORDS OF ANY PERSON WHO CHECKS
24 "NOT AT THIS TIME". FAILURE TO CHECK A BOX SHALL NOT IMPAIR THE VALIDI-
25 TY OF AN APPLICATION, AND FAILURE TO CHECK "YES" OR CHECKING "NOT AT
26 THIS TIME" SHALL NOT BE CONSTRUED TO IMPLY A WISH NOT TO DONATE. IN THE
27 CASE OF AN APPLICANT UNDER EIGHTEEN YEARS OF AGE, CHECKING "YES" SHALL
28 NOT CONSTITUTE CONSENT TO MAKE AN ANATOMICAL GIFT OR REGISTRATION IN THE

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

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DONATE LIFE REGISTRY. WHERE AN APPLICANT HAS PREVIOUSLY CONSENTED TO MAKE AN ANATOMICAL GIFT OR REGISTERED IN THE DONATE LIFE REGISTRY, CHECKING "NOT AT THIS TIME" OR FAILING TO CHECK A BOX SHALL NOT IMPAIR THAT CONSENT OR REGISTRATION. The registration shall take effect upon the [department sending] PROVISION OF written OR ELECTRONIC notice of the registration to the person enrolling in the registry. In making regulations on using an electronic signature for a registration of consent, the commissioner shall consult with the director of the office [of] FOR technology.

S 3. Subparagraph (xii) of paragraph (k) of subdivision 5 of section 5-210 of the election law, as added by chapter 362 of the laws of 2008, is amended to read as follows:

(xii) A space for the applicant to register in the New York state donate life registry for organ and tissue donations established pursuant to section forty-three hundred ten of the public health law[.] WITH THE FOLLOWING STATED ON THE APPLICATION IN CLEAR AND CONSPICUOUS TYPE:

"YOU MUST FILL OUT THE FOLLOWING SECTION: WOULD YOU LIKE TO BE ADDED TO THE DONATE LIFE REGISTRY? CHECK BOX FOR 'YES' OR 'NOT AT THIS TIME'."

THE COMMISSIONER OF THE DEPARTMENT OF HEALTH SHALL NOT MAINTAIN RECORDS OF ANY PERSON WHO CHECKS "NOT AT THIS TIME". FAILURE TO CHECK A BOX SHALL NOT IMPAIR THE VALIDITY OF AN APPLICATION, AND FAILURE TO CHECK "YES" OR CHECKING "NOT AT THIS TIME" SHALL NOT BE CONSTRUED TO IMPLY A WISH NOT TO DONATE. IN THE CASE OF AN APPLICANT UNDER EIGHTEEN YEARS OF AGE, CHECKING "YES" SHALL NOT CONSTITUTE CONSENT TO MAKE AN ANATOMICAL GIFT OR REGISTRATION IN THE DONATE LIFE REGISTRY. WHERE AN APPLICANT HAS PREVIOUSLY CONSENTED TO MAKE AN ANATOMICAL GIFT OR REGISTERED IN THE DONATE LIFE REGISTRY, CHECKING "NOT AT THIS TIME" OR FAILING TO CHECK A BOX SHALL NOT IMPAIR THAT CONSENT OR REGISTRATION.

S 4. Subdivision 2 of section 490 of the vehicle and traffic law, as amended by chapter 575 of the laws of 2006, is amended to read as follows:

2. Application. Any person to whom a driver's license or learner's permit has not been issued by the commissioner, or whose driver's license or learner's permit is expired, suspended, revoked or surrendered, may make application to the commissioner for the issuance of an identification card. THE COMMISSIONER SHALL ENSURE THAT SPACE IS PROVIDED ON THE APPLICATION SO THAT THE APPLICANT SHALL REGISTER OR DECLINE REGISTRATION IN THE DONATE LIFE REGISTRY FOR ORGAN AND TISSUE DONATIONS PURSUANT TO SECTION FORTY-THREE HUNDRED TEN OF THE PUBLIC HEALTH LAW AND THAT THE FOLLOWING IS STATED ON THE APPLICATION IN CLEAR AND CONSPICUOUS TYPE:

"YOU MUST FILL OUT THE FOLLOWING SECTION: WOULD YOU LIKE TO BE ADDED TO THE DONATE LIFE REGISTRY? CHECK BOX FOR 'YES' OR 'NOT AT THIS TIME'."

THE COMMISSIONER OF THE DEPARTMENT OF HEALTH SHALL NOT MAINTAIN RECORDS OF ANY PERSON WHO CHECKS "NOT AT THIS TIME". FAILURE TO CHECK A BOX SHALL NOT IMPAIR THE VALIDITY OF AN APPLICATION, AND FAILURE TO CHECK "YES" OR CHECKING "NOT AT THIS TIME" SHALL NOT BE CONSTRUED TO IMPLY A WISH NOT TO DONATE. IN THE CASE OF AN APPLICANT UNDER EIGHTEEN YEARS OF AGE, CHECKING "YES" SHALL NOT CONSTITUTE CONSENT TO MAKE AN ANATOMICAL GIFT OR REGISTRATION IN THE DONATE LIFE REGISTRY. WHERE AN APPLICANT HAS PREVIOUSLY CONSENTED TO MAKE AN ANATOMICAL GIFT OR REGISTERED IN THE DONATE LIFE REGISTRY, CHECKING "NOT AT THIS TIME" OR FAILING TO CHECK A BOX SHALL NOT IMPAIR THAT CONSENT OR REGISTRATION.

S 5. Subdivision 1 of section 502 of the vehicle and traffic law, as amended by section 1 of part D of chapter 58 of the laws of 2012, is amended to read as follows:

1 1. Application for license. Application for a driver's license shall
2 be made to the commissioner. The fee prescribed by law may be submitted
3 with such application. The applicant shall furnish such proof of identi-
4 ty, age, and fitness as may be required by the commissioner. The commis-
5 sioner may also provide that the application procedure shall include the
6 taking of a photo image or images of the applicant in accordance with
7 rules and regulations prescribed by the commissioner. In addition, the
8 commissioner also shall require that the applicant provide his or her
9 social security number and SHALL provide space on the application so
10 that the applicant may register in the New York state organ and tissue
11 donor registry under section forty-three hundred ten of the public
12 health law[.] WITH THE FOLLOWING STATED ON THE APPLICATION IN CLEAR AND
13 CONSPICUOUS TYPE:

14 "YOU MUST FILL OUT THE FOLLOWING SECTION: WOULD YOU LIKE TO BE ADDED
15 TO THE DONATE LIFE REGISTRY? CHECK BOX FOR 'YES' OR 'NOT AT THIS TIME'."

16 THE COMMISSIONER OF THE DEPARTMENT OF HEALTH SHALL NOT MAINTAIN
17 RECORDS OF ANY PERSON WHO CHECKS "NOT AT THIS TIME". FAILURE TO CHECK A
18 BOX SHALL NOT IMPAIR THE VALIDITY OF AN APPLICATION, AND FAILURE TO
19 CHECK "YES" OR CHECKING "NOT AT THIS TIME" SHALL NOT BE CONSTRUED TO
20 IMPLY A WISH NOT TO DONATE. IN THE CASE OF AN APPLICANT UNDER EIGHTEEN
21 YEARS OF AGE, CHECKING "YES" SHALL NOT CONSTITUTE CONSENT TO MAKE AN
22 ANATOMICAL GIFT OR REGISTRATION IN THE DONATE LIFE REGISTRY. WHERE AN
23 APPLICANT HAS PREVIOUSLY CONSENTED TO MAKE AN ANATOMICAL GIFT OR REGIS-
24 TERED IN THE DONATE LIFE REGISTRY, CHECKING "NOT AT THIS TIME" OR FAIL-
25 ING TO CHECK A BOX SHALL NOT IMPAIR THAT CONSENT OR REGISTRATION. In
26 addition, an applicant for a commercial driver's license who will oper-
27 ate a commercial motor vehicle in interstate commerce shall certify that
28 such applicant meets the requirements to operate a commercial motor
29 vehicle, as set forth in public law 99-570, title XII, and title 49 of
30 the code of federal regulations, and all regulations promulgated by the
31 United States secretary of transportation under the hazardous materials
32 transportation act. In addition, an applicant for a commercial driver's
33 license shall submit a medical certificate at such intervals as required
34 by the federal motor carrier safety improvement act of 1999 and Part
35 383.71(h) of title 49 of the code of federal regulations relating to
36 medical certification and in a manner prescribed by the commissioner.
37 For purposes of this section and sections five hundred three, five
38 hundred ten-a, and five hundred ten-aa of this title, the terms "medical
39 certificate" and "medical certification" shall mean a form substantially
40 in compliance with the form set forth in Part 391.43(h) of title 49 of
41 the code of federal regulations. Upon a determination that the holder of
42 a commercial driver's license has made any false statement, with respect
43 to the application for such license, the commissioner shall revoke such
44 license.

45 S 6. This act shall take effect on the sixtieth day after it shall
46 have become a law.