

4990

2015-2016 Regular Sessions

I N A S S E M B L Y

February 10, 2015

Introduced by M. of A. ORTIZ, CLARK, PALMESANO, SKOUFIS, GALEF, FAHY --  
read once and referred to the Committee on Health

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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

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

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13 tissue donation, authorization for donation shall not be rescinded by an  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

17 (B) ANY INDIVIDUAL OF SOUND MIND AND FIFTEEN YEARS OF AGE OR MORE, BUT  
18 LESS THAN EIGHTEEN YEARS OF AGE, MAY GIVE ALL OR ANY PART OF HIS OR HER  
19 BODY FOR ANY PURPOSE SPECIFIED IN SECTION FORTY-THREE HUNDRED TWO OF  
20 THIS ARTICLE, THE GIFT TO TAKE EFFECT UPON DEATH; PROVIDED, HOWEVER,  
21 THAT EVEN IN ANY CASE WHERE THE DONOR HAS PROPERLY EXECUTED AN ORGAN  
22 DONOR CARD, DRIVER'S LICENSE AUTHORIZATION TO MAKE AN ANATOMICAL GIFT,  
23 PURSUANT TO PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION FIVE HUNDRED  
24 FOUR OF THE VEHICLE AND TRAFFIC LAW, OR HAS OTHERWISE GIVEN WRITTEN

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

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1 AUTHORIZATION FOR ORGAN OR TISSUE DONATION, IF AT TIME OF DEATH THE  
2 DONOR IS LESS THAN EIGHTEEN YEARS OF AGE, THE PARENTS OR LEGAL GUARDIAN  
3 OF THE DECEDENT AT THE TIME OF HIS OR HER DEATH SHALL BE NOTIFIED PRIOR  
4 TO THE REMOVAL OF ANY ORGAN FOR DONATION AND THE AUTHORIZATION FOR  
5 DONATION MAY BE RESCINDED BY A REJECTION BY EITHER PARENT OR THE LEGAL  
6 GUARDIAN OF THE DECEDENT AT SUCH TIME.

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

9 2-A. AN INDIVIDUAL FIFTEEN YEARS OF AGE OR MORE, BUT LESS THAN EIGH-  
10 TEEN YEARS OF AGE, WHO CONSENTS TO MAKE AN ANATOMICAL GIFT MAY REGISTER  
11 HIS OR HER CONSENT BY ANY OF THE METHODS PROVIDED IN SUBDIVISION TWO OF  
12 THIS SECTION, PROVIDED, HOWEVER, THAT SUCH REGISTRATION SHALL ALSO  
13 REQUIRE A SIGNATURE BY EITHER PARENT OR THE LEGAL GUARDIAN OF THE PERSON  
14 REGISTERING HIS OR HER CONSENT. THE DEPARTMENT SHALL ESTABLISH A FORM TO  
15 BE AVAILABLE IN SCHOOLS, AT THE DEPARTMENT OF MOTOR VEHICLES, AND AT THE  
16 DEPARTMENT WHICH SHALL ENABLE AN INDIVIDUAL LESS THAN EIGHTEEN YEARS OF  
17 AGE, TO REGISTER HIS OR HER CONSENT TO MAKE AN ANATOMICAL GIFT AND WHICH  
18 PROVIDES A SIGNATURE LINE FOR THE PARENT OR LEGAL GUARDIAN, IN ADDITION  
19 TO THE SIGNATURE LINE FOR THE INDIVIDUAL. THE DEPARTMENT AND THE DEPART-  
20 MENT OF MOTOR VEHICLES SHALL ACCEPT SUCH REGISTRATION OF CONSENT BY  
21 MAIL, IN PERSON, OR BY ELECTRONIC SUBMISSION.

22 S 3. This act shall take effect immediately.