

2052--A

2013-2014 Regular Sessions

I N   S E N A T E

January 10, 2013

---

Introduced by Sens. LATIMER, BRESLIN, DILAN, MONTGOMERY, SAMPSON, SERRA-  
NO -- read twice and ordered printed, and when printed to be committed  
to the Committee on Health -- recommitted to the Committee on Health  
in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill  
amended, ordered reprinted as amended and recommitted to said commit-  
tee

AN ACT to amend the public health law, in relation to authorizing people  
between the ages of fifteen and seventeen to register to be organ and  
tissue donors

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

1     Section 1. Subdivision 1 of section 4301 of the public health law, as  
2 amended by chapter 348 of the laws of 2009, is amended to read as  
3 follows:  
4     1. (A) Any individual of sound mind and eighteen years of age or more  
5 may give all or any part of his or her body for any purpose specified in  
6 section forty-three hundred two of this article, the gift to take effect  
7 upon death. In any case where the donor has properly executed an organ  
8 donor card, driver's license authorization to make an anatomical gift,  
9 pursuant to paragraph (a) of subdivision one of section five hundred  
10 four of the vehicle and traffic law, registered in the New York state  
11 organ and tissue donor registry under section forty-three hundred ten of  
12 this article, or has otherwise given written authorization for organ or  
13 tissue donation, authorization for donation shall not be rescinded by an  
14 objection by a member of any of the classes specified in paragraphs (a)  
15 through (h) of subdivision two of this section, except upon a showing  
16 that the donor revoked the authorization.  
17     (B) ANY INDIVIDUAL OF SOUND MIND AND FIFTEEN YEARS OF AGE OR MORE, BUT  
18 LESS THAN EIGHTEEN YEARS OF AGE, MAY GIVE ALL OR ANY PART OF HIS OR HER  
19 BODY FOR ANY PURPOSE SPECIFIED IN SECTION FORTY-THREE HUNDRED TWO OF  
20 THIS ARTICLE, THE GIFT TO TAKE EFFECT UPON DEATH; PROVIDED, HOWEVER,

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

LBD06264-03-4

1 THAT EVEN IN ANY CASE WHERE THE DONOR HAS PROPERLY EXECUTED AN ORGAN  
2 DONOR CARD, DRIVER'S LICENSE AUTHORIZATION TO MAKE AN ANATOMICAL GIFT,  
3 PURSUANT TO PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION FIVE HUNDRED  
4 FOUR OF THE VEHICLE AND TRAFFIC LAW, OR HAS OTHERWISE GIVEN WRITTEN  
5 AUTHORIZATION FOR ORGAN OR TISSUE DONATION, IF AT TIME OF DEATH THE  
6 DONOR IS LESS THAN EIGHTEEN YEARS OF AGE, THE PARENTS OR LEGAL GUARDIAN  
7 OF THE DECEDENT AT THE TIME OF HIS OR HER DEATH SHALL BE NOTIFIED PRIOR  
8 TO THE REMOVAL OF ANY ORGAN FOR DONATION AND THE AUTHORIZATION FOR  
9 DONATION MAY BE RESCINDED BY A REJECTION BY EITHER PARENT OR THE LEGAL  
10 GUARDIAN OF THE DECEDENT AT SUCH TIME.

11 S 2. Section 4310 of the public health law is amended by adding a new  
12 subdivision 2-a to read as follows:

13 2-A. AN INDIVIDUAL FIFTEEN YEARS OF AGE OR MORE, BUT LESS THAN EIGH-  
14 TEEN YEARS OF AGE, WHO CONSENTS TO MAKE AN ANATOMICAL GIFT MAY REGISTER  
15 HIS OR HER CONSENT BY ANY OF THE METHODS PROVIDED IN SUBDIVISION TWO OF  
16 THIS SECTION, PROVIDED, HOWEVER, THAT SUCH REGISTRATION SHALL ALSO  
17 REQUIRE A SIGNATURE BY EITHER PARENT OR THE LEGAL GUARDIAN OF THE PERSON  
18 REGISTERING HIS OR HER CONSENT. THE DEPARTMENT SHALL ESTABLISH A FORM TO  
19 BE AVAILABLE IN SCHOOLS, AT THE DEPARTMENT OF MOTOR VEHICLES, AND AT THE  
20 DEPARTMENT WHICH SHALL ENABLE AN INDIVIDUAL LESS THAN EIGHTEEN YEARS OF  
21 AGE, TO REGISTER HIS OR HER CONSENT TO MAKE AN ANATOMICAL GIFT AND WHICH  
22 PROVIDES A SIGNATURE LINE FOR THE PARENT OR LEGAL GUARDIAN, IN ADDITION  
23 TO THE SIGNATURE LINE FOR THE INDIVIDUAL. THE DEPARTMENT AND THE DEPART-  
24 MENT OF MOTOR VEHICLES SHALL ACCEPT SUCH REGISTRATION OF CONSENT BY  
25 MAIL, IN PERSON, OR BY ELECTRONIC SUBMISSION.

26 S 3. This act shall take effect immediately.