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

2052--A

2013-2014 Regular Sessions

I N S E N A T E

January 10, 2013

Introduced by Sens. LATIMER, BRESLIN, DILAN, MONTGOMERY, SAMPSON, SERRANO -- 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, in relation to authorizing people between the ages of fifteen and seventeen to register to be organ and tissue donors

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

Section 1. Subdivision 1 of section 4301 of the public health law, as amended by chapter 348 of the laws of 2009, is amended to read as follows:

1. (A) Any individual of sound mind and eighteen years of age or more may give all or any part of his or her body for any purpose specified in section forty-three hundred two of this article, the gift to take effect upon death. In any case where the donor has properly executed an organ donor card, driver's license authorization to make an anatomical gift, pursuant to paragraph (a) of subdivision one of section five hundred four of the vehicle and traffic law, registered in the New York state organ and tissue donor registry under section forty-three hundred ten of this article, or has otherwise given written authorization for organ or tissue donation, authorization for donation shall not be rescinded by an objection by a member of any of the classes specified in paragraphs (a) through (h) of subdivision two of this section, except upon a showing that the donor revoked the authorization.

(B) ANY INDIVIDUAL OF SOUND MIND AND FIFTEEN YEARS OF AGE OR MORE, BUT LESS THAN EIGHTEEN YEARS OF AGE, MAY GIVE ALL OR ANY PART OF HIS OR HER BODY FOR ANY PURPOSE SPECIFIED IN SECTION FORTY-THREE HUNDRED TWO OF THIS ARTICLE, THE GIFT TO TAKE EFFECT UPON DEATH; PROVIDED, HOWEVER,

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

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THAT EVEN IN ANY CASE WHERE THE DONOR HAS PROPERLY EXECUTED AN ORGAN DONOR CARD, DRIVER'S LICENSE AUTHORIZATION TO MAKE AN ANATOMICAL GIFT, PURSUANT TO PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION FIVE HUNDRED FOUR OF THE VEHICLE AND TRAFFIC LAW, OR HAS OTHERWISE GIVEN WRITTEN AUTHORIZATION FOR ORGAN OR TISSUE DONATION, IF AT TIME OF DEATH THE DONOR IS LESS THAN EIGHTEEN YEARS OF AGE, THE PARENTS OR LEGAL GUARDIAN OF THE DECEDENT AT THE TIME OF HIS OR HER DEATH SHALL BE NOTIFIED PRIOR TO THE REMOVAL OF ANY ORGAN FOR DONATION AND THE AUTHORIZATION FOR DONATION MAY BE RESCINDED BY A REJECTION BY EITHER PARENT OR THE LEGAL GUARDIAN OF THE DECEDENT AT SUCH TIME.

S 2. Section 4310 of the public health law is amended by adding a new subdivision 2-a to read as follows:

2-A. AN INDIVIDUAL FIFTEEN YEARS OF AGE OR MORE, BUT LESS THAN EIGHTEEN YEARS OF AGE, WHO CONSENTS TO MAKE AN ANATOMICAL GIFT MAY REGISTER HIS OR HER CONSENT BY ANY OF THE METHODS PROVIDED IN SUBDIVISION TWO OF THIS SECTION, PROVIDED, HOWEVER, THAT SUCH REGISTRATION SHALL ALSO REQUIRE A SIGNATURE BY EITHER PARENT OR THE LEGAL GUARDIAN OF THE PERSON REGISTERING HIS OR HER CONSENT. THE DEPARTMENT SHALL ESTABLISH A FORM TO BE AVAILABLE IN SCHOOLS, AT THE DEPARTMENT OF MOTOR VEHICLES, AND AT THE DEPARTMENT WHICH SHALL ENABLE AN INDIVIDUAL LESS THAN EIGHTEEN YEARS OF AGE, TO REGISTER HIS OR HER CONSENT TO MAKE AN ANATOMICAL GIFT AND WHICH PROVIDES A SIGNATURE LINE FOR THE PARENT OR LEGAL GUARDIAN, IN ADDITION TO THE SIGNATURE LINE FOR THE INDIVIDUAL. THE DEPARTMENT AND THE DEPARTMENT OF MOTOR VEHICLES SHALL ACCEPT SUCH REGISTRATION OF CONSENT BY MAIL, IN PERSON, OR BY ELECTRONIC SUBMISSION.

S 3. This act shall take effect immediately.