

# STATE OF NEW YORK

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## IN SENATE

(Prefiled)

January 4, 2017

Introduced by Sens. PERALTA, AVELLA -- 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 -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- 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-

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

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

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17 public health law are REPEALED and a new paragraph (b) is added to read  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

19 (b) Enrollment or amendment or revocation through the donate life  
20 registry website through any of the means listed in this subdivision may  
21 be signed by electronic signature, in accordance with the provisions of  
22 article three of the state technology law, supported by the use of suit-  
23 able mechanisms including unique identifiers to provide confidence in  
24 the identity of the person providing the electronic signature. The  
25 registration shall take effect upon the provision of written or elec-  
26 tronic notice of the registration to the individual enrolling in the  
27 donate life registry.

28 § 3. Paragraphs (d), (e) and (f) of subdivision 5 of section 4310 of  
29 the public health law are relettered paragraphs (c), (d) and (e).

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

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

51 (x) require, in consultation and cooperation with the commissioner of  
52 education, that every individual applying to practice a profession  
53 pursuant to title eight of the education law, be provided space so that  
54 such applicant may register in the "donate life registry" for organ, eye  
55 and tissue donations under section forty-three hundred ten of this chap-  
56 ter with the following stated in clear conspicuous type: "Would you like

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

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

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

48 (aa) require, in consultation and cooperation with the state board of  
49 law examiners, that every individual applying for admission to practice  
50 or on a biennial registration form pursuant to section four hundred  
51 sixty-four or four hundred sixty-eight-a of the judiciary law, be  
52 provided space so that such applicant may register in the "donate life  
53 registry" for organ, eye and tissue donations under section forty-three  
54 hundred ten of this chapter with the following stated in clear conspicu-  
55 ous type: "Would you like to be added to the Donate Life Registry? Check  
56 box for 'yes' or 'skip this question'". The commissioner shall not main-

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

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

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

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

47 § 6. Section 6501 of the education law is amended by adding a new  
48 subdivision 3 to read as follows:

49 3. The regents shall provide, on each application to practice a  
50 profession pursuant to this title and each application for renewal of a  
51 license, registration or certification to practice such a profession,  
52 space for the applicant to register in the "donate life registry" of  
53 organ, eye and tissue donations established pursuant to section forty-  
54 three hundred ten of the public health law with the following stated on  
55 the application in clear and conspicuous type: "Would you like to be  
56 added to the Donate Life Registry? Check box for 'yes' or 'skip this

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

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

12 (a-1) Organ, eye and tissue donation. The commissioner shall provide  
13 on each return space for the taxpayer or taxpayers to register in the  
14 "donate life registry" for organ, eye and tissue donations established  
15 pursuant to section forty-three hundred ten of the public health law  
16 with the following stated on the application in clear and conspicuous  
17 type: "Would you like to be added to the Donate Life Registry? Check box  
18 for 'yes' or 'skip this question'". The commissioner shall not maintain  
19 records of any person who checks "skip this question". Failure to check  
20 "yes" or checking "skip this question" shall not be construed to imply a  
21 wish not to donate. In the case of an applicant under sixteen years of  
22 age, checking "yes" shall not constitute consent to make an anatomical  
23 gift or registration in the donate life registry. Provided, that where a  
24 taxpayer has previously consented to make an anatomical gift or regis-  
25 tered in the "donate life registry", failing to check a box shall not  
26 impair such consent or registration.

27 § 8. Paragraph b of subdivision 1 of section 401 of the vehicle and  
28 traffic law is amended by adding a new closing paragraph to read as  
29 follows:

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

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

47 The chief administrator of the courts shall provide on each applica-  
48 tion for admission to practice, space for the applicant to register in  
49 the "donate life registry" for organ, eye and tissue donations estab-  
50 lished pursuant to section forty-three hundred ten of the public health  
51 law with the following stated on the application in clear and conspicu-  
52 ous type: "Would you like to be added to the Donate Life Registry? Check  
53 box for 'yes' or 'skip this question'". The chief administrator of the  
54 courts shall not maintain records of any person who checks "skip this  
55 question". Failure to check "yes" or checking "skip this question"  
56 shall not be construed to imply a wish not to donate. In the case of an

1 applicant under sixteen years of age, checking "yes" shall not consti-  
2 tute consent to make an anatomical gift or registration in the donate  
3 life registry. Provided, that where an applicant has previously  
4 consented to make an anatomical gift or registered in the "donate life  
5 registry", failing to check a box shall not impair such consent or  
6 registration.

7 § 10. Section 468-a of the judiciary law is amended by adding a new  
8 subdivision 4-a to read as follows:

9 4-a. The chief administrator shall provide on each biennial registra-  
10 tion form space for the attorney to register in the "donate life regis-  
11 try" for organ, eye and tissue donations established pursuant to section  
12 forty-three hundred ten of the public health law with the following  
13 stated on the application in clear and conspicuous type: "Would you like  
14 to be added to the Donate Life Registry? Check box for 'yes' or 'skip  
15 this question'". The chief administrator shall not maintain records of  
16 any person who checks "skip this question". Failure to check "yes" or  
17 checking "skip this question" shall not be construed to imply a wish not  
18 to donate. In the case of an applicant under sixteen years of age,  
19 checking "yes" shall not constitute consent to make an anatomical gift  
20 or registration in the donate life registry. Provided, that where an  
21 attorney has previously consented to make an anatomical gift or regis-  
22 tered in the "donate life registry", failing to check a box shall not  
23 impair such consent or registration.

24 § 11. The executive law is amended by adding a new section 91-a to  
25 read as follows:

26 § 91-a. Organ, eye and tissue donation. The secretary shall provide  
27 on each application to conduct a profession or occupation which is  
28 licensed or registered by the department, and each renewal thereof,  
29 space for the applicant to register in the "donate life registry" for  
30 organ, eye and tissue donations established pursuant to section forty-  
31 three hundred ten of the public health law with the following stated on  
32 the application in clear and conspicuous type: "Would you like to be  
33 added to the Donate Life Registry? Check box for 'yes' or 'skip this  
34 question'". The secretary shall not maintain records of any person who  
35 checks "skip this question". Failure to check "yes" or checking "skip  
36 this question" shall not be construed to imply a wish not to donate. In  
37 the case of an applicant under sixteen years of age, checking "yes"  
38 shall not constitute consent to make an anatomical gift or registration  
39 in the donate life registry. Provided, that where an applicant has  
40 previously consented to make an anatomical gift or registered in the  
41 "donate life registry", failing to check a box shall not impair such  
42 consent or registration.

43 § 12. This act shall take effect on the first of January next succeed-  
44 ing the date on which it shall have become a law; provided, however,  
45 that effective immediately, the addition, amendment and/or repeal of any  
46 rule or regulation necessary for the implementation of this act on its  
47 effective date are authorized and directed to be made and completed on  
48 or before such effective date.