

STATE OF NEW YORK

8296

2025-2026 Regular Sessions

IN SENATE

May 30, 2025

Introduced by Sen. MARTINEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the county law, in relation to eye and tissue donation

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

1 Section 1. Paragraph (b) of subdivision 1 of section 671 of the county
2 law, as amended by chapter 322 of the laws of 2021, is amended and a new
3 paragraph (c) is added to read as follows:

4 (b) shall make inquiry into all deaths whether natural or unnatural in
5 [~~his or her~~] their county occurring to an incarcerated individual of a
6 correctional facility as defined by subdivision three of section forty
7 of the correction law, whether or not the death occurred inside such
8 facility[~~;~~];

9 (c) shall develop a referral protocol to promptly identify donors of
10 anatomical gifts for deaths that fall under their jurisdiction and occur
11 outside of a hospital. This protocol shall include, but shall not be
12 limited to, requiring a call and/or text be promptly placed to a desig-
13 nated representative of the appropriate eye and tissue bank, as those
14 terms are defined in section forty-three hundred of the public health
15 law, to enable such procurement organizations to verify donor registry
16 and make a donor suitability determination.

17 § 2. Subdivision 1 of section 674-a of the county law, as added by
18 chapter 899 of the laws of 1977, is amended to read as follows:

19 1. Notwithstanding any provision of law to the contrary, upon notice
20 to the appropriate procurement organizations in accordance with the
21 referral protocol established pursuant to this article, if it is deter-
22 mined that the decedent who is under the jurisdiction of the coroner or
23 medical examiner as defined in this chapter is a donor of all or part of
24 [~~his~~] their body as defined in the public health law including properly
25 executed consent, such body or part thereof [~~being~~] is medically suit-
26 able for transplant, and the donation [~~having~~] has been executed pursu-

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

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1 ant to the provisions of the public health law, the coroner, the
2 coroner's physician or the medical examiner who has notice of such
3 donation shall only perform an autopsy and/or analysis of eyes, tissues
4 or organs in a manner and within a time period compatible with the pres-
5 ervation for the purposes of transplantation of said donation.

6 § 3. This act shall take effect immediately.