

# STATE OF NEW YORK

6963

2017-2018 Regular Sessions

## IN SENATE

December 1, 2017

Introduced by Sens. LARKIN, HANNON -- read twice and ordered printed,  
and when printed to be committed to the Committee on Rules

AN ACT to amend the public health law and the environmental conservation  
law, in relation to allowing donate life registration when applying  
for or renewing a hunting, fishing or trapping license

The People of the State of New York, represented in Senate and Assem-  
bly, 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 the application or renewal form of a hunting, fishing or  
14 trapping license issued pursuant to title seven of article eleven of the  
15 environmental conservation law, or (viii) through any other method iden-  
16 tified by the commissioner. The department shall establish a means by  
17 which to register the consent given by individuals who are sixteen or  
18 seventeen years of age in the donate life registry, and shall make  
19 registration available by any of the methods provided in subparagraphs  
20 (i), (ii), (iii), (iv), (v) [~~and~~], (vi) and (vii) of this paragraph.

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

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

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1 (a) Such organ, eye and tissue registration of consent to make an  
2 anatomical gift can be made through: (i) indication made on the applica-  
3 tion or renewal form of a driver's license, (ii) indication made on a  
4 non-driver identification card application or renewal form, (iii) indi-  
5 cation made on a voter registration form pursuant to subdivision five of  
6 section 5-210 of the election law, (iv) enrollment through the donate  
7 life registry website, (v) paper enrollment submitted to the donate life  
8 registry, ~~[e]~~ (vi) indication made on the application or renewal form  
9 of a hunting, fishing or trapping license issued pursuant to title seven  
10 of article eleven of the environmental conservation law, or (vii)  
11 through any other method identified by the commissioner.

12 § 3. Subdivision 1 of section 206 of the public health law is amended  
13 by adding a new paragraph (w) to read as follows:

14 (w) require, in consultation and cooperation with the commissioner of  
15 the department of environmental conservation, that every individual  
16 applying for or renewing a license for hunting, fishing, or trapping  
17 issued pursuant to title seven of article eleven of the environmental  
18 conservation law, be provided space so that such applicant may register  
19 in the donate life registry for organ, eye and tissue donations pursuant  
20 to section forty-three hundred ten of this chapter with the following  
21 stated in clear conspicuous type:

22 "You must fill out the following section: Would you like to be added  
23 to the Donate Life Registry? Check box for 'yes' or 'skip this ques-  
24 tion'."

25 Except where the application is made in person or electronically,  
26 failure to check a box shall not impair the validity of an application  
27 or renewal, and failure to check "yes" or checking "skip this question"  
28 shall not be construed to imply a wish not to donate. In the case of an  
29 applicant under sixteen years of age, checking "yes" shall not consti-  
30 tute consent to make an anatomical gift or registration in the donate  
31 life registry. Where an applicant has previously consented to make an  
32 anatomical gift or is registered in the donate life registry, checking  
33 "skip this question" or failing to check a box shall not impair that  
34 consent or registration.

35 § 4. Section 11-0713 of the environmental conservation law is amended  
36 by adding a new subdivision 7 to read as follows:

37 7. The commissioner shall provide, on each form for purchase or  
38 renewal of a license pursuant to this title, space for the applicant to  
39 register in the donate life registry for organ, eye and tissue donations  
40 established pursuant to section forty-three hundred ten of the public  
41 health law with the following stated on the application in clear and  
42 conspicuous type:

43 "You must fill out the following section: Would you like to be added  
44 to the Donate Life Registry? Check box for 'yes' or 'skip this ques-  
45 tion'."

46 Failure to check a box shall not be construed to imply a wish not to  
47 donate. In the case of an applicant under sixteen years of age, checking  
48 "yes" shall not constitute consent to make an anatomical gift or regis-  
49 tration in the donate life registry. Where an applicant has previously  
50 consented to make an anatomical gift or is registered in the donate life  
51 registry, checking "skip this question" or failing to check a box shall  
52 not impair that consent or registration.

53 § 5. This act shall take effect immediately, provided, however, that  
54 the amendments to subdivision 5 of section 4310 of the public health law  
55 made by section one of this act shall be subject to the expiration and  
56 reversion of such subdivision pursuant to chapter 465 of the laws of

1 2012, as amended, when upon such date the provisions of section two of  
2 this act shall take effect.