

STATE OF NEW YORK

5283

2017-2018 Regular Sessions

IN SENATE

March 20, 2017

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

AN ACT to amend the education law, in relation to registration in the donate life registry

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The education law is amended by adding a new section 209-b
2 to read as follows:

3 § 209-b. Initial registration; registration in the donate life regis-
4 try. The regents shall provide a space on each student's initial regis-
5 tration form so that the student may register in the New York state
6 donate life registry under section forty-three hundred ten of the public
7 health law with the following stated on the application in clear and
8 conspicuous type:

9 "Would you like to be added to the Donate Life Registry? Check box for
10 'yes' or 'skip this question'."

11 The regents shall not maintain records of any person who checks "skip
12 this question". Except where the application is made in person or elec-
13 tronically, failure to check "yes" or checking "skip this question"
14 shall not be construed to imply a wish not to donate. In the case of an
15 applicant under eighteen years of age, checking "yes" shall not consti-
16 tute consent to make an anatomical gift or registration in the donate
17 life registry. Where an applicant has previously consented to make an
18 anatomical gift or register in the donate life registry, checking "skip
19 this question" or failing to check a box shall not impair that consent
20 or registration.

21 § 2. The education law is amended by adding a new section 262-a to
22 read as follows:

23 § 262-a. Application for library card; registration in the donate life
24 registry. Every library, other than a school library, shall provide a
25 space on the application for a library card so that the applicant may

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

LBD10656-02-7

1 register in the New York state donate life registry under section
2 forty-three hundred ten of the public health law with the following
3 stated on the application in clear and conspicuous type:

4 "Would you like to be added to the Donate Life Registry? Check box for
5 'yes' or 'skip this question'."

6 The department shall not maintain records of any person who checks
7 "skip this question". Except where the application is made in person or
8 electronically, failure to check "yes" or checking "skip this question"
9 shall not be construed to imply a wish not to donate. In the case of an
10 applicant under eighteen years of age, checking "yes" shall not consti-
11 tute consent to make an anatomical gift or registration in the donate
12 life registry. Where an applicant has previously consented to make an
13 anatomical gift or register in the donate life registry, checking "skip
14 this question" or failing to check a box shall not impair that consent
15 or registration.

16 § 3. Subdivision 1 of section 206 of the public health law is amended
17 by adding two new paragraphs (w) and (x) to read as follows:

18 (w) require, in consultation and cooperation with the board of regents
19 of The University of the State of New York, that every individual regis-
20 tering at a SUNY or CUNY school pursuant to section two hundred nine-b
21 of the education law, be provided space so that such applicant may
22 register in the "donate life registry" for organ, eye and tissue
23 donations under section forty-three hundred ten of this chapter with the
24 following stated in clear and conspicuous type:

25 "Would you like to be added to the Donate Life Registry? Check box for
26 'yes' or 'skip this question'."

27 The commissioner shall not maintain records of any person who checks
28 "skip this question". Except where the application is made in person or
29 electronically, failure to check "yes" or checking "skip this question"
30 shall not be construed to imply a wish not to donate. In the case of an
31 applicant under eighteen years of age, checking "yes" shall not consti-
32 tute consent to make an anatomical gift or registration in the donate
33 life registry. Where an applicant has previously consented to make an
34 anatomical gift or register in the donate life registry, checking "skip
35 this question" or failing to check a box shall not impair that consent
36 or registration.

37 (x) require, in consultation and cooperation with the department of
38 health, that every individual applying for a library card at a public
39 library pursuant to section two hundred sixty-two-a of the education
40 law, be provided space so that such applicant may register in the
41 "donate life registry" for organ, eye and tissue donations under section
42 forty-three hundred ten of this chapter with the following stated in
43 clear and conspicuous type:

44 "Would you like to be added to the Donate Life Registry? Check box for
45 'yes' or 'skip this question'."

46 The commissioner shall not maintain records of any person who checks
47 "skip this question". Except where the application is made in person or
48 electronically, failure to check "yes" or checking "skip this question"
49 shall not be construed to imply a wish not to donate. In the case of an
50 applicant under eighteen years of age, checking "yes" shall not consti-
51 tute consent to make an anatomical gift or registration in the donate
52 life registry. Where an applicant has previously consented to make an
53 anatomical gift or register in the donate life registry, checking "skip
54 this question" or failing to check a box shall not impair that consent
55 or registration.

§ 4. Paragraph (a) of subdivision 5 and subdivision 9 of section 4310 of the public health law, paragraph (a) of subdivision 5 as separately amended by chapters 40 and 248 of the laws of 2016, subdivision 9 as added by section 27 of part A of chapter 60 of the laws of 2014, are amended to read as follows:

(a) Such organ, eye and tissue registration of consent to make an anatomical gift can be made through: (i) indication made on the application or renewal form of a driver's license, (ii) indication made on a non-driver identification card application or renewal form, (iii) indication made on a voter registration form pursuant to subdivision five of section 5-210 of the election law, (iv) indication made on the application for health care coverage offered through the state health benefit exchange, (v) enrollment through the donate life registry website, (vi) paper enrollment submitted to the donate life registry, ~~[(vii)]~~ (vii) indication made on the initial registration for a SUNY or CUNY school pursuant to section two hundred nine-b of the education law; (viii) indication made on the application for a library card pursuant to section two hundred sixty-two-a of the education law, or (ix) through any other method identified by the commissioner. The department shall establish a means by which to register the consent given by individuals who are sixteen or seventeen years of age in the donate life registry, and shall make registration available by any of the methods provided in subparagraphs (i), (ii), (iii), (iv), (v) ~~[and]~~, (vi), (vii), and (viii) of this paragraph.

9. An interagency work group, composed of the commissioner, the commissioner of the department of motor vehicles, a chair of the board of elections, a regent of The State University of New York, or their designees, and such other individuals as may be designated by the commissioner, shall be established to meet with the contractor annually and as needed to review the status of the donate life registry, to examine the steps that might be taken by state agencies to enhance its performance and to make recommendations to the contractor.

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

(a) Such organ, eye and tissue registration of consent to make an anatomical gift can be made through: (i) indication made on the application or renewal form of a driver's license, (ii) indication made on a non-driver identification card application or renewal form, (iii) indication made on a voter registration form pursuant to subdivision five of section 5-210 of the election law, (iv) enrollment through the donate life registry website, (v) paper enrollment submitted to the donate life registry, ~~[(vi)]~~ (vi) indication made on the initial registration for a SUNY or CUNY school pursuant to section two hundred nine-b of the education law, (vii) indication made on the application for a library card pursuant to section two hundred sixty-two-a of the education law, or (viii) through any other method identified by the commissioner.

§ 6. This act shall take effect immediately, provided that the amendments to paragraph (a) of subdivision 5 of section 4310 of the public health law made by section four of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 6 of chapter 465 of the laws of 2012, as amended, when upon such date the provisions of section five of this act shall take effect.