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I N   S E N A T E

March 9, 2016

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Introduced by Sens. HANNON, FLANAGAN -- read twice and ordered printed,  
and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to requiring applications for health insurance offered through the state health benefit exchange to include a registration for the donate life registry for organ, eye and tissue donations

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

1     Section 1. Subdivision 1 of section 206 of the public health law is  
2     amended by adding a new paragraph (v) to read as follows:  
3     (V) REQUIRE, IN CONSULTATION AND COOPERATION WITH THE SUPERINTENDENT  
4     OF FINANCIAL SERVICES, THAT EVERY APPLICATION FOR A QUALIFIED HEALTH  
5     PLAN OFFERED THROUGH THE STATE HEALTH BENEFIT EXCHANGE ESTABLISHED  
6     PURSUANT TO THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT (P.L.  
7     111-148), AS AMENDED BY THE FEDERAL HEALTH CARE AND EDUCATION RECONCILI-  
8     ATION ACT OF 2010 (P.L. 111-152), PROVIDE SPACE SO THAT THE APPLICANT  
9     MAY REGISTER IN THE "DONATE LIFE REGISTRY" FOR ORGAN, EYE AND TISSUE  
10    DONATIONS UNDER SECTION FORTY-THREE HUNDRED TEN OF THIS CHAPTER WITH THE  
11    FOLLOWING STATED ON THE APPLICATION IN CLEAR CONSPICUOUS TYPE:  
12    "YOU MUST FILL OUT THE FOLLOWING SECTION: WOULD YOU LIKE TO BE ADDED  
13    TO THE DONATE LIFE REGISTRY? CHECK BOX FOR 'YES' OR 'SKIP THIS QUES-  
14    TION'."  
15    THE COMMISSIONER SHALL NOT MAINTAIN RECORDS OF ANY PERSON WHO CHECKS  
16    "SKIP THIS QUESTION". EXCEPT WHERE THE APPLICATION IS MADE IN PERSON OR  
17    ELECTRONICALLY, FAILURE TO CHECK A BOX SHALL NOT IMPAIR THE VALIDITY OF  
18    AN APPLICATION, AND FAILURE TO CHECK "YES" OR CHECKING "SKIP THIS QUES-  
19    TION" SHALL NOT BE CONSTRUED TO IMPLY A WISH NOT TO DONATE. IN THE CASE  
20    OF AN APPLICANT UNDER EIGHTEEN YEARS OF AGE, CHECKING "YES" SHALL NOT  
21    CONSTITUTE CONSENT TO MAKE AN ANATOMICAL GIFT OR REGISTRATION IN THE  
22    DONATE LIFE REGISTRY. WHERE AN APPLICANT HAS PREVIOUSLY CONSENTED TO  
23    MAKE AN ANATOMICAL GIFT OR REGISTERED IN THE DONATE LIFE REGISTRY,  
24    CHECKING "SKIP THIS QUESTION" OR FAILING TO CHECK A BOX SHALL NOT IMPAIR  
25    THAT CONSENT OR REGISTRATION.

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

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1 S 2. Paragraph (a) of subdivision 5 of section 4310 of the public  
2 health law, as amended by section 27 of part A of chapter 60 of the laws  
3 of 2014, is amended to read as follows:

4 (a) Such organ, eye and tissue registration of consent to make an  
5 anatomical gift can be made through: (i) indication made on the applica-  
6 tion or renewal form of a driver's license, (ii) indication made on a  
7 non-driver identification card application or renewal form, (iii) indi-  
8 cation made on a voter registration form pursuant to subdivision five of  
9 section 5-210 of the election law, (iv) INDICATION MADE ON THE APPLICA-  
10 TION FOR A QUALIFIED HEALTH PLAN OFFERED THROUGH THE STATE HEALTH BENE-  
11 FIT EXCHANGE, (V) enrollment through the donate life registry website,  
12 [(v)] (VI) paper enrollment submitted to the donate life registry, or  
13 [(vi)] (VII) through any other method identified by the commissioner.

14 S 3. Subparagraph (i) of paragraph (b) of subdivision 5 of section  
15 4310 of the public health law, as amended by section 27 of part A of  
16 chapter 60 of the laws of 2014, is amended to read as follows:

17 (i) Where required by law for registration forms described in subpara-  
18 graphs (i) [and], (ii) AND (IV) of paragraph (a) of this subdivision,  
19 the commissioner shall ensure that space is provided on any registration  
20 form so that the applicant shall register or decline registration in the  
21 donate life registry for organ, eye and tissue donations under this  
22 section and that the following is stated on the form in clear and  
23 conspicuous type:

24 "You must fill out the following section: Would you like to be added  
25 to the Donate Life Registry? Check box for 'yes' or 'skip this ques-  
26 tion'."

27 S 4. This act shall take effect on the first of January next succeed-  
28 ing the date on which it shall have become a law. Provided, that, effec-  
29 tive immediately, any actions necessary to implement the provisions of  
30 this act on its effective date are authorized and directed to be  
31 completed on or before such date. Provided, further, that the amendments  
32 to subdivision 5 of section 4310 of the public health law, made by  
33 sections two and three of this act, shall not affect the expiration of  
34 such subdivision, and shall expire and be deemed repealed therewith.