STATE OF NEW YORK

6963

2017-2018 Regular Sessions

IN SENATE

December 1, 2017

Introduced by Sens. LARKIN, HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public health law and the environmental conservation law, in relation to allowing donate life registration when applying for or renewing a hunting, fishing or trapping license

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

Section 1. Paragraph (a) of subdivision 5 of section 4310 of the public health law, as separately amended by chapters 40 and 248 of the laws of 2016, 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, (vi) paper enrollment submitted to the donate life registry, [~~or~~] (vii) ***indication made on the application or renewal form of a hunting, fishing or trapping license issued pursuant to title seven of article eleven of the environmental conservation law, or (viii)*** 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) ***and (vii)*** of this paragraph.

§ 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:

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

LBD13306-02-7

(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) enrollment through the donate life registry website, (v) paper enrollment submitted to the donate life registry, [~~or~~] (vi) **indication made on the application or renewal form of a hunting, fishing or trapping license issued pursuant to title seven of article eleven of the environmental conservation law, or (vii)** through any other method identified by the commissioner.

§ 3. Subdivision 1 of section 206 of the public health law is amended by adding a new paragraph (w) to read as follows:

(w) require, in consultation and cooperation with the commissioner of the department of environmental conservation, that every individual applying for or renewing a license for hunting, fishing, or trapping issued pursuant to title seven of article eleven of the environmental conservation law, be provided space so that such applicant may register in the donate life registry for organ, eye and tissue donations pursuant to section forty-three hundred ten of this chapter with the following stated in clear 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 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 or renewal, 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. Where an applicant has previously consented to make an anatomical gift or is registered in the donate life registry, checking "skip this question" or failing to check a box shall not impair that consent or registration.

§ 4. Section 11-0713 of the environmental conservation law is amended by adding a new subdivision 7 to read as follows:

7. The commissioner shall provide, on each form for purchase or renewal of a license pursuant to this title, space for the applicant to register in the donate life registry for organ, eye and tissue donations established pursuant to section forty-three hundred ten of the public health law with the following 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 this question'."

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

§ 5. This act shall take effect immediately, provided, however, that the amendments to 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 chapter 465 of the laws of

2012, as amended, when upon such date the provisions of section two of this act shall take effect.