

6043

2015-2016 Regular Sessions

I N   S E N A T E

September 9, 2015

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

AN ACT to amend the public health law, in relation to prohibiting the  
valuable consideration for the donation of human organs

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

1     Section 1. The section heading and subdivision 1 of section 4307 of  
2     the public health law, as amended by chapter 362 of the laws of 2009,  
3     are amended to read as follows:  
4     Prohibition of [sales and purchases] VALUABLE CONSIDERATION FOR THE  
5     DONATION of human organs. 1. It shall be unlawful for any person to  
6     knowingly acquire, receive, or otherwise transfer for valuable consider-  
7     ation any human organ (INCLUDING FETAL) for ANY PURPOSE, INCLUDING use  
8     in human transplantation AND SCIENTIFIC RESEARCH. The term human organ  
9     means the human (INCLUDING FETAL) kidney, liver, heart, lung, bone  
10    marrow, and any other human organ or ANY SUBPART THEREOF, INCLUDING  
11    tissue [as may be designated by the commissioner], but shall exclude  
12    blood. The term "valuable consideration" does not include the reasonable  
13    payments associated with the removal, transportation, implantation,  
14    processing, preservation, quality control, and storage of a human organ  
15    or the expenses of travel, housing, and lost wages incurred by the donor  
16    of a human organ in connection with the donation of the organ.  
17    REIMBURSEMENT MAY BE PROVIDED FOR REASONABLE MEDICAL EXPENSES INCURRED  
18    BY ANY ORGAN DONOR WHO BECOMES ILL AS A DIRECT RESULT OF THE DONATION.  
19    Any person who violates this section shall be guilty of a class E felo-  
20    ny.  
21    S 2. This act shall take effect immediately.

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

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