

# STATE OF NEW YORK

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2017-2018 Regular Sessions

## IN SENATE

March 20, 2017

Introduced by Sens. JACOBS, AVELLA, BOYLE, BRESLIN, CROCI, DeFRANCISCO, FLANAGAN, 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 -- committee discharged and said bill committed to the Committee on Rules -- ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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

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

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1 shall be subject to approval by the commissioner. Any applicable state  
2 agency, including, but not limited to, the department, the department of  
3 motor vehicles, the state university of New York, and the city universi-  
4 ty of New York boards of trustees, and the board of elections, and  
5 libraries within the state, shall cooperate in the collection and trans-  
6 fer of registrant data to the donate life registry.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 4. The commissioner, in collaboration with the commissioner of health  
19 shall develop instructional tools and materials for libraries to assist  
20 in the education of organ donation and enrollment in the New York State  
21 Donate Life Registry. Materials and instructional tools to advance and  
22 promote education awareness on organ donation shall be made available to  
23 libraries upon request at no charge.

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

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