

5101

2015-2016 Regular Sessions

I N S E N A T E

April 30, 2015

Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law and the vehicle and traffic law, in relation to registration of consent to make an anatomical gift

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

1 Section 1. Subparagraph (ii) of paragraph (b) of subdivision 5 of
2 section 4310 of the public health law, as amended by section 27 of part
3 A of chapter 60 of the laws of 2014, is amended to read as follows:
4 (ii) The commissioner shall not maintain records of any person who
5 checks "skip this question". Failure [to check a box shall not impair
6 the validity of an application, and failure] to check "yes" or checking
7 "skip this question" shall not be construed to imply a wish not to
8 donate. In the case of an applicant under eighteen years of age, check-
9 ing "yes" shall not constitute consent to make an anatomical gift or
10 registration in the donate life registry. Where an applicant has previ-
11 ously consented to make an anatomical gift or registered in the donate
12 life registry, checking "skip this question" or failing to check a box
13 shall not impair that consent or registration.
14 S 2. The third undesignated paragraph of subdivision 2 of section 490
15 of the vehicle and traffic law, as added by chapter 465 of the laws of
16 2012, is amended to read as follows:
17 The commissioner of [the department of] health shall not maintain
18 records of any person who checks "skip this question". Failure [to check
19 a box shall not impair the validity of an application, and failure] to
20 check "yes" or checking "skip this question" shall not be construed to
21 imply a wish not to donate. In the case of an applicant under eighteen
22 years of age, checking "yes" shall not constitute consent to make an
23 anatomical gift or registration in the donate life registry. Where an
24 applicant has previously consented to make an anatomical gift or regis-

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

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1 tered in the donate life registry, checking "skip this question" or
2 failing to check a box shall not impair that consent or registration.

3 S 3. The third undesignated paragraph of subdivision 1 of section 502
4 of the vehicle and traffic law, as added by chapter 465 of the laws of
5 2012, is amended to read as follows:

6 The commissioner of [the department of] health shall not maintain
7 records of any person who checks "skip this question". Failure [to check
8 a box shall not impair the validity of an application, and failure] to
9 check "yes" or checking "skip this question" shall not be construed to
10 imply a wish not to donate. In the case of an applicant under eighteen
11 years of age, checking "yes" shall not constitute consent to make an
12 anatomical gift or registration in the donate life registry. Where an
13 applicant has previously consented to make an anatomical gift or regis-
14 tered in the donate life registry, checking "skip this question" or
15 failing to check a box shall not impair that consent or registration. In
16 addition, an applicant for a commercial driver's license who will oper-
17 ate a commercial motor vehicle in interstate commerce shall certify that
18 such applicant meets the requirements to operate a commercial motor
19 vehicle, as set forth in public law 99-570, title XII, and title 49 of
20 the code of federal regulations, and all regulations promulgated by the
21 United States secretary of transportation under the hazardous materials
22 transportation act. In addition, an applicant for a commercial driver's
23 license shall submit a medical certificate at such intervals as required
24 by the federal motor carrier safety improvement act of 1999 and Part
25 383.71(h) of title 49 of the code of federal regulations relating to
26 medical certification and in a manner prescribed by the commissioner.
27 For purposes of this section and sections five hundred three, five
28 hundred ten-a, and five hundred ten-aa of this title, the terms "medical
29 certificate" and "medical certification" shall mean a form substantially
30 in compliance with the form set forth in Part 391.43(h) of title 49 of
31 the code of federal regulations. Upon a determination that the holder of
32 a commercial driver's license has made any false statement, with respect
33 to the application for such license, the commissioner shall revoke such
34 license.

35 S 4. This act shall take effect immediately; provided that the amend-
36 ments to subdivision (ii) of paragraph (b) of subdivision 5 of section
37 4310 of the public health law, made by section one of this act, shall
38 not affect the expiration of the amendments to such subdivision by chap-
39 ter 465 of the laws of 2012, and shall expire therewith; provided,
40 further that the amendments to the third undesignated paragraph of
41 subdivision 2 of section 490 of the vehicle and traffic law, made by
42 section two of this act, shall not affect the expiration and repeal of
43 such paragraph, and shall be deemed repealed therewith; and provided,
44 further that the amendments to the third undesignated paragraph of
45 subdivision 1 of section 502 of the vehicle and traffic law, made by
46 section three of this act, shall not affect the expiration of the amend-
47 ments to such subdivision by chapter 465 of the laws of 2012, and shall
48 expire therewith.