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I N   A S S E M B L Y

April 20, 2012

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Introduced by M. of A. TITONE, GOTTFRIED -- (at request of the Department of Health) -- 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 organ donation

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

1     Section 1. Subdivisions 1, 2 and 3 of section 4310 of the public  
2     health law, subdivision 1 as separately amended by chapters 639 and 640  
3     of the laws of 2006, subdivision 2 as amended by chapter 161 of the laws  
4     of 2010 and subdivision 3 as amended by chapter 639 of the laws of 2006,  
5     are amended to read as follows:

6     1. The department shall establish an organ and tissue donor registry,  
7     which shall be called and be referred to as the "donate life registry"[,  
8     which]. SUCH REGISTRY shall contain a listing of all donors who have  
9     declared their consent to make an anatomical gift.

10    2. Such registration of consent to make an anatomical gift can be made  
11    through (a) indication made on the application or renewal form of a  
12    license, (b) indication made on a non-driver identification card appli-  
13    cation or renewal form, (c) enrolling in the registry website maintained  
14    by the department, which may include using an electronic signature  
15    [under regulations of the commissioner and] subject to article three of  
16    the state technology law, (d) indication made on a voter registration  
17    form pursuant to subdivision five of section 5-210 of the election law,  
18    or (e) through any other method identified by the commissioner. The  
19    registration shall take effect upon the [department sending] PROVISION  
20    OF written OR ELECTRONIC notice of the registration to the person  
21    enrolling in the registry. [In making regulations on using an electronic  
22    signature for a registration of consent, the commissioner shall consult  
23    with the director of the office of technology.]

24    3. (a) Information contained in the registry shall be accessible to  
25    (i) federally [regulated] DESIGNATED organ procurement [agencies] ORGAN-  
26    IZATIONS, (ii) eye and tissue banks licensed by the department pursuant  
27    to article forty-three-B of this chapter, AND (iii) any other entity  
28    formally approved by the commissioner.

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

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1 (b) The information contained in the registry shall not be released to  
2 any person except as expressly authorized by this section solely for the  
3 purpose of identifying potential organ and tissue donors at or near the  
4 time of death.

5 S 2. Subdivision 1 of section 307 of the state technology law, as  
6 amended by chapter 161 of the laws of 2010, is amended to read as  
7 follows:

8 1. To any document providing for the disposition of an individual's  
9 person or property upon death or incompetence, or appointing a fiduciary  
10 of an individual's person or property, including, without limitation,  
11 wills, trusts, decisions consenting to orders not to resuscitate, powers  
12 of attorney and health care proxies, with the exception of: (a) contrac-  
13 tual beneficiary designations; and (b) the registration of making,  
14 AMENDING, OR REVOKING an anatomical gift under section forty-three  
15 hundred ten of the public health law [under regulations under that  
16 section].

17 S 3. This act shall take effect immediately.