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

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2011-2012 Regular Sessions

I N A S S E M B L Y

February 14, 2011

Introduced by M. of A. MENG, PHEFFER, N. RIVERA, SPANO -- Multi-Sponsored by -- M. of A. COLTON, REILLY, WEISENBERG -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the social services law, the education law, the vehicle and traffic law and the administrative code of the city of New York, in relation to prohibiting the use of social security numbers on identification cards

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

Section 1. Subdivision 9 of section 131 of the social services law, as added by chapter 103 of the laws of 1971 and as renumbered by chapter 473 of the laws of 1978, is amended to read as follows:

9. Upon determining that a person is eligible for any form or category of public assistance, the social services official shall issue to any such person to whom payment is to be made, an appropriate identification card, with a photograph affixed, in a form approved by the department, which shall be used as the department, by regulation, may prescribe for improved administration. Any person, including the drawee bank, may require the presentation of such identification card as a condition for the acceptance and payment of a public assistance check. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER TO THE CONTRARY, IDENTIFICATION CARDS ISSUED IN CONNECTION WITH PUBLIC ASSISTANCE BENEFITS SHALL NOT USE THE APPLICANT'S SOCIAL SECURITY NUMBER OR ANY PORTION THEREOF AS THE IDENTIFICATION NUMBER OR OTHERWISE DISPLAY THE APPLICANT'S SOCIAL SECURITY NUMBER.

S 2. Paragraphs (b) and (c) of subdivision 3 of section 366-a of the social services law, paragraph (b) as amended by chapter 41 of the laws of 1992, and paragraph (c) as added by chapter 198 of the laws of 1975, are amended to read as follows:

(b) notify the applicant in writing of the decision, and where such applicant is found eligible, provide a tamper resistant identification

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

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card containing a photo image of the applicant for use in securing medical assistance under this title provided, however, that an identification card need not contain a photo image of a person other than an adult member of an eligible household or a single-person eligible household. The department is not required to provide, but shall seek practical methods for providing, a card with such picture to a person when such person is homebound or is a resident of a residential health care facility, or an in-patient psychiatric facility, or is expected to remain hospitalized for an extended period. The commissioner shall have the authority to define categories of recipients who are not required to have a photo identification card where such card would be limited, unnecessary or impracticable. EACH SUCH IDENTIFICATION CARD SHALL SET FORTH AN IDENTIFICATION NUMBER ASSIGNED TO THE APPLICANT BY THE DEPARTMENT; PROVIDED THAT SUCH NUMBER SHALL NOT BE THE APPLICANT'S SOCIAL SECURITY NUMBER OR ANY PORTION THEREOF.

(c) with respect to a person determined eligible for assistance under this title by the federal social security administration under an agreement between the department and the secretary of health, education and welfare pursuant to section three hundred sixty-three-b of this title issue a medical assistance identification card which shall be valid for periods determined by the local social services official, but not to exceed six months. EACH SUCH IDENTIFICATION CARD SHALL SET FORTH AN IDENTIFICATION NUMBER ASSIGNED TO THE APPLICANT BY THE DEPARTMENT; PROVIDED THAT SUCH NUMBER SHALL NOT BE THE APPLICANT'S SOCIAL SECURITY NUMBER OR ANY PORTION THEREOF.

S 3. Subdivision 3 of section 367-b of the social services law, as added by chapter 639 of the laws of 1976, is amended to read as follows:

3. Upon notice to a social services district in accordance with subdivision two OF THIS SECTION, that the department intends to assume payment responsibilities on behalf of such district, (a) such district shall promptly submit to the department requested information regarding each person who applies for or has been determined eligible for medical assistance and each provider of medical assistance in such district; and (b) notwithstanding the provisions of paragraph (b) of subdivision three of section three hundred sixty-six-a of this [chapter] TITLE, the department shall provide each person found by such district to be eligible for medical assistance under this title with a medical assistance identification card. EACH SUCH IDENTIFICATION CARD SHALL SET FORTH AN IDENTIFICATION NUMBER ASSIGNED TO THE APPLICANT BY THE DEPARTMENT; PROVIDED THAT SUCH NUMBER SHALL NOT BE THE APPLICANT'S SOCIAL SECURITY NUMBER OR ANY PORTION THEREOF.

S 4. Section 2554-c of the education law, as amended by chapter 88 of the laws of 1979, is amended to read as follows:

S 2554-c. Identification photos of senior high school, junior high school or intermediate school students in the city school district of the city of New York. Upon the recommendation of the principal of a senior high school, junior high school or intermediate school and subject to the approval of the community superintendent for junior high schools or intermediate schools and chancellor for senior high schools, students enrolled in a senior high school, junior high school or intermediate school may be required to be photographed for purposes of identification. The principal of such school may designate the photographer to be used, but the student may not be charged for the cost of such photograph. If required by the principal, such photograph shall be taken within three months after the student's admission to such school. Such photograph shall be kept within the school at a place designated by the

principal. At the discretion of the principal, and subject to the approval of the community superintendent for junior high schools or intermediate schools and chancellor for senior high schools, an identification card bearing a photograph of each student may also be required to be kept on the person of such student during hours when the student is attending such school. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER TO THE CONTRARY, IDENTIFICATION CARDS ISSUED PURSUANT TO THIS SECTION SHALL NOT USE THE STUDENT'S SOCIAL SECURITY NUMBER OR ANY PORTION THEREOF AS THE IDENTIFICATION NUMBER OR OTHERWISE DISPLAY THE STUDENT'S SOCIAL SECURITY NUMBER.

S 5. Section 2-b of the education law, as added by chapter 214 of the laws of 2000, is amended to read as follows:

S 2-b. Use of student social security numbers restricted. No public or private elementary or secondary school or college as defined in section two of this article shall display any student's social security number, OR ANY PORTION THEREOF, to identify such student for posting or public listing of grades, on class rosters or other lists provided to teachers, on student identification cards, in student directories or similar listings, or, unless specifically authorized or required by law, for any public identification purpose.

S 6. Subparagraph (i) of paragraph (a) of subdivision 3 of section 490 of the vehicle and traffic law, as amended by chapter 235 of the laws of 2002, is amended to read as follows:

(i) The commissioner shall upon submission of an appropriate application, upon payment of the prescribed fee, and upon being satisfied that the person described is the applicant and that such applicant meets the requirements set forth in subdivision two of this section, issue to such applicant a nontransferable identification card. In addition, the commissioner also shall require that an applicant for an identification card or renewal thereof provide his or her social security number. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER TO THE CONTRARY, IDENTIFICATION CARDS ISSUED PURSUANT TO THIS SECTION SHALL NOT USE THE APPLICANT'S SOCIAL SECURITY NUMBER OR ANY PORTION THEREOF AS THE IDENTIFICATION NUMBER.

S 7. Section 504 of the vehicle and traffic law is amended by adding a new subdivision 4 to read as follows:

4. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER TO THE CONTRARY, LICENSES, TEMPORARY LICENSES AND LEARNERS PERMITS ISSUED PURSUANT TO THIS SECTION SHALL NOT USE THE APPLICANT'S SOCIAL SECURITY NUMBER OR ANY PORTION THEREOF AS AN IDENTIFICATION NUMBER.

S 8. Subdivision a of section 17-1003 of the administrative code of the city of New York, as added by local law number 19 of the city of New York for the year 2005, is amended to read as follows:

a. The department shall develop a prescription drug discount card program which shall be made available to all New York city residents, regardless of age, income, immigration status or health insurance coverage status, for the purpose of providing all New York city residents with a prescription drug discount card which may be used to buy prescription drugs at reduced prices at participating pharmacies. Such prescription drug discount card program shall enable each user of such program to purchase at a reduced price from a pharmacy that participates in the program any prescription drug that is eligible for a discount through such program. The prescription drug discount card program shall allow users to purchase a drug at the lower of either the drug price available through the prescription drug discount card program or the pharmacy's customary and usual price. Any prescription drug discount

card issued pursuant to this section may not be utilized in conjunction with another type of prescription drug discount card for the same transaction. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER TO THE CONTRARY, IDENTIFICATION CARDS ISSUED IN CONNECTION WITH ANY SUCH PRESCRIPTION DRUG DISCOUNT PROGRAM SHALL NOT USE THE USER'S SOCIAL SECURITY NUMBER OR ANY PORTION THEREOF AS THE IDENTIFICATION NUMBER OR OTHERWISE DISPLAY THE USER'S SOCIAL SECURITY NUMBER.

S 9. The administrative code of the city of New York is amended by adding a new section 21-133 to read as follows:

S 21-133 IDENTIFICATION CARDS. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IDENTIFICATION CARDS ISSUED TO RECIPIENTS OF SERVICES PROVIDED PURSUANT TO THIS TITLE SHALL NOT USE THE RECIPIENT'S SOCIAL SECURITY NUMBER OR ANY PORTION THEREOF AS AN IDENTIFICATION NUMBER OR OTHERWISE DISPLAY THE RECIPIENT'S SOCIAL SECURITY NUMBER.

S 10. Subdivision d of section 22-203 of the administrative code of the city of New York, as added by local law number 50 of the city of New York for the year 1995, is amended to read as follows:

d. A photo identification card issued pursuant to this section shall bear a photograph of the person to whom it was issued and such other identifying information as may be specified by the commissioner. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IDENTIFICATION CARDS, PROVISIONAL IDENTIFICATION CARDS, TEMPORARY IDENTIFICATION CARDS AND DAY PASSES ISSUED PURSUANT TO THIS CHAPTER SHALL NOT USE THE APPLICANT'S SOCIAL SECURITY NUMBER OR ANY PORTION THEREOF AS AN IDENTIFICATION NUMBER OR OTHERWISE DISPLAY THE APPLICANT'S SOCIAL SECURITY NUMBER.

S 11. Section 22-216 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

G. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IDENTIFICATION CARDS, LICENSES OR REGISTRATIONS ISSUED PURSUANT TO THIS TITLE SHALL NOT USE THE APPLICANT'S SOCIAL SECURITY NUMBER OR ANY PORTION THEREOF AS AN IDENTIFICATION NUMBER OF OTHERWISE DISPLAY THE APPLICANT'S SOCIAL SECURITY NUMBER.

S 12. Subdivision a of section 22-252 of the administrative code of the city of New York, as added by local law number 28 of the city of New York for the year 1997, is amended to read as follows:

a. It shall be unlawful for any person to be an employee or a principal working in a wholesale business or market business in a market unless such person has obtained a photo identification card issued by the commissioner pursuant to the provisions of this chapter or for a person to work on an occasional basis in a market unless such person has obtained a day pass issued by the commissioner. The commissioner shall set forth by rule the number of occasions within a specified time period that shall constitute occasional work to meet unanticipated needs of businesses in the market and shall make reasonable provision to delegate authority for the issuance of day passes on a twenty-four hour basis to persons hired to work by wholesalers and market businesses on an occasional basis. A photo identification card shall be in the possession of an employee or principal at all times when such person is in the market and shall be produced upon demand by an authorized employee or agent of the department, the department of investigation or the police department. The commissioner shall make provision for temporary photo identification cards to be issued pending the processing of applications for permanent photo identification cards and for the expedited issuance of photo identification cards to family members of principals of a wholesaler or market business and others who work on a seasonal basis. A temporary identification card shall cease to be valid, and shall be

returned to the department, upon the refusal to issue a photo identification card pursuant to subdivision d of this section or denial of registration to the business in which the person applying for such identification card is a principal or is employed. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IDENTIFICATION CARDS, TEMPORARY IDENTIFICATION CARDS AND DAY PASSES ISSUED PURSUANT TO THIS CHAPTER SHALL NOT USE THE APPLICANT'S SOCIAL SECURITY NUMBER OR ANY PORTION THEREOF AS AN IDENTIFICATION NUMBER OR OTHERWISE DISPLAY THE APPLICANT'S SOCIAL SECURITY NUMBER.

S 13. This act shall take effect on the ninetieth day after it shall have become a law.