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

4999--A

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. DUANE -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Subdivision 2 of section 4310 of the public health law, as amended by chapter 362 of the laws of 2008, is amended to read as follows:

2. Such registration of consent to make an anatomical gift can be made through (a) indication made on the application or renewal form of a license, (b) indication made on a non-driver identification card application or renewal form, (c) enrolling in the registry website maintained by the department, WHICH MAY INCLUDE USING AN ELECTRONIC SIGNATURE UNDER REGULATIONS OF THE COMMISSIONER AND SUBJECT TO ARTICLE THREE OF THE STATE TECHNOLOGY LAW, (d) indication made on a voter registration form pursuant to subdivision five of section 5-210 of the election law, or (e) through any other method identified by the commissioner. The registration shall take effect upon the department sending written notice of the registration to the person enrolling in the registry. IN MAKING REGULATIONS ON USING AN ELECTRONIC SIGNATURE FOR A REGISTRATION OF CONSENT, THE COMMISSIONER SHALL CONSULT WITH THE DIRECTOR OF THE OFFICE OF TECHNOLOGY.

S 2. Subdivision 1 of section 307 of the state technology law, such section as renumbered by chapter 437 of the laws of 2004, is amended to read as follows:

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

LBD11421-02-0

1. To any document providing for the disposition of an individual's person or property upon death or incompetence, or appointing a fiduciary of an individual's person or property, including, without limitation, wills, trusts, decisions consenting to orders not to resuscitate, powers of attorney and health care proxies, with the exception of: (A) contractual beneficiary designations; AND (B) THE REGISTRATION OF MAKING AN ANATOMICAL GIFT UNDER SECTION FORTY-THREE HUNDRED TEN OF THE PUBLIC HEALTH LAW UNDER REGULATIONS UNDER THAT SECTION.

S 3. This act shall take effect immediately.