

STATE OF NEW YORK

2526--B

2017-2018 Regular Sessions

IN ASSEMBLY

January 20, 2017

Introduced by M. of A. SIMOTAS, DINOWITZ, MAYER, ORTIZ, BUCHWALD, O'DONNELL, QUART, LUPARDO, BRAUNSTEIN, ERRIGO, RAIA, PALMESANO, CRESPO, HEVESI, HUNTER -- 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 -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- 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

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

LBD00150-09-8

1 eight of the education law, (ix) indication made on a personal income
2 tax return, (x) indication made on an application for registration or
3 renewal thereof of a motor vehicle, (xi) indication made on an applica-
4 tion for admission to practice or on a biennial registration form pursu-
5 ant to section four hundred sixty-four or four hundred sixty-eight-a of
6 the judiciary law, (xii) indication made on an application to conduct a
7 profession or occupation which is licensed or registered by the depart-
8 ment of state, or (xiii) through any other method identified by the
9 commissioner. The department shall establish a means by which to regis-
10 ter the consent given by individuals who are sixteen or seventeen years
11 of age in the donate life registry, and shall make registration avail-
12 able by any of the methods provided in subparagraphs (i), (ii), (iii),
13 (iv), (v) ~~and~~, (vi), (vii), (viii), (ix), (x), (xi), (xii) and (xiii)
14 of this paragraph.

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16 public health law are REPEALED and a new paragraph (b) is added to read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

18 (b) Enrollment or amendment or revocation through the donate life
19 registry website through any of the means listed in this subdivision may
20 be signed by electronic signature, in accordance with the provisions of
21 article three of the state technology law, supported by the use of suit-
22 able mechanisms including unique identifiers to provide confidence in
23 the identity of the person providing the electronic signature. The
24 registration shall take effect upon the provision of written or elec-
25 tronic notice of the registration to the individual enrolling in the
26 donate life registry.

27 § 3. Paragraphs (d), (e) and (f) of subdivision 5 of section 4310 of
28 the public health law are relettered paragraphs (c), (d) and (e).

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

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

50 (x) require, in consultation and cooperation with the commissioner of
51 education, that every individual applying to practice a profession
52 pursuant to title eight of the education law, be provided space so that
53 such applicant may register in the "donate life registry" for organ, eye
54 and tissue donations under section forty-three hundred ten of this chap-
55 ter with the following stated in clear conspicuous type: "Would you like
56 to be added to the Donate Life Registry? Check box for 'yes' or 'skip

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

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

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

47 (aa) require, in consultation and cooperation with the state board of
48 law examiners, that every individual applying for admission to practice
49 or on a biennial registration form pursuant to section four hundred
50 sixty-four or four hundred sixty-eight-a of the judiciary law, be
51 provided space so that such applicant may register in the "donate life
52 registry" for organ, eye and tissue donations under section forty-three
53 hundred ten of this chapter with the following stated in clear conspicu-
54 ous type: "Would you like to be added to the Donate Life Registry? Check
55 box for 'yes' or 'skip this question'". The commissioner shall not main-
56 tain records of any person who checks "skip this question". Except where

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

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

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

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

46 § 6. Section 6501 of the education law is amended by adding a new
47 subdivision 3 to read as follows:

48 3. The regents shall provide, on each application to practice a
49 profession pursuant to this title and each application for renewal of a
50 license, registration or certification to practice such a profession,
51 space for the applicant to register in the "donate life registry" of
52 organ, eye and tissue donations established pursuant to section forty-
53 three hundred ten of the public health law with the following stated on
54 the application in clear and conspicuous type: "Would you like to be
55 added to the Donate Life Registry? Check box for 'yes' or 'skip this
56 question'". The regents shall not maintain records of any person who

checks "skip this question". Failure to check "yes" or checking "skip this question" shall not be construed to imply a wish not to donate. In the case of an applicant under sixteen years of age, checking "yes" shall not constitute consent to make an anatomical gift or registration in the donate life registry. Provided, that where an applicant has previously consented to make an anatomical gift or registered in the "donate life registry", failing to check a box shall not impair such consent or registration.

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

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

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

The commissioner shall provide on each application for registration and renewal thereof space for the motor vehicle owner to register in the "donate life registry" for organ, eye and tissue donations established pursuant to section forty-three hundred ten of the public health law with the following stated on the application in clear and conspicuous type: "Would you like to be added to the Donate Life Registry? Check box for 'yes' or 'skip this question'". The commissioner shall not maintain records of any person who checks "skip this question". Failure to check "yes" or checking "skip this question" shall not be construed to imply a wish not to donate. In the case of an applicant under sixteen years of age, checking "yes" shall not constitute consent to make an anatomical gift or registration in the donate life registry. Provided, that where a motor vehicle owner has previously consented to make an anatomical gift or registered in the "donate life registry", failing to check a box shall not impair such consent or registration.

§ 9. Section 464 of the judiciary law is amended by adding a new closing paragraph to read as follows:

The chief administrator of the courts shall provide on each application for admission to practice, space for the applicant to register in the "donate life registry" for organ, eye and tissue donations established pursuant to section forty-three hundred ten of the public health law with the following stated on the application in clear and conspicuous type: "Would you like to be added to the Donate Life Registry? Check box for 'yes' or 'skip this question'". The chief administrator of the courts shall not maintain records of any person who checks "skip this question". Failure to check "yes" or checking "skip this question" shall not be construed to imply a wish not to donate. In the case of an applicant under sixteen years of age, checking "yes" shall not consti-

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

6 § 10. Section 468-a of the judiciary law is amended by adding a new
7 subdivision 4-a to read as follows:

8 4-a. The chief administrator shall provide on each biennial registra-
9 tion form space for the attorney to register in the "donate life regis-
10 try" for organ, eye and tissue donations established pursuant to section
11 forty-three hundred ten of the public health law with the following
12 stated on the application in clear and conspicuous type: "Would you like
13 to be added to the Donate Life Registry? Check box for 'yes' or 'skip
14 this question'". The chief administrator shall not maintain records of
15 any person who checks "skip this question". Failure to check "yes" or
16 checking "skip this question" shall not be construed to imply a wish not
17 to donate. In the case of an applicant under sixteen years of age,
18 checking "yes" shall not constitute consent to make an anatomical gift
19 or registration in the donate life registry. Provided, that where an
20 attorney has previously consented to make an anatomical gift or regis-
21 tered in the "donate life registry", failing to check a box shall not
22 impair such consent or registration.

23 § 11. The executive law is amended by adding a new section 91-a to
24 read as follows:

25 § 91-a. Organ, eye and tissue donation. The secretary shall provide
26 on each application to conduct a profession or occupation which is
27 licensed or registered by the department, and each renewal thereof,
28 space for the applicant to register in the "donate life registry" for
29 organ, eye and tissue donations established pursuant to section forty-
30 three hundred ten of the public health law with the following stated on
31 the application in clear and conspicuous type: "Would you like to be
32 added to the Donate Life Registry? Check box for 'yes' or 'skip this
33 question'". The secretary shall not maintain records of any person who
34 checks "skip this question". Failure to check "yes" or checking "skip
35 this question" shall not be construed to imply a wish not to donate. In
36 the case of an applicant under sixteen years of age, checking "yes"
37 shall not constitute consent to make an anatomical gift or registration
38 in the donate life registry. Provided, that where an applicant has
39 previously consented to make an anatomical gift or registered in the
40 "donate life registry", failing to check a box shall not impair such
41 consent or registration.

42 § 12. This act shall take effect on the first of January next succeed-
43 ing the date on which it shall have become a law; provided, however,
44 that effective immediately, the addition, amendment and/or repeal of any
45 rule or regulation necessary for the implementation of this act on its
46 effective date are authorized and directed to be made and completed on
47 or before such effective date.