STATE OF NEW YORK

8469

2017-2018 Regular Sessions

IN ASSEMBLY

June 16, 2017

Introduced by M. of A. ORTIZ -- read once and referred to the Committee on Higher Education

AN ACT to amend the public health law and the education law, in relation to requiring the president of the New York state higher education services corporation to include space for registering in the "donate life registry" for organ, eye and tissue donations on applications for student aid and loan programs; 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:

Section 1. Paragraph (a) of subdivision 5 of section 4310 of the public health law, as separately amended by chapters 40 and 248 of the laws of 2016, 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) indication made on the application for health care coverage offered through the state health benefit exchange, (v) enrollment through the donate life registry website, (vi) paper enrollment submitted to the donate life registry, [~~or~~] (vii) ***indication made on application for a student aid or loan program awarded pursuant to article fourteen of the education law, or (viii)*** 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) and (viii)*** of this paragraph.

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

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§ 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, [~~or~~] (vi) **indication made on application for a student aid or loan program awarded pursuant to article fourteen of the education law, or (vii)** 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 a new paragraph (w) to read as follows:

(w) require, in consultation and cooperation with the president of the New York state higher education services corporation, that every individual applying for a student aid or loan program awarded pursuant to article fourteen 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 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". Except where the application is made in person or electronically, failure to check a box shall not impair the validity of an application, and 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. Where an applicant has previously consented to make an anatomical gift or registered in the donate life registry, checking "skip this question" or failing to check a box shall not impair that consent or registration.

§ 4. Paragraph a of subdivision 4 of section 655 of the education law, as amended by chapter 202 of the laws of 1996, is amended to read as follows:

a. Application for and the granting and administration of student aid and loan programs, the repayment of loans or the guarantee of loans made by the corporation; and administrative functions in support of state and federal student aid programs. **Provided that the president shall provide on each application for a student aid or loan program awarded pursuant**

to this article, 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 the 'yes' or 'skip this 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.

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