

STATE OF NEW YORK

96--A

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. GUNTHER, BENEDETTO, HYNDMAN, WALKER, GALEF, PAULIN, STECK, STIRPE, WOERNER, O'DONNELL, FAHY, JEAN-PIERRE, SOLAGES, COLTON, HEVESI, GOTTFRIED, SIMON, CARROLL, TAYLOR, SANTABARBARA, QUART, DiPIETRO, McDONOUGH, PALMESANO, RA, LEMONDES, LAWLER, DARLING, McMAHON, THIELE, L. ROSENTHAL, B. MILLER -- Multi-Sponsored by -- M. of A. BRAUNSTEIN, ENGLEBRIGHT, HUNTER, LUPARDO -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to designating human organ delivery vehicles as authorized emergency vehicles

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

1 Section 1. Section 101 of the vehicle and traffic law, as amended by
2 chapter 446 of the laws of 2003, is amended to read as follows:

3 § 101. Authorized emergency vehicle. Every ambulance, police vehicle
4 or bicycle, correction vehicle, fire vehicle, civil defense emergency
5 vehicle, emergency ambulance service vehicle, blood delivery vehicle,
6 human organ delivery vehicle, county emergency medical services vehicle,
7 environmental emergency response vehicle, sanitation patrol vehicle,
8 hazardous materials emergency vehicle and ordnance disposal vehicle of
9 the armed forces of the United States.

10 § 2. Section 114-b of the vehicle and traffic law, as amended by chap-
11 ter 460 of the laws of 1996, is amended to read as follows:

12 § 114-b. Emergency operation. The operation, or parking, of an author-
13 ized emergency vehicle, when such vehicle is engaged in transporting a
14 sick or injured person, transporting prisoners, delivering blood or
15 blood products in a situation involving an imminent health risk, trans-
16 porting human organs and/or medical personnel for the purpose of organ
17 recovery or transplantation in a situation involving an imminent health

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

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1 risk where undue delay would jeopardize such recovery or transplanta-
2 tion, pursuing an actual or suspected violator of the law, or responding
3 to, or working or assisting at the scene of an accident, disaster,
4 police call, alarm of fire, actual or potential release of hazardous
5 materials or other emergency. Emergency operation shall not include
6 returning from such service.

7 § 3. The vehicle and traffic law is amended by adding a new section
8 117-e to read as follows:

9 § 117-e. Human organ delivery vehicle. 1. Any vehicle which is owned
10 and operated by a certified organ procurement organization for the sole
11 purpose of transporting human organs and/or medical personnel for the
12 purpose of organ recovery or transplantation while engaged in an emer-
13 gency operation. For the purpose of this chapter, the term "organ
14 procurement organization" shall mean an organ procurement organization
15 as defined in subdivision five of section forty-three hundred sixty of
16 the public health law which is certified as a qualified organ procure-
17 ment organization by the federal centers for medicare and medicaid
18 services pursuant to section 273(b) of title 42 of the United States
19 code and section 486.303 of title 42 of the code of federal regulations.

20 2. No human organ delivery vehicle shall be operated as an authorized
21 emergency vehicle unless: (a) the certified organ procurement organiza-
22 tion which owns and operates such vehicle is in compliance with article
23 forty-three-B of the public health law and rules and regulations promul-
24 gated thereunder; (b) such vehicle is used solely for the purpose of
25 transporting human organs and/or medical personnel for the purpose of
26 organ recovery or transplantation while engaged in an emergency opera-
27 tion; (c) such vehicle is designated and clearly identified as a human
28 organ delivery vehicle, and, prior to its operation as a human organ
29 delivery vehicle the certified organ procurement organization which owns
30 and operates such vehicle has received written authorization from the
31 commissioner of health for the operation of such vehicle as a human
32 organ delivery vehicle; (d) such vehicle is operated in compliance with
33 this chapter and with regulations promulgated pursuant thereto including
34 subdivision three of this section; and (e) the driver of such vehicle
35 has undergone training for the operation of authorized emergency vehi-
36 cles during emergency operations as approved pursuant to subdivision
37 three of this section, and a defensive driving course. The commissioner
38 of health may revoke or suspend a written authorization issued pursuant
39 to paragraph (c) of this subdivision on proof that a certified organ
40 procurement organization has failed to comply with the provisions of
41 this section or any rules and regulations promulgated pursuant thereto.
42 Provided, however, that any such revocations or suspensions shall be
43 subject to the same requirements for revocations, suspensions, hearings,
44 notice and review as set forth in subdivision two of section forty-three
45 hundred sixty-six of the public health law.

46 3. The commissioner of health, in consultation with the commissioner,
47 shall promulgate regulations to establish standards for the operation of
48 human organ delivery vehicles as authorized emergency vehicles pursuant
49 to this chapter. Such regulations shall, at a minimum: (a) establish
50 standards for the issuance of written authorization for the operation of
51 such vehicles; (b) establish standards for human organ delivery vehicle
52 operations, vehicles and equipment including compliance with this chap-
53 ter, and the training of human organ delivery vehicle drivers for the
54 safe operation of such vehicles during an emergency operation; (c)
55 require certified organ procurement organizations to establish and
56 enforce written policies concerning minimum qualifications and physical

1 requirements for human organ delivery vehicle drivers and for the equip-
2 ping and maintenance of such vehicles; and (d) include such other stand-
3 ards or requirements as the commissioner of health and the commissioner
4 deem necessary for the safety and well being of the people of the state.

5 § 4. This act shall take effect on the one hundred eightieth day after
6 it shall have become a law. Effective immediately, the addition, amend-
7 ment and/or repeal of any rule or regulation necessary for the implemen-
8 tation of this act on its effective date are authorized and directed to
9 be made and completed on or before such effective date.