

# STATE OF NEW YORK

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8116

2017-2018 Regular Sessions

## IN ASSEMBLY

May 30, 2017

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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 registration in the donate life registry

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

1 Section 1. Subdivision 2, paragraph (a) of subdivision 5 and subdivi-  
2 sion 9 of section 4310 of the public health law, subdivision 2 as  
3 amended and subdivision 9 as added by section 27 of part A of chapter 60  
4 of the laws of 2014 and paragraph (a) of subdivision 5 as separately  
5 amended by chapters 40 and 248 of the laws of 2016, are amended to read  
6 as follows:

7 2. The commissioner may enter into a multi-year contract for the oper-  
8 ation and promotion of the donate life registry subject to such terms  
9 and conditions as may be contained within such contract with a not-for-  
10 profit organization that has experience working with organ, eye and  
11 tissue procurement organizations, has expertise in conducting organ, eye  
12 and tissue donor promotional campaigns, and is affiliated with the  
13 organ, eye and tissue donation community throughout the state. The  
14 contractor may subcontract as needed for the effective performance of  
15 the contract. All such subcontractors and the terms of such subcontracts  
16 shall be subject to approval by the commissioner. Any applicable state  
17 agency, including, but not limited to, the department, the department of  
18 motor vehicles, the state university of New York, and the city universi-  
19 ty of New York boards of trustees, and the board of elections, and  
20 libraries within the state, shall cooperate in the collection and trans-  
21 fer of registrant data to the donate life registry.

22 (a) Such organ, eye and tissue registration of consent to make an  
23 anatomical gift can be made through: (i) indication made on the applica-  
24 tion or renewal form of a driver's license, (ii) indication made on a  
25 non-driver identification card application or renewal form, (iii) indi-

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

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1 cation made on a voter registration form pursuant to subdivision five of  
2 section 5-210 of the election law, (iv) indication made on the applica-  
3 tion for health care coverage offered through the state health benefit  
4 exchange, (v) enrollment through the donate life registry website, (vi)  
5 paper enrollment submitted to the donate life registry, [~~or~~] (vii) indi-  
6 cation made on the common application used for admittance to attend a  
7 city or state university of New York college pursuant to subdivision  
8 twenty of section three hundred fifty-five or subdivision twenty of  
9 section sixty-two hundred six of the education law; (viii) indication  
10 made on the application for a library card pursuant to section two  
11 hundred sixty-two-a of the education law, or (ix) through any other  
12 method identified by the commissioner. The department shall establish a  
13 means by which to register the consent given by individuals who are  
14 sixteen or seventeen years of age in the donate life registry, and shall  
15 make registration available by any of the methods provided in subpara-  
16 graphs (i), (ii), (iii), (iv), (v) [~~and~~], (vi), (vii) and (viii) of this  
17 paragraph.

18 9. An interagency work group, composed of the commissioner, the  
19 commissioner of the department of motor vehicles, a chair of the board  
20 of elections, a trustee of the state university of New York, a represen-  
21 tative of libraries in the state of New York, or their designees, and  
22 such other individuals as may be designated by the commissioner, shall  
23 be established to meet with the contractor annually and as needed to  
24 review the status of the donate life registry, to examine the steps that  
25 might be taken by state agencies to enhance its performance and to make  
26 recommendations to the contractor.

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

30 (a) Such organ, eye and tissue registration of consent to make an  
31 anatomical gift can be made through: (i) indication made on the applica-  
32 tion or renewal form of a driver's license, (ii) indication made on a  
33 non-driver identification card application or renewal form, (iii) indi-  
34 cation made on a voter registration form pursuant to subdivision five of  
35 section 5-210 of the election law, (iv) indication made on the applica-  
36 tion for health care coverage offered through the state health benefit  
37 exchange, (v) enrollment through the donate life registry website, [~~(v)~~]  
38 (vi) paper enrollment submitted to the donate life registry, [~~or~~ ~~(vi)~~]  
39 (vii) indication made on the common application used for admittance to  
40 attend a city or state university of New York college pursuant to subdi-  
41 vision twenty of section three hundred fifty-five or subdivision twenty  
42 of section sixty-two hundred six of the education law, (viii) indication  
43 made on the application for a library card pursuant to section two  
44 hundred sixty-two-a of the education law, or (ix) through any other  
45 method identified by the commissioner.

46 § 3. Section 355 of the education law is amended by adding a new  
47 subdivision 20 to read as follows:

48 20. a. The state university board of trustees shall ensure that the  
49 common application used for admittance to attend a state university of  
50 New York college includes the question, "would you like to be added to  
51 the donate life registry?" or "skip the question", which must be  
52 answered in order to submit such application.

53 b. The trustees shall not maintain records of any person who checks  
54 "skip this question". Except where the application is made in person or  
55 electronically, failure to check a box shall not impair the validity of  
56 an application, and failure to check "yes" or checking "skip this ques-

tion" shall not be construed to imply a wish not to donate. In the case of an applicant under eighteen years of age, checking "yes" shall not constitute consent to make an anatomical gift or registration in the donate life registry, except as otherwise provided pursuant to the provisions of paragraph (b) of subdivision one of section forty-three hundred one of the public health law.

c. Where an applicant has previously consented to make an anatomical gift or register in the donate life registry, checking "skip this question" or failing to check a box shall not impair that consent or registration.

§ 4. Section 6206 of the education law is amended by adding a new subdivision 20 to read as follows:

20. a. The city university board of trustees shall ensure that the common application used for admittance to attend a city university of New York college includes the question, "would you like to be added to the donate life registry?" or "skip the question", which must be answered in order to submit such application.

b. The regents 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 eighteen years of age, checking "yes" shall not constitute consent to make an anatomical gift or registration in the donate life registry, except as otherwise provided pursuant to the provisions of paragraph (b) of subdivision one of section forty-three hundred one of the public health law.

c. Where an applicant has previously consented to make an anatomical gift or register in the donate life registry, checking "skip this question" or failing to check a box shall not impair that consent or registration.

§ 5. The education law is amended by adding a new section 262-a to read as follows:

§ 262-a. Application for library card; registration in the donate life registry. 1. Where required by law for application forms described in subparagraph (viii) of paragraph (a) of subdivision five of section forty-three hundred ten of the public health law, every library, other than a school library, shall ensure that space is provided on the application for a library card so that the applicant shall register or decline registration in the donate life registry for organ, eye and tissue donations under section forty-three hundred ten of the public health law and that the following is stated on the application in clear and conspicuous type:

"You must fill out the following section: Would you like to be added to the Donate Life Registry? Check box for 'yes' or 'skip the question'."

2. The department 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, except as otherwise provided pursuant to the provisions of paragraph (b) of subdivision one of section forty-three hundred one of the public health law.

1 3. Where an applicant has previously consented to make an anatomical  
2 gift or register in the donate life registry, checking "skip the ques-  
3 tion" or failing to check a box shall not impair that consent or regis-  
4 tration.

5 4. The commissioner, in collaboration with the commissioner of health  
6 shall develop instructional tools and materials for libraries to assist  
7 in the education of organ donation and enrollment in the New York State  
8 Donate Life Registry. Materials and instructional tools to advance and  
9 promote education awareness on organ donation shall be made available to  
10 libraries upon request at no charge.

11 5. The commissioner shall promulgate regulations pursuant to which the  
12 department may provide financial assistance to libraries for updating  
13 library card applications upon showing that costs associated with updat-  
14 ing application forms in compliance with this section would impose a  
15 financial hardship.

16 § 6. This act shall take effect immediately, provided that the amend-  
17 ments to paragraph (a) of subdivision 5 of section 4310 of the public  
18 health law made by section one of this act shall be subject to the expi-  
19 ration and reversion of such subdivision pursuant to section 6 of chap-  
20 ter 465 of the laws of 2012, as amended, when upon such date the  
21 provisions of section two of this act shall take effect.