

# STATE OF NEW YORK

474--B

2017-2018 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2017

Introduced by Sen. PERALTA -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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

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

LBD00150-04-7

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

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

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

35 § 2-a. Paragraphs (b) and (c) of subdivision 5 of section 4310 of the  
36 public health law are REPEALED and a new paragraph (b) is added to read  
37 as follows:

38 (b) Enrollment or amendment or revocation through the donate life  
39 registry website through any of the means listed in this subdivision may  
40 be signed by electronic signature, in accordance with the provisions of  
41 article three of the state technology law, supported by the use of suit-  
42 able mechanisms including unique identifiers to provide confidence in  
43 the identity of the person providing the electronic signature. The  
44 registration shall take effect upon the provision of written or elec-  
45 tronic notice of the registration to the individual enrolling in the  
46 donate life registry.

47 § 2-b. Paragraphs (d), (e) and (f) of subdivision 5 of section 4310 of  
48 the public health law are relettered paragraphs (c), (d) and (e).

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

52 (w) require, in consultation and cooperation with the commissioner of  
53 education, that every individual applying for a certificate, license or  
54 registration issued pursuant to article sixty-one of the education law,  
55 be provided space so that such applicant may register in the "donate  
56 life registry" for organ, eye and tissue donations under section forty-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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