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:

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

2. The commissioner may enter into a multi-year contract for the operation and promotion of the donate life registry subject to such terms and conditions as may be contained within such contract with a not-for-profit organization that has experience working with organ, eye and tissue procurement organizations, has expertise in conducting organ, eye and tissue donor promotional campaigns, and is affiliated with the organ, eye and tissue donation community throughout the state. The contractor may subcontract as needed for the effective performance of 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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shall be subject to approval by the commissioner. Any applicable state agency, including, but not limited to, the department, the department of motor vehicles**, the state university of New York, and the city university of New York boards of trustees,** and the board of elections, **and libraries within the state,** shall cooperate in the collection and transfer of registrant data to the donate life registry.

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

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

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

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

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

20. a. The state university board of trustees shall ensure that the common application used for admittance to attend a state 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 trustees 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.

§ 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.

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

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

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

§ 6. This act shall take effect immediately, provided that the amendments to paragraph (a) of subdivision 5 of section 4310 of the public health law made by section one of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 6 of chapter 465 of the laws of 2012, as amended, when upon such date the provisions of section two of this act shall take effect.