

6289--A

2015-2016 Regular Sessions

I N A S S E M B L Y

March 20, 2015

Introduced by M. of A. PERRY -- read once and referred to the Committee on Consumer Affairs and Protection -- recommitted to the Committee on Consumer Affairs and Protection in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to requiring certain disclosures by sperm and ovum storage facilities

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

1 Section 1. The general business law is amended by adding a new section
2 391-u to read as follows:
3 S 391-U. DISCLOSURE STATEMENT BY SPERM OR OVUM STORAGE FACILITY. (A)
4 ANY MEDICAL FACILITY, OR OTHER FACILITY, ENGAGED IN THE BUSINESS OF THE
5 STORAGE OF SPERM OR OVUM SHALL PROVIDE, PRIOR TO ENGAGING IN ANY
6 CONTRACTUAL AGREEMENT WITH A CLIENT, A DISCLOSURE STATEMENT TO SUCH
7 CLIENT WHICH NOTIFIES HIM OR HER OF THE PROVISIONS OF ANY EXISTING STATE
8 OR FEDERAL LAWS ON THE STORAGE OF SPERM OR OVUM INCLUDING ANY STATUTES
9 OF LIMITATIONS RELATING TO THE INHERITANCE RIGHTS OF A CHILD POSTHUMOUS-
10 LY CONCEIVED FROM THE UTILIZATION OF SPERM OR OVUM STORED WITH SUCH
11 FACILITY. SUCH FACILITY SHALL KEEP THE ADDRESS AND/OR EMAIL ADDRESS OF
12 SUCH CLIENT FOR TEN YEARS AND SHALL ONLY USE SUCH ADDRESS OR EMAIL
13 ADDRESS TO SEND NOTIFICATION TO SUCH CLIENT PURSUANT TO SUBDIVISION (B)
14 OF THIS SECTION.
15 (B) IN ADDITION TO THE DISCLOSURE PROVIDED PURSUANT TO SUBDIVISION (A)
16 OF THIS SECTION, SHOULD ANY STATE OR FEDERAL LAWS DISCLOSED PURSUANT TO
17 SUBDIVISION (A) OF THIS SECTION CHANGE, SUCH FACILITY SHALL SEND A
18 NOTIFICATION TO THE CLIENT OF THE CHANGE. SUCH NOTIFICATION SHALL BE
19 SENT THROUGH THE POSTAL SERVICE OR THROUGH ELECTRONIC MAIL TO THE
20 ADDRESS OR EMAIL ADDRESS GIVEN BY THE CLIENT TO SUCH FACILITY. SUCH
21 NOTIFICATION SHALL CONTINUE FOR TEN YEARS AFTER THE INITIAL EXECUTION OF
22 ANY CONTRACT.

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

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1 (C) UPON THE EXPIRATION OF THE TEN YEAR NOTICE PERIOD PROVIDED PURSU-
2 ANT TO SUBDIVISION (B) OF THIS SECTION, THE FACILITY SHALL SEND A NOTICE
3 TO THE CLIENT THAT THEY WILL NO LONGER BE NOTIFIED OF CHANGES TO ANY
4 UPDATED STATE OR FEDERAL LAWS AND THAT THE CLIENT SHOULD ATTEMPT TO
5 FOLLOW ANY CHANGES TO THE LAWS IN THE FUTURE ON HIS OR HER OWN.
6 S 2. This act shall take effect on the one hundred eightieth day after
7 it shall have become a law.