

6952--A

Cal. No. 423

I N   S E N A T E

March 9, 2016

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Introduced by Sens. HANNON, FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public health law, in relation to requiring applicants for health insurance offered through the state health benefit exchange be provided space on the application for such insurance to register for the donate life registry for organ, eye and tissue donations

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

1     Section 1. Subdivision 1 of section 206 of the public health law is  
2     amended by adding a new paragraph (v) to read as follows:  
3     (V) REQUIRE, IN CONSULTATION AND COOPERATION WITH THE SUPERINTENDENT  
4     OF FINANCIAL SERVICES, THAT EVERY INDIVIDUAL APPLYING FOR HEALTH CARE  
5     COVERAGE THROUGH THE STATE HEALTH BENEFIT EXCHANGE ESTABLISHED PURSUANT  
6     TO THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT (P.L.  
7     111-148), AS AMENDED BY THE FEDERAL HEALTH CARE AND EDUCATION RECONCILI-  
8     ATION ACT OF 2010 (P.L. 111-152), BE PROVIDED SPACE SO THAT SUCH APPLI-  
9     CANT MAY REGISTER IN THE "DONATE LIFE REGISTRY" FOR ORGAN, EYE AND  
10    TISSUE DONATIONS UNDER SECTION FORTY-THREE HUNDRED TEN OF THIS CHAPTER  
11    WITH THE FOLLOWING STATED IN CLEAR CONSPICUOUS TYPE:  
12    "WOULD YOU LIKE TO BE ADDED TO THE DONATE LIFE REGISTRY? CHECK BOX  
13    FOR 'YES' OR 'SKIP THIS QUESTION'."  
14    THE COMMISSIONER SHALL NOT MAINTAIN RECORDS OF ANY PERSON WHO CHECKS  
15    "SKIP THIS QUESTION". EXCEPT WHERE THE APPLICATION IS MADE IN PERSON OR  
16    ELECTRONICALLY, FAILURE TO CHECK A BOX SHALL NOT IMPAIR THE VALIDITY OF  
17    AN APPLICATION, AND FAILURE TO CHECK "YES" OR CHECKING "SKIP THIS QUES-  
18    TION" SHALL NOT BE CONSTRUED TO IMPLY A WISH NOT TO DONATE. IN THE CASE  
19    OF AN APPLICANT UNDER EIGHTEEN YEARS OF AGE, CHECKING "YES" SHALL NOT  
20    CONSTITUTE CONSENT TO MAKE AN ANATOMICAL GIFT OR REGISTRATION IN THE  
21    DONATE LIFE REGISTRY. WHERE AN APPLICANT HAS PREVIOUSLY CONSENTED TO  
22    MAKE AN ANATOMICAL GIFT OR REGISTERED IN THE DONATE LIFE REGISTRY,

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

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1 CHECKING "SKIP THIS QUESTION" OR FAILING TO CHECK A BOX SHALL NOT IMPAIR  
2 THAT CONSENT OR REGISTRATION.

3 S 2. Paragraph (a) of subdivision 5 of section 4310 of the public  
4 health law, as amended by section 27 of part A of chapter 60 of the laws  
5 of 2014, is amended to read as follows:

6 (a) Such organ, eye and tissue registration of consent to make an  
7 anatomical gift can be made through: (i) indication made on the applica-  
8 tion or renewal form of a driver's license, (ii) indication made on a  
9 non-driver identification card application or renewal form, (iii) indi-  
10 cation made on a voter registration form pursuant to subdivision five of  
11 section 5-210 of the election law, (iv) INDICATION MADE ON THE APPLICA-  
12 TION FOR HEALTH CARE COVERAGE OFFERED THROUGH THE STATE HEALTH BENEFIT  
13 EXCHANGE, (V) enrollment through the donate life registry website, [(v)]  
14 (VI) paper enrollment submitted to the donate life registry, or [(vi)]  
15 (VII) through any other method identified by the commissioner.

16 S 3. Subparagraph (i) of paragraph (b) of subdivision 5 of section  
17 4310 of the public health law, as amended by section 27 of part A of  
18 chapter 60 of the laws of 2014, is amended to read as follows:

19 (i) Where required by law for registration forms described in subpara-  
20 graphs (i) [and], (ii) AND (IV) of paragraph (a) of this subdivision,  
21 the commissioner shall ensure that space is provided on any registration  
22 form so that the applicant shall register or decline registration in the  
23 donate life registry for organ, eye and tissue donations under this  
24 section and that the following is stated on the form in clear and  
25 conspicuous type:

26 "You must fill out the following section: Would you like to be added  
27 to the Donate Life Registry? Check box for 'yes' or 'skip this ques-  
28 tion'."

29 S 4. This act shall take effect on the first of January next succeed-  
30 ing the date on which it shall have become a law. Provided, that, effec-  
31 tive immediately, any actions necessary to implement the provisions of  
32 this act on its effective date are authorized and directed to be  
33 completed on or before such date. Provided, further, that the amendments  
34 to subdivision 5 of section 4310 of the public health law, made by  
35 sections two and three of this act, shall not affect the expiration of  
36 such subdivision, and shall expire and be deemed repealed therewith.