

STATE OF NEW YORK

5697--A

Cal. No. 1000

2017-2018 Regular Sessions

IN SENATE

April 26, 2017

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the general business law, in relation to requiring certain disclosures by sperm and ovum storage facilities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The general business law is amended by adding a new section
2 391-u to read as follows:

3 § 391-u. Disclosure statement by sperm or ovum storage facility. (a)
4 The commissioner of health shall make available a disclosure statement
5 for medical facilities, or other facilities engaged in the business of
6 the storage of sperm or ovum to provide to clients of such facilities
7 notification of the provisions of any existing state or federal laws on
8 the storage of sperm or ovum including any statutes of limitations
9 relating to the inheritance rights of a child posthumously conceived
10 from the utilization of sperm or ovum stored with such facility. The
11 commissioner shall update such disclosure statement whenever he or she
12 deems necessary to reflect any significant changes in the law.

13 (b) Prior to engaging in any contractual agreement with a client for
14 storage of sperm or ovum, each medical facility, or other facility,
15 engaged in the business of providing such storage shall provide to the
16 client a copy of the disclosure statement made available by the commis-
17 sioner of health pursuant to subdivision (a) of this section. For ten
18 years after entering such contractual agreement, such facility shall
19 keep the address or email address of each client and shall send to such
20 address or email address any updated disclosure made available by the
21 commissioner pursuant to this subdivision.

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

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1 (c) Upon the expiration of the ten year notice period provided pursu-
2 ant to subdivision (b) of this section, the facility shall send a notice
3 to the client that the facility is no longer required to send updated
4 disclosure statements to the client and that the client may wish to
5 follow any changes to the laws in the future on his or her own.

6 § 2. This act shall take effect on the one hundred eightieth day after
7 it shall have become a law; provided that, effective immediately, the
8 addition, amendment, and/or repeal of any rules and regulations neces-
9 sary to implement the provisions of this act on its effective date are
10 authorized and directed to be completed on or before such effective
11 date.