

# STATE OF NEW YORK

5283--B

2017-2018 Regular Sessions

## IN SENATE

March 20, 2017

Introduced by Sens. JACOBS, AVELLA, BRESLIN, CROCI, GALLIVAN, GOLDEN, HELMING, HOYLMAN, KENNEDY, LATIMER, RANZENHOFER, SAVINO, SERRANO, 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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 by section 27 of part A of chapter 60 of the laws of 2014, para-  
4 graph (a) of subdivision 5 as separately amended by chapters 40 and 248  
5 of the laws of 2016 and subdivision 9 as added by section 27 of part A  
6 of chapter 60 of the laws of 2014, are amended to read 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

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

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1 libraries within the state, shall cooperate in the collection and trans-  
2 fer of registrant data to the donate life registry.

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

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

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

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

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

54 20. a. The state university board of trustees shall ensure that the  
55 common application used for admittance to attend a state university of  
56 New York college includes the question, "would you like to be added to

1 the donate life registry?" or "skip the question", which must be  
2 answered in order to submit such application.

3 b. The regents shall not maintain records of any person who checks  
4 "skip this question". Except where the application is made in person or  
5 electronically, failure to check a box shall not impair the validity of  
6 an application, and failure to check "yes" or checking "skip this ques-  
7 tion" shall not be construed to imply a wish not to donate. In the case  
8 of an applicant under eighteen years of age, checking "yes" shall not  
9 constitute consent to make an anatomical gift or registration in the  
10 donate life registry, except as otherwise provided pursuant to the  
11 provisions of paragraph (b) of subdivision one of section forty-three  
12 hundred one of the public health law.

13 c. Where an applicant has previously consented to make an anatomical  
14 gift or register in the donate life registry, checking "skip this ques-  
15 tion" or failing to check a box shall not impair that consent or regis-  
16 tration.

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

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

24 b. The regents shall not maintain records of any person who checks  
25 "skip this question". Except where the application is made in person or  
26 electronically, failure to check a box shall not impair the validity of  
27 an application, and failure to check "yes" or checking "skip this ques-  
28 tion" shall not be construed to imply a wish not to donate. In the case  
29 of an applicant under eighteen years of age, checking "yes" shall not  
30 constitute consent to make an anatomical gift or registration in the  
31 donate life registry, except as otherwise provided pursuant to the  
32 provisions of paragraph (b) of subdivision one of section forty-three  
33 hundred one of the public health law.

34 c. Where an applicant has previously consented to make an anatomical  
35 gift or register in the donate life registry, checking "skip this ques-  
36 tion" or failing to check a box shall not impair that consent or regis-  
37 tration.

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

40 § 262-a. Application for library card; registration in the donate life  
41 registry. 1. Where required by law for application forms described in  
42 subparagraph (viii) of paragraph (a) of subdivision five of section  
43 forty-three hundred ten of the public health law, every library, other  
44 than a school library, shall ensure that space is provided on the appli-  
45 cation for a library card so that the applicant shall register or  
46 decline registration in the donate life registry for organ, eye and  
47 tissue donations under section forty-three hundred ten of the public  
48 health law and that the following is stated on the application in clear  
49 and conspicuous type:

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

53 2. The department 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-

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

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

11 4. The commissioner, in collaboration with the commissioner of health  
12 shall develop instructional tools and materials for libraries to assist  
13 in the education of organ donation and enrollment in the New York State  
14 Donate Life Registry. Materials and instructional tools to advance and  
15 promote education awareness on organ donation shall be made available to  
16 libraries upon request at no charge.

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

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