S T A T E O F N E W Y O R K

386

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. JOHN -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the procurement of tissue or non-transplant organs from cadaveric donors

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

Section 1. Subdivision 5 of section 4364 of the public health law, as added by chapter 589 of the laws of 1990, is amended to read as follows:

5. No hospital or other facility and no physician shall permit any person to procure tissue or non-transplant organs unless such person has been licensed in accordance with this article[, or has been asked by a licensed bank or storage facility] to procure a specified tissue or non-transplant organ. No bank or storage facility shall sell or otherwise transfer tissue for valuable consideration. Valuable consideration shall not include reasonable costs associated with the procurement, processing, storage and distribution of tissue. Nothing herein shall impair the provisions of section forty-three hundred seven of this chapter.

S 2. The public health law is amended by adding a new section 4311 to read as follows:

S 4311. PROCUREMENT OF TISSUE OR NON-TRANSPLANT ORGANS FROM CADAVERIC DONORS. TISSUE OR NON-TRANSPLANT ORGANS FROM CADAVERIC DONORS SHALL BE PROCURED ONLY IN A HOSPITAL, MORGUE OR OTHER FACILITY LICENSED FOR THE PURPOSES OF TISSUE OR ORGAN PROCUREMENT.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

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

LBD02607-01-9