

STATE OF NEW YORK

5765

2017-2018 Regular Sessions

IN SENATE

April 28, 2017

Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and
when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to prohibiting valuable consideration for the donation of human organs

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

1 Section 1. The section heading and subdivision 1 of section 4307 of
2 the public health law, as amended by chapter 362 of the laws of 2009,
3 are amended to read as follows:

4 Prohibition of [~~sales and purchases~~] valuable consideration for the
5 donation of human organs. 1. It shall be unlawful for any person to
6 knowingly acquire, receive, or otherwise transfer for valuable consider-
7 ation any human organ (including fetal) for any purpose, including use
8 in human transplantation and scientific research. The term human organ
9 means the human (including fetal) kidney, liver, heart, lung, bone
10 marrow, and any other human organ or any subpart thereof, including
11 tissue [~~as may be designated by the commissioner~~], but shall exclude
12 blood. The term "valuable consideration" does not include the reasonable
13 payments associated with the removal, transportation, implantation,
14 processing, preservation, quality control, and storage of a human organ
15 or the expenses of travel, housing, and lost wages incurred by the donor
16 of a human organ in connection with the donation of the organ.
17 Reimbursement may be provided for reasonable medical expenses incurred
18 by any organ donor who becomes ill as a direct result of the donation.
19 Any person who violates this section shall be guilty of a class E felo-
20 ny.

21 § 2. This act shall take effect immediately.

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

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