

# STATE OF NEW YORK

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2526--A

2017-2018 Regular Sessions

## IN ASSEMBLY

January 20, 2017

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Introduced by M. of A. SIMOTAS, DINOWITZ, MAYER, LUPINACCI, ORTIZ, BUCHWALD, O'DONNELL, QUART, LUPARDO, BRAUNSTEIN, ERRIGO, RAIA, PALMES-ANO -- Multi-Sponsored by -- M. of A. STEC -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, the education law, the tax law, the vehicle and traffic law, the judiciary law and the executive law, in relation to requiring certain state forms and applications to include space for registering in the "donate life registry" for organ, eye and tissue donations; and to repeal certain provisions of the public health law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (a) of subdivision 5 of section 4310 of the  
2 public health law, as separately amended by chapters 40 and 248 of the  
3 laws of 2016, is amended to read as follows:

4 (a) Such organ, eye and tissue registration of consent to make an  
5 anatomical gift can be made through: (i) indication made on the applica-  
6 tion or renewal form of a driver's license, (ii) indication made on a  
7 non-driver identification card application or renewal form, (iii) indi-  
8 cation made on a voter registration form pursuant to subdivision five of  
9 section 5-210 of the election law, (iv) indication made on the applica-  
10 tion for health care coverage offered through the state health benefit  
11 exchange, (v) enrollment through the donate life registry website, (vi)  
12 paper enrollment submitted to the donate life registry, [~~ex~~] (vii) indi-  
13 cation made on application for a certificate, license or registration  
14 issued pursuant to article sixty-one of the education law, (viii) indi-  
15 cation made on an application to practice a profession pursuant to title  
16 eight of the education law, (ix) indication made on a personal income  
17 tax return, (x) indication made on an application for registration or  
18 renewal thereof of a motor vehicle, (xi) indication made on an applica-

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

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tion for admission to practice or on a biennial registration form pursuant to section four hundred sixty-four or four hundred sixty-eight-a of the judiciary law, (xii) indication made on an application to conduct a profession or occupation which is licensed or registered by the department of state, or (xiii) through any other method identified by the commissioner. The department shall establish a means by which to register the consent given by individuals who are sixteen or seventeen years of age in the donate life registry, and shall make registration available by any of the methods provided in subparagraphs (i), (ii), (iii), (iv), (v) ~~and~~, (vi), (vii), (viii), (ix), (x), (xi), (xii) and (xiii) of this paragraph.

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

(a) Such organ, eye and tissue registration of consent to make an anatomical gift can be made through: (i) indication made on the application or renewal form of a driver's license, (ii) indication made on a non-driver identification card application or renewal form, (iii) indication made on a voter registration form pursuant to subdivision five of section 5-210 of the election law, (iv) enrollment through the donate life registry website, (v) paper enrollment submitted to the donate life registry, ~~(v)~~ (vi) indication made on application for a certificate, license or registration issued pursuant to article sixty-one of the education law, (vii) indication made on an application to practice a profession pursuant to title eight of the education law, (viii) indication made on a personal income tax return, (ix) indication made on an application for registration or renewal thereof of a motor vehicle, (x) indication made on an application for admission to practice or on a biennial registration form pursuant to section four hundred sixty-four or four hundred sixty-eight-a of the judiciary law, (xi) indication made on an application to conduct a profession or occupation which is licensed or registered by the department of state or (xii) through any other method identified by the commissioner.

§ 2-a. Paragraphs (b) and (c) of subdivision 5 of section 4310 of the public health law are REPEALED and a new paragraph (b) is added to read as follows:

(b) Enrollment or amendment or revocation through the donate life registry website through any of the means listed in this subdivision may be signed by electronic signature, in accordance with the provisions of article three of the state technology law, supported by the use of suitable mechanisms including unique identifiers to provide confidence in the identity of the person providing the electronic signature. The registration shall take effect upon the provision of written or electronic notice of the registration to the individual enrolling in the donate life registry.

§ 2-b. Paragraphs (d), (e) and (f) of subdivision 5 of section 4310 of the public health law are relettered paragraphs (c), (d) and (e).

§ 3. Subdivision 1 of section 206 of the public health law is amended by adding six new paragraphs (w), (x), (y), (z), (aa) and (bb) to read as follows:

(w) require, in consultation and cooperation with the commissioner of education, that every individual applying for a certificate, license or registration issued pursuant to article sixty-one of the education law, be provided space so that such applicant may register in the "donate life registry" for organ, eye and tissue donations under section forty-three hundred ten of this chapter with the following stated in clear

1 conspicuous type: "Would you like to be added to the Donate Life Regis-  
2 try? Check box for 'yes' or 'skip this question'". The commissioner  
3 shall not maintain records of any person who checks "skip this ques-  
4 tion". Except where the application is made in person or electronically,  
5 failure to check a box shall not impair the validity of an application,  
6 and failure to check "yes" or checking "skip this question" shall not be  
7 construed to imply a wish not to donate. In the case of an applicant  
8 under sixteen years of age, checking "yes" shall not constitute consent  
9 to make an anatomical gift or registration in the donate life registry.  
10 Where an applicant has previously consented to make an anatomical gift  
11 or registered in the donate life registry, checking "skip this question"  
12 or failing to check a box shall not impair that consent or registration.

13 (x) require, in consultation and cooperation with the commissioner of  
14 education, that every individual applying to practice a profession  
15 pursuant to title eight of the education law, be provided space so that  
16 such applicant may register in the "donate life registry" for organ, eye  
17 and tissue donations under section forty-three hundred ten of this chap-  
18 ter with the following stated in clear conspicuous type: "Would you like  
19 to be added to the Donate Life Registry? Check box for 'yes' or 'skip  
20 this question'". The commissioner shall not maintain records of any  
21 person who checks "skip this question". Except where the application is  
22 made in person or electronically, failure to check a box shall not  
23 impair the validity of an application, and failure to check "yes" or  
24 checking "skip this question" shall not be construed to imply a wish not  
25 to donate. In the case of an applicant under sixteen years of age,  
26 checking "yes" shall not constitute consent to make an anatomical gift  
27 or registration in the donate life registry. Where an applicant has  
28 previously consented to make an anatomical gift or registered in the  
29 donate life registry, checking "skip this question" or failing to check  
30 a box shall not impair that consent or registration.

31 (y) require, in consultation and cooperation with the department of  
32 taxation and finance, that every individual filing a personal income tax  
33 return be provided space so that such applicant may register in the  
34 "donate life registry" for organ, eye and tissue donations under section  
35 forty-three hundred ten of this chapter with the following stated in  
36 clear conspicuous type: "Would you like to be added to the Donate Life  
37 Registry? Check box for 'yes' or 'skip this question'". The commissioner  
38 shall not maintain records of any person who checks "skip this ques-  
39 tion". Except where the application is made in person or electronically,  
40 failure to check a box shall not impair the validity of an application,  
41 and failure to check "yes" or checking "skip this question" shall not be  
42 construed to imply a wish not to donate. In the case of an applicant  
43 under sixteen years of age, checking "yes" shall not constitute consent  
44 to make an anatomical gift or registration in the donate life registry.  
45 Where an applicant has previously consented to make an anatomical gift  
46 or registered in the donate life registry, checking "skip this question"  
47 or failing to check a box shall not impair that consent or registration.

48 (z) require, in consultation and cooperation with the commissioner of  
49 motor vehicles, that every individual applying for a registration or  
50 renewal thereof of a motor vehicle be provided space so that such appli-  
51 cant may register in the "donate life registry" for organ, eye and  
52 tissue donations under section forty-three hundred ten of this chapter  
53 with the following stated in clear conspicuous type: "Would you like to  
54 be added to the Donate Life Registry? Check box for 'yes' or 'skip this  
55 question'". The commissioner shall not maintain records of any person  
56 who checks "skip this question". Except where the application is made in

1 person or electronically, failure to check a box shall not impair the  
2 validity of an application, and failure to check "yes" or checking "skip  
3 this question" shall not be construed to imply a wish not to donate. In  
4 the case of an applicant under sixteen years of age, checking "yes"  
5 shall not constitute consent to make an anatomical gift or registration  
6 in the donate life registry. Where an applicant has previously consented  
7 to make an anatomical gift or registered in the donate life registry,  
8 checking "skip this question" or failing to check a box shall not impair  
9 that consent or registration.

10 (aa) require, in consultation and cooperation with the state board of  
11 law examiners, that every individual applying for admission to practice  
12 or on a biennial registration form pursuant to section four hundred  
13 sixty-four or four hundred sixty-eight-a of the judiciary law, be  
14 provided space so that such applicant may register in the "donate life  
15 registry" for organ, eye and tissue donations under section forty-three  
16 hundred ten of this chapter with the following stated in clear conspicu-  
17 ous type: "Would you like to be added to the Donate Life Registry? Check  
18 box for 'yes' or 'skip this question'". The commissioner shall not main-  
19 tain records of any person who checks "skip this question". Except where  
20 the application is made in person or electronically, failure to check a  
21 box shall not impair the validity of an application, and failure to  
22 check "yes" or checking "skip this question" shall not be construed to  
23 imply a wish not to donate. In the case of an applicant under sixteen  
24 years of age, checking "yes" shall not constitute consent to make an  
25 anatomical gift or registration in the donate life registry. Where an  
26 applicant has previously consented to make an anatomical gift or regis-  
27 tered in the donate life registry, checking "skip this question" or  
28 failing to check a box shall not impair that consent or registration.

29 (bb) require, in consultation and cooperation with the secretary of  
30 state, that every individual applying to conduct a profession or occupa-  
31 tion which is licensed or registered by the department of state be  
32 provided space so that such applicant may register in the "donate life  
33 registry" for organ, eye and tissue donations under section forty-three  
34 hundred ten of this chapter with the following stated in clear conspicu-  
35 ous type: "Would you like to be added to the Donate Life Registry? Check  
36 box for 'yes' or 'skip this question'". The commissioner shall not main-  
37 tain records of any person who checks "skip this question". Except where  
38 the application is made in person or electronically, failure to check a  
39 box shall not impair the validity of an application, and failure to  
40 check "yes" or checking "skip this question" shall not be construed to  
41 imply a wish not to donate. In the case of an applicant under sixteen  
42 years of age, checking "yes" shall not constitute consent to make an  
43 anatomical gift or registration in the donate life registry. Where an  
44 applicant has previously consented to make an anatomical gift or regis-  
45 tered in the donate life registry, checking "skip this question" or  
46 failing to check a box shall not impair that consent or registration.

47 § 4. Section 3006 of the education law is amended by adding a new  
48 subdivision 4 to read as follows:

49 4. Organ, eye and tissue donation. The commissioner shall provide on  
50 each application for a certificate, license or registration issued  
51 pursuant to this article, and each renewal thereof, space for the appli-  
52 cant to register in the "donate life registry" for organ, eye and tissue  
53 donations established pursuant to section forty-three hundred ten of the  
54 public health law with the following stated on the application in clear  
55 and conspicuous type: "Would you like to be added to the Donate Life  
56 Registry? Check box for 'yes' or 'skip this question'". The regents

1 shall not maintain records of any person who checks "skip this ques-  
2 tion". Failure to check "yes" or checking "skip this question" shall not  
3 be construed to imply a wish not to donate. In the case of an applicant  
4 under sixteen years of age, checking "yes" shall not constitute consent  
5 to make an anatomical gift or registration in the donate life registry.  
6 Provided, that where an applicant has previously consented to make an  
7 anatomical gift or registered in the "donate life registry", failing to  
8 check a box shall not impair such consent or registration.

9 § 5. Section 6501 of the education law is amended by adding a new  
10 subdivision 3 to read as follows:

11 3. The regents shall provide, on each application to practice a  
12 profession pursuant to this title and each application for renewal of a  
13 license, registration or certification to practice such a profession,  
14 space for the applicant to register in the "donate life registry" of  
15 organ, eye and tissue donations established pursuant to section forty-  
16 three hundred ten of the public health law with the following stated on  
17 the application in clear and conspicuous type: "Would you like to be  
18 added to the Donate Life Registry? Check box for 'yes' or 'skip this  
19 question'". The regents shall not maintain records of any person who  
20 checks "skip this question". Failure to check "yes" or checking "skip  
21 this question" shall not be construed to imply a wish not to donate. In  
22 the case of an applicant under sixteen years of age, checking "yes"  
23 shall not constitute consent to make an anatomical gift or registration  
24 in the donate life registry. Provided, that where an applicant has  
25 previously consented to make an anatomical gift or registered in the  
26 "donate life registry", failing to check a box shall not impair such  
27 consent or registration.

28 § 6. Section 651 of the tax law is amended by adding a new subsection  
29 (a-1) to read as follows:

30 (a-1) Organ, eye and tissue donation. The commissioner shall provide  
31 on each return space for the taxpayer or taxpayers to register in the  
32 "donate life registry" for organ, eye and tissue donations established  
33 pursuant to section forty-three hundred ten of the public health law  
34 with the following stated on the application in clear and conspicuous  
35 type: "Would you like to be added to the Donate Life Registry? Check box  
36 for 'yes' or 'skip this question'". The commissioner shall not maintain  
37 records of any person who checks "skip this question". Failure to check  
38 "yes" or checking "skip this question" shall not be construed to imply a  
39 wish not to donate. In the case of an applicant under sixteen years of  
40 age, checking "yes" shall not constitute consent to make an anatomical  
41 gift or registration in the donate life registry. Provided, that where a  
42 taxpayer has previously consented to make an anatomical gift or regis-  
43 tered in the "donate life registry", failing to check a box shall not  
44 impair such consent or registration.

45 § 7. Paragraph b of subdivision 1 of section 401 of the vehicle and  
46 traffic law is amended by adding a new closing paragraph to read as  
47 follows:

48 The commissioner shall provide on each application for registration  
49 and renewal thereof space for the motor vehicle owner to register in the  
50 "donate life registry" for organ, eye and tissue donations established  
51 pursuant to section forty-three hundred ten of the public health law  
52 with the following stated on the application in clear and conspicuous  
53 type: "Would you like to be added to the Donate Life Registry? Check box  
54 for 'yes' or 'skip this question'". The commissioner shall not maintain  
55 records of any person who checks "skip this question". Failure to check  
56 "yes" or checking "skip this question" shall not be construed to imply a



1 wish not to donate. In the case of an applicant under sixteen years of  
2 age, checking "yes" shall not constitute consent to make an anatomical  
3 gift or registration in the donate life registry. Provided, that where a  
4 motor vehicle owner has previously consented to make an anatomical gift  
5 or registered in the "donate life registry", failing to check a box  
6 shall not impair such consent or registration.

7 § 8. Section 464 of the judiciary law is amended by adding a new clos-  
8 ing paragraph to read as follows:

9 The chief administrator of the courts shall provide on each applica-  
10 tion for admission to practice, space for the applicant to register in  
11 the "donate life registry" for organ, eye and tissue donations estab-  
12 lished pursuant to section forty-three hundred ten of the public health  
13 law with the following stated on the application in clear and conspicu-  
14 ous type: "Would you like to be added to the Donate Life Registry? Check  
15 box for 'yes' or 'skip this question'". The chief administrator of the  
16 courts shall not maintain records of any person who checks "skip this  
17 question". Failure to check "yes" or checking "skip this question"  
18 shall not be construed to imply a wish not to donate. In the case of an  
19 applicant under sixteen years of age, checking "yes" shall not consti-  
20 tute consent to make an anatomical gift or registration in the donate  
21 life registry. Provided, that where an applicant has previously  
22 consented to make an anatomical gift or registered in the "donate life  
23 registry", failing to check a box shall not impair such consent or  
24 registration.

25 § 9. Section 468-a of the judiciary law is amended by adding a new  
26 subdivision 4-a to read as follows:

27 4-a. The chief administrator shall provide on each biennial registra-  
28 tion form space for the attorney to register in the "donate life regis-  
29 try" for organ, eye and tissue donations established pursuant to section  
30 forty-three hundred ten of the public health law with the following  
31 stated on the application in clear and conspicuous type: "Would you like  
32 to be added to the Donate Life Registry? Check box for 'yes' or 'skip  
33 this question'". The chief administrator shall not maintain records of  
34 any person who checks "skip this question". Failure to check "yes" or  
35 checking "skip this question" shall not be construed to imply a wish not  
36 to donate. In the case of an applicant under sixteen years of age,  
37 checking "yes" shall not constitute consent to make an anatomical gift  
38 or registration in the donate life registry. Provided, that where an  
39 attorney has previously consented to make an anatomical gift or regis-  
40 tered in the "donate life registry", failing to check a box shall not  
41 impair such consent or registration.

42 § 10. The executive law is amended by adding a new section 91-a to  
43 read as follows:

44 § 91-a. Organ, eye and tissue donation. The secretary shall provide  
45 on each application to conduct a profession or occupation which is  
46 licensed or registered by the department, and each renewal thereof,  
47 space for the applicant to register in the "donate life registry" for  
48 organ, eye and tissue donations established pursuant to section forty-  
49 three hundred ten of the public health law with the following stated on  
50 the application in clear and conspicuous type: "Would you like to be  
51 added to the Donate Life Registry? Check box for 'yes' or 'skip this  
52 question'". The secretary shall not maintain records of any person who  
53 checks "skip this question". Failure to check "yes" or checking "skip  
54 this question" shall not be construed to imply a wish not to donate. In  
55 the case of an applicant under sixteen years of age, checking "yes"  
56 shall not constitute consent to make an anatomical gift or registration

1 in the donate life registry. Provided, that where an applicant has  
2 previously consented to make an anatomical gift or registered in the  
3 "donate life registry", failing to check a box shall not impair such  
4 consent or registration.

5 § 11. This act shall take effect on the first of January next succeed-  
6 ing the date on which it shall have become a law, provided that the  
7 amendments to subdivision 5 of section 4310 of the public health law,  
8 made by section one of this act, shall not affect the expiration and  
9 reversion of such subdivision pursuant to section 6 of chapter 465 of  
10 the laws of 2012, as amended, when upon such date section two of this  
11 act shall take effect; provided further, sections two-a and two-b of  
12 this act shall take effect on the same date as the amendments to subdi-  
13 vision 2 of section 4310 of the public health law, made by chapter 465  
14 of the laws of 2012, as amended, expire and are deemed repealed;  
15 provided, further, that effective immediately, the addition, amendment  
16 and/or repeal of any rule or regulation necessary for the implementation  
17 of this act on its effective date are authorized and directed to be made  
18 and completed on or before such effective date.