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

7985

I N S E N A T E

June 2, 2016

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

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:

Section 1. The general business law is amended by adding a new section 391-u to read as follows:

S 391-U. DISCLOSURE STATEMENT BY SPERM OR OVUM STORAGE FACILITY. (A) ANY MEDICAL FACILITY, OR OTHER FACILITY, ENGAGED IN THE BUSINESS OF THE STORAGE OF SPERM OR OVUM SHALL PROVIDE, PRIOR TO ENGAGING IN ANY CONTRACTUAL AGREEMENT WITH A CLIENT, A DISCLOSURE STATEMENT TO SUCH CLIENT WHICH NOTIFIES HIM OR HER OF THE PROVISIONS OF ANY EXISTING STATE OR FEDERAL LAWS ON THE STORAGE OF SPERM OR OVUM INCLUDING ANY STATUTES OF LIMITATIONS RELATING TO THE INHERITANCE RIGHTS OF A CHILD POSTHUMOUSLY CONCEIVED FROM THE UTILIZATION OF SPERM OR OVUM STORED WITH SUCH FACILITY. SUCH FACILITY SHALL KEEP THE ADDRESS AND/OR EMAIL ADDRESS OF SUCH CLIENT FOR TEN YEARS AND SHALL ONLY USE SUCH ADDRESS OR EMAIL ADDRESS TO SEND NOTIFICATION TO SUCH CLIENT PURSUANT TO SUBDIVISION (B) OF THIS SECTION.

(B) IN ADDITION TO THE DISCLOSURE PROVIDED PURSUANT TO SUBDIVISION (A) OF THIS SECTION, SHOULD ANY STATE OR FEDERAL LAWS DISCLOSED PURSUANT TO SUBDIVISION (A) OF THIS SECTION CHANGE, SUCH FACILITY SHALL SEND A NOTIFICATION TO THE CLIENT OF THE CHANGE. SUCH NOTIFICATION SHALL BE SENT THROUGH THE POSTAL SERVICE OR THROUGH ELECTRONIC MAIL TO THE ADDRESS OR EMAIL ADDRESS GIVEN BY THE CLIENT TO SUCH FACILITY. SUCH NOTIFICATION SHALL CONTINUE FOR TEN YEARS AFTER THE INITIAL EXECUTION OF ANY CONTRACT.

(C) UPON THE EXPIRATION OF THE TEN YEAR NOTICE PERIOD PROVIDED PURSUANT TO SUBDIVISION (B) OF THIS SECTION, THE FACILITY SHALL SEND A NOTICE TO THE CLIENT THAT THEY WILL NO LONGER BE NOTIFIED OF CHANGES TO ANY UPDATED STATE OR FEDERAL LAWS AND THAT THE CLIENT SHOULD ATTEMPT TO FOLLOW ANY CHANGES TO THE LAWS IN THE FUTURE ON HIS OR HER OWN.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.

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

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