

# STATE OF NEW YORK

5283--A

2017-2018 Regular Sessions

## IN SENATE

March 20, 2017

Introduced by Sens. JACOBS, AVELLA, BRESLIN, GOLDEN, KENNEDY, LATIMER, RANZENHOFER, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law and the public health 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. The education law is amended by adding a new section 209-b  
2 to read as follows:

3 § 209-b. Initial registration; registration in the donate life regis-  
4 try. The regents shall provide a space on each student's initial regis-  
5 tration form so that the student may register in the New York state  
6 donate life registry under section forty-three hundred ten of the public  
7 health law with the following stated on the application in clear and  
8 conspicuous type:

9 "Would you like to be added to the Donate Life Registry? Check box for  
10 'yes' or 'skip this question'."

11 The regents shall not maintain records of any person who checks "skip  
12 this question". Except where the application is made in person or elec-  
13 tronically, failure to check "yes" or checking "skip this question"  
14 shall not be construed to imply a wish not to donate. In the case of an  
15 applicant under sixteen years of age, checking "yes" shall not consti-  
16 tute consent to make an anatomical gift or registration in the donate  
17 life registry. Where an applicant has previously consented to make an  
18 anatomical gift or register in the donate life registry, checking "skip  
19 this question" or failing to check a box shall not impair that consent  
20 or registration.

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

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

LBD10656-03-7

1     § 262-a. Application for library card; registration in the donate life  
2 registry. Every library, other than a school library, shall provide a  
3 space on the application for a library card so that the applicant may  
4 register in the New York state donate life registry under section  
5 forty-three hundred ten of the public health law with the following  
6 stated on the application in clear and conspicuous type:

7     "Would you like to be added to the Donate Life Registry? Check box for  
8 'yes' or 'skip this question'."

9     The department shall not maintain records of any person who checks  
10 "skip this question". Except where the application is made in person or  
11 electronically, failure to check "yes" or checking "skip this question"  
12 shall not be construed to imply a wish not to donate. In the case of an  
13 applicant under sixteen years of age, checking "yes" shall not consti-  
14 tute consent to make an anatomical gift or registration in the donate  
15 life registry. Where an applicant has previously consented to make an  
16 anatomical gift or register in the donate life registry, checking "skip  
17 this question" or failing to check a box shall not impair that consent  
18 or registration.

19     § 3. Subdivision 1 of section 206 of the public health law is amended  
20 by adding two new paragraphs (w) and (x) to read as follows:

21     (w) require, in consultation and cooperation with the board of regents  
22 of The University of the State of New York, that every individual regis-  
23 tering at a SUNY or CUNY school pursuant to section two hundred nine-b  
24 of the education law, be provided space so that such applicant may  
25 register in the "donate life registry" for organ, eye and tissue  
26 donations under section forty-three hundred ten of this chapter with the  
27 following stated in clear and conspicuous type:

28     "Would you like to be added to the Donate Life Registry? Check box for  
29 'yes' or 'skip this question'."

30     The commissioner shall not maintain records of any person who checks  
31 "skip this question". Except where the application is made in person or  
32 electronically, failure to check "yes" or checking "skip this question"  
33 shall not be construed to imply a wish not to donate. In the case of an  
34 applicant under sixteen years of age, checking "yes" shall not consti-  
35 tute consent to make an anatomical gift or registration in the donate  
36 life registry. Where an applicant has previously consented to make an  
37 anatomical gift or register in the donate life registry, checking "skip  
38 this question" or failing to check a box shall not impair that consent  
39 or registration.

40     (x) require, in consultation and cooperation with the department of  
41 health, that every individual applying for a library card at a public  
42 library pursuant to section two hundred sixty-two-a of the education  
43 law, be provided space so that such applicant may register in the  
44 "donate life registry" for organ, eye and tissue donations under section  
45 forty-three hundred ten of this chapter with the following stated in  
46 clear and conspicuous type:

47     "Would you like to be added to the Donate Life Registry? Check box for  
48 'yes' or 'skip this question'."

49     The commissioner shall not maintain records of any person who checks  
50 "skip this question". Except where the application is made in person or  
51 electronically, failure to check "yes" or checking "skip this question"  
52 shall not be construed to imply a wish not to donate. In the case of an  
53 applicant under sixteen years of age, checking "yes" shall not consti-  
54 tute consent to make an anatomical gift or registration in the donate  
55 life registry. Where an applicant has previously consented to make an  
56 anatomical gift or register in the donate life registry, checking "skip

1 this question" or failing to check a box shall not impair that consent  
2 or registration.

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

8 (a) Such organ, eye and tissue registration of consent to make an  
9 anatomical gift can be made through: (i) indication made on the applica-  
10 tion or renewal form of a driver's license, (ii) indication made on a  
11 non-driver identification card application or renewal form, (iii) indi-  
12 cation made on a voter registration form pursuant to subdivision five of  
13 section 5-210 of the election law, (iv) indication made on the applica-  
14 tion for health care coverage offered through the state health benefit  
15 exchange, (v) enrollment through the donate life registry website, (vi)  
16 paper enrollment submitted to the donate life registry, ~~[(v)]~~ (vii) indi-  
17 cation made on the initial registration for a SUNY or CUNY school pursu-  
18 ant to section two hundred nine-b of the education law; (viii) indi-  
19 cation made on the application for a library card pursuant to section  
20 two hundred sixty-two-a the education law, or (ix) through any other  
21 method identified by the commissioner. The department shall establish a  
22 means by which to register the consent given by individuals who are  
23 sixteen or seventeen years of age in the donate life registry, and shall  
24 make registration available by any of the methods provided in subpara-  
25 graphs (i), (ii), (iii), (iv), (v) ~~[and]~~, (vi), (vii), and (viii) of  
26 this paragraph.

27 9. An interagency work group, composed of the commissioner, the  
28 commissioner of the department of motor vehicles, a chair of the board  
29 of elections, a regent of The State University of New York, or their  
30 designees, and such other individuals as may be designated by the  
31 commissioner, shall be established to meet with the contractor annually  
32 and as needed to review the status of the donate life registry, to exam-  
33 ine the steps that might be taken by state agencies to enhance its  
34 performance and to make recommendations to the contractor.

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

38 (a) Such organ, eye and tissue registration of consent to make an  
39 anatomical gift can be made through: (i) indication made on the applica-  
40 tion or renewal form of a driver's license, (ii) indication made on a  
41 non-driver identification card application or renewal form, (iii) indi-  
42 cation made on a voter registration form pursuant to subdivision five of  
43 section 5-210 of the election law, (iv) enrollment through the donate  
44 life registry website, (v) paper enrollment submitted to the donate life  
45 registry, ~~[(v)]~~ (vi) indication made on the initial registration for a  
46 SUNY or CUNY school pursuant to section two hundred nine-b of the educa-  
47 tion law, (vii) indication made on the application for a library card  
48 pursuant to section two hundred sixty-two-a of the education law, or  
49 (viii) through any other method identified by the commissioner.

50 § 6. This act shall take effect immediately, provided that the amend-  
51 ments to paragraph (a) of subdivision 5 of section 4310 of the public  
52 health law made by section four of this act shall be subject to the  
53 expiration and reversion of such subdivision pursuant to section 6 of  
54 chapter 465 of the laws of 2012, as amended, when upon such date the  
55 provisions of section five of this act shall take effect.