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I N   A S S E M B L Y

April 13, 2010

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Introduced by M. of A. GOTTFRIED, BRODSKY, HOYT, CONTE -- read once and referred to the Committee on Health

AN ACT to amend the public health law and the state technology law, in relation to permitting an electronic signature to make an anatomical gift

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

- 1     Section 1. Subdivision 2 of section 4310 of the public health law, as  
2 amended by chapter 362 of the laws of 2008, is amended to read as  
3 follows:
- 4     2. Such registration of consent to make an anatomical gift can be made  
5 through (a) indication made on the application or renewal form of a  
6 license, (b) indication made on a non-driver identification card appli-  
7 cation or renewal form, (c) enrolling in the registry website maintained  
8 by the department, WHICH MAY INCLUDE USING AN ELECTRONIC SIGNATURE UNDER  
9 REGULATIONS OF THE COMMISSIONER AND SUBJECT TO ARTICLE THREE OF THE  
10 STATE TECHNOLOGY LAW, (d) indication made on a voter registration form  
11 pursuant to subdivision five of section 5-210 of the election law, or  
12 (e) through any other method identified by the commissioner. The regis-  
13 tration shall take effect upon the department sending written notice of  
14 the registration to the person enrolling in the registry. IN MAKING  
15 REGULATIONS ON USING AN ELECTRONIC SIGNATURE FOR A REGISTRATION OF  
16 CONSENT, THE COMMISSIONER SHALL CONSULT WITH THE DIRECTOR OF THE OFFICE  
17 OF TECHNOLOGY.
- 18     S 2. Subdivision 1 of section 307 of the state technology law, such  
19 section as renumbered by chapter 437 of the laws of 2004, is amended to  
20 read as follows:
- 21     1. To any document providing for the disposition of an individual's  
22 person or property upon death or incompetence, or appointing a fiduciary  
23 of an individual's person or property, including, without limitation,  
24 wills, trusts, decisions consenting to orders not to resuscitate, powers  
25 of attorney and health care proxies, with the exception of: (A) contrac-  
26 tual beneficiary designations; AND (B) THE REGISTRATION OF MAKING AN  
27 ANATOMICAL GIFT UNDER SECTION FORTY-THREE HUNDRED TEN OF THE PUBLIC  
28 HEALTH LAW UNDER REGULATIONS UNDER THAT SECTION.
- 29     S 3. This act shall take effect immediately.

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

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