

5937

2011-2012 Regular Sessions

I N   A S S E M B L Y

March 3, 2011

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Introduced by M. of A. BRONSON, STEVENSON -- Multi-Sponsored by -- M. of  
A. McENENY -- 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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 5 of section 4364 of the public health law, as  
2     added by chapter 589 of the laws of 1990, is amended to read as follows:  
3     5. No hospital or other facility and no physician shall permit any  
4     person to procure tissue or non-transplant organs unless such person has  
5     been licensed in accordance with this article[, or has been asked by a  
6     licensed bank or storage facility] to procure a specified tissue or  
7     non-transplant organ. No bank or storage facility shall sell or other-  
8     wise transfer tissue for valuable consideration. Valuable consideration  
9     shall not include reasonable costs associated with the procurement,  
10    processing, storage and distribution of tissue. Nothing herein shall  
11    impair the provisions of section forty-three hundred seven of this chap-  
12    ter.  
13    S 2. The public health law is amended by adding a new section 4311 to  
14    read as follows:  
15    S 4311. PROCUREMENT OF TISSUE OR NON-TRANSPLANT ORGANS FROM CADAVERIC  
16    DONORS. TISSUE OR NON-TRANSPLANT ORGANS FROM CADAVERIC DONORS SHALL BE  
17    PROCURED ONLY IN A HOSPITAL, MORGUE OR OTHER FACILITY LICENSED FOR THE  
18    PURPOSES OF TISSUE OR ORGAN PROCUREMENT.  
19    S 3. This act shall take effect on the one hundred eightieth day after  
20    it shall have become a law; provided, however, that effective immediate-  
21    ly, the addition, amendment and/or repeal of any rule or regulation  
22    necessary for the implementation of this act on its effective date are  
23    authorized and directed to be made and completed on or before such  
24    effective date.

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

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