

STATE OF NEW YORK

8509

IN SENATE

May 9, 2018

Introduced by Sen. PERALTA -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the civil service law, the labor law, the public health law, the education law, the tax law, the vehicle and traffic law, the judiciary law and the executive law, in relation to requiring certain state forms and applications to include space for registering in the "donate life registry" for organ, eye and tissue donations; and to repeal certain provisions of the public health law relating thereto

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

1 Section 1. The civil service law is amended by adding a new section
2 50-d to read as follows:

3 § 50-d. Organ, eye and tissue donation. The civil service department
4 and municipal commissions shall provide on each application provided
5 pursuant to section fifty of this title space for the applicant to
6 register in the "donate life registry" for organ, eye and tissue
7 donations established pursuant to section forty-three hundred ten of the
8 public health law with the following stated on the application in clear
9 and conspicuous type: "Would you like to be added to the Donate Life
10 Registry? Check box for 'yes' or 'skip this question'". Neither the
11 civil service department nor municipal commissions shall maintain
12 records of any person who checks "skip this question". Failure to check
13 "yes" or checking "skip this question" shall not be construed to imply a
14 wish not to donate. In the case of an applicant under sixteen years of
15 age, checking "yes" shall not constitute consent to make an anatomical
16 gift or registration in the donate life registry. Provided, that where
17 an applicant has previously consented to make an anatomical gift or
18 registered in the "donate life registry", failing to check a box shall
19 not impair such consent or registration.

20 § 2. The labor law is amended by adding a new section 596-a to read as
21 follows:

22 § 596-a. Organ, eye and tissue donation. The commissioner shall
23 provide on each claim for benefits made pursuant to section five hundred
24 ninety-six of this title space for the claimant to register in the

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

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"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: "Would you like to be added to the Donate Life Registry? Check box for 'yes' or 'skip this question'". The commissioner shall not maintain records of any person who checks "skip this question". 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. Provided, that where a claimant has previously consented to make an anatomical gift or registered in the "donate life registry", failing to check a box shall not impair such consent or registration.

§ 3. 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, ~~(vii)~~ (vii) indication made on an application for a civil service examination pursuant to section fifty of the civil service law, (viii) indication made on a claim for unemployment benefits made pursuant to section five hundred ninety-six of the labor law, (ix) indication made on an application for a certificate, license or registration issued pursuant to article sixty-one of the education law, (x) indication made on an application to practice a profession pursuant to title eight of the education law, (xi) indication made on a personal income tax return, (xii) indication made on an application for registration or renewal thereof of a motor vehicle, (xiii) indication made on an application for admission to practice or on a biennial registration form pursuant to section four hundred sixty-four or four hundred sixty-eight-a of the judiciary law, (xiv) indication made on an application to conduct a profession or occupation which is licensed or registered by the department of state, or (xv) 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), (viii), (ix), (x), (xi), (xii), (xiii), (xiv) and (xv) of this paragraph.

§ 4. Paragraphs (b) and (c) of subdivision 5 of section 4310 of the public health law are REPEALED and a new paragraph (b) is added to read as follows:

(b) Enrollment or amendment or revocation through the donate life registry website through any of the means listed in this subdivision may be signed by electronic signature, in accordance with the provisions of article three of the state technology law, supported by the use of suitable mechanisms including unique identifiers to provide confidence in the identity of the person providing the electronic signature. The registration shall take effect upon the provision of written or elec-

1 tronic notice of the registration to the individual enrolling in the
2 donate life registry.

3 § 5. Paragraphs (d), (e) and (f) of subdivision 5 of section 4310 of
4 the public health law are relettered paragraphs (c), (d) and (e).

5 § 6. Subdivision 1 of section 206 of the public health law is amended
6 by adding eight new paragraphs (w), (x), (y), (z), (aa), (bb), (cc) and
7 (dd) to read as follows:

8 (w) require, in consultation and cooperation with the civil service
9 department and municipal commissions, that every individual applying for
10 a civil service examination be provided space so that such applicant may
11 register in the "donate life registry" for organ, eye and tissue
12 donations under section forty-three hundred ten of this chapter with the
13 following stated in clear conspicuous type: "Would you like to be added
14 to the Donate Life Registry? Check box for 'yes' or 'skip this ques-
15 tion'". Neither the civil service department nor municipal commissions
16 shall maintain records of any person who checks "skip this question".
17 Except where the application is made in person or electronically, fail-
18 ure to check a box shall not impair the validity of an application, and
19 failure to check "yes" or checking "skip this question" shall not be
20 construed to imply a wish not to donate. In the case of an applicant
21 under sixteen years of age, checking "yes" shall not constitute consent
22 to make an anatomical gift or registration in the donate life registry.
23 Where an applicant has previously consented to make an anatomical gift
24 or registered in the donate life registry, checking "skip this question"
25 or failing to check a box shall not impair that consent or registration.

26 (x) require, in consultation and cooperation with the commissioner of
27 the department of labor, that every individual filing a claim for unem-
28 ployment benefits be provided space so that such applicant may register
29 in the "donate life registry" for organ, eye and tissue donations under
30 section forty-three hundred ten of this chapter with the following stat-
31 ed in clear conspicuous type: "Would you like to be added to the Donate
32 Life Registry? Check box for 'yes' or 'skip this question'". The commis-
33 sioner shall not maintain records of any person who checks "skip this
34 question". Except where the claim for benefits is made in person or
35 electronically, failure to check a box shall not impair the validity of
36 an application, and failure to check "yes" or checking "skip this ques-
37 tion" shall not be construed to imply a wish not to donate. In the case
38 of a claimant under sixteen years of age, checking "yes" shall not
39 constitute consent to make an anatomical gift or registration in the
40 donate life registry. Where a claimant has previously consented to make
41 an anatomical gift or registered in the donate life registry, checking
42 "skip this question" or failing to check a box shall not impair that
43 consent or registration.

44 (y) require, in consultation and cooperation with the commissioner of
45 education, that every individual applying for a certificate, license or
46 registration issued pursuant to article sixty-one of the education law,
47 be provided space so that such applicant may register in the "donate
48 life registry" for organ, eye and tissue donations under section forty-
49 three hundred ten of this chapter with the following stated in clear
50 conspicuous type: "Would you like to be added to the Donate Life Regis-
51 try? Check box for 'yes' or 'skip this question'". The commissioner
52 shall not maintain records of any person who checks "skip this ques-
53 tion". Except where the application is made in person or electronically,
54 failure to check a box shall not impair the validity of an application,
55 and failure to check "yes" or checking "skip this question" shall not be
56 construed to imply a wish not to donate. In the case of an applicant

1 under sixteen years of age, checking "yes" shall not constitute consent
2 to make an anatomical gift or registration in the donate life registry.
3 Where an applicant has previously consented to make an anatomical gift
4 or registered in the donate life registry, checking "skip this question"
5 or failing to check a box shall not impair that consent or registration.

6 (z) require, in consultation and cooperation with the commissioner of
7 education, that every individual applying to practice a profession
8 pursuant to title eight of the education law, be provided space so that
9 such applicant may register in the "donate life registry" for organ, eye
10 and tissue donations under section forty-three hundred ten of this chap-
11 ter with the following stated in clear conspicuous type: "Would you like
12 to be added to the Donate Life Registry? Check box for 'yes' or 'skip
13 this question'". The commissioner shall not maintain records of any
14 person who checks "skip this question". Except where the application is
15 made in person or electronically, failure to check a box shall not
16 impair the validity of an application, and failure to check "yes" or
17 checking "skip this question" shall not be construed to imply a wish not
18 to donate. In the case of an applicant under sixteen years of age,
19 checking "yes" shall not constitute consent to make an anatomical gift
20 or registration in the donate life registry. Where an applicant has
21 previously consented to make an anatomical gift or registered in the
22 donate life registry, checking "skip this question" or failing to check
23 a box shall not impair that consent or registration.

24 (aa) require, in consultation and cooperation with the department of
25 taxation and finance, that every individual filing a personal income tax
26 return be provided space so that such applicant may register in the
27 "donate life registry" for organ, eye and tissue donations under section
28 forty-three hundred ten of this chapter with the following stated in
29 clear conspicuous type: "Would you like to be added to the Donate Life
30 Registry? Check box for 'yes' or 'skip this question'". The commissioner
31 shall not maintain records of any person who checks "skip this ques-
32 tion". Except where the application is made in person or electronically,
33 failure to check a box shall not impair the validity of an application,
34 and failure to check "yes" or checking "skip this question" shall not be
35 construed to imply a wish not to donate. In the case of an applicant
36 under sixteen years of age, checking "yes" shall not constitute consent
37 to make an anatomical gift or registration in the donate life registry.
38 Where an applicant has previously consented to make an anatomical gift
39 or registered in the donate life registry, checking "skip this question"
40 or failing to check a box shall not impair that consent or registration.

41 (bb) require, in consultation and cooperation with the commissioner of
42 motor vehicles, that every individual applying for a registration or
43 renewal thereof of a motor vehicle be provided space so that such appli-
44 cant may register in the "donate life registry" for organ, eye and
45 tissue donations under section forty-three hundred ten of this chapter
46 with the following stated in clear conspicuous type: "Would you like to
47 be added to the Donate Life Registry? Check box for 'yes' or 'skip this
48 question'". The commissioner shall not maintain records of any person
49 who checks "skip this question". Except where the application is made in
50 person or electronically, failure to check a box shall not impair the
51 validity of an application, and failure to check "yes" or checking "skip
52 this question" shall not be construed to imply a wish not to donate. In
53 the case of an applicant under sixteen years of age, checking "yes"
54 shall not constitute consent to make an anatomical gift or registration
55 in the donate life registry. Where an applicant has previously consented
56 to make an anatomical gift or registered in the donate life registry,

1 checking "skip this question" or failing to check a box shall not impair
2 that consent or registration.

3 (cc) require, in consultation and cooperation with the state board of
4 law examiners, that every individual applying for admission to practice
5 or on a biennial registration form pursuant to section four hundred
6 sixty-four or four hundred sixty-eight-a of the judiciary law, be
7 provided space so that such applicant may register in the "donate life
8 registry" for organ, eye and tissue donations under section forty-three
9 hundred ten of this chapter with the following stated in clear conspicu-
10 ous type: "Would you like to be added to the Donate Life Registry? Check
11 box for 'yes' or 'skip this question'". The commissioner shall not main-
12 tain records of any person who checks "skip this question". Except where
13 the application is made in person or electronically, failure to check a
14 box shall not impair the validity of an application, and failure to
15 check "yes" or checking "skip this question" shall not be construed to
16 imply a wish not to donate. In the case of an applicant under sixteen
17 years of age, checking "yes" shall not constitute consent to make an
18 anatomical gift or registration in the donate life registry. Where an
19 applicant has previously consented to make an anatomical gift or regis-
20 tered in the donate life registry, checking "skip this question" or
21 failing to check a box shall not impair that consent or registration.

22 (dd) require, in consultation and cooperation with the secretary of
23 state, that every individual applying to conduct a profession or occupa-
24 tion which is licensed or registered by the department of state be
25 provided space so that such applicant may register in the "donate life
26 registry" for organ, eye and tissue donations under section forty-three
27 hundred ten of this chapter with the following stated in clear conspicu-
28 ous type: "Would you like to be added to the Donate Life Registry? Check
29 box for 'yes' or 'skip this question'". The commissioner shall not main-
30 tain records of any person who checks "skip this question". Except where
31 the application is made in person or electronically, failure to check a
32 box shall not impair the validity of an application, and failure to
33 check "yes" or checking "skip this question" shall not be construed to
34 imply a wish not to donate. In the case of an applicant under sixteen
35 years of age, checking "yes" shall not constitute consent to make an
36 anatomical gift or registration in the donate life registry. Where an
37 applicant has previously consented to make an anatomical gift or regis-
38 tered in the donate life registry, checking "skip this question" or
39 failing to check a box shall not impair that consent or registration.

40 § 7. Section 3006 of the education law is amended by adding a new
41 subdivision 4 to read as follows:

42 4. Organ, eye and tissue donation. The commissioner shall provide on
43 each application for a certificate, license or registration issued
44 pursuant to this article, and each renewal thereof, space for the appli-
45 cant to register in the "donate life registry" for organ, eye and tissue
46 donations established pursuant to section forty-three hundred ten of the
47 public health law with the following stated on the application in clear
48 and conspicuous type: "Would you like to be added to the Donate Life
49 Registry? Check box for 'yes' or 'skip this question'". The regents
50 shall not maintain records of any person who checks "skip this ques-
51 tion". Failure to check "yes" or checking "skip this question" shall not
52 be construed to imply a wish not to donate. In the case of an applicant
53 under sixteen years of age, checking "yes" shall not constitute consent
54 to make an anatomical gift or registration in the donate life registry.
55 Provided, that where an applicant has previously consented to make an

1 anatomical gift or registered in the "donate life registry", failing to
2 check a box shall not impair such consent or registration.

3 § 8. Section 6501 of the education law is amended by adding a new
4 subdivision 3 to read as follows:

5 3. The regents shall provide, on each application to practice a
6 profession pursuant to this title and each application for renewal of a
7 license, registration or certification to practice such a profession,
8 space for the applicant to register in the "donate life registry" of
9 organ, eye and tissue donations established pursuant to section forty-
10 three hundred ten of the public health law with the following stated on
11 the application in clear and conspicuous type: "Would you like to be
12 added to the Donate Life Registry? Check box for 'yes' or 'skip this
13 question'". The regents shall not maintain records of any person who
14 checks "skip this question". Failure to check "yes" or checking "skip
15 this question" shall not be construed to imply a wish not to donate. In
16 the case of an applicant under sixteen years of age, checking "yes"
17 shall not constitute consent to make an anatomical gift or registration
18 in the donate life registry. Provided, that where an applicant has
19 previously consented to make an anatomical gift or registered in the
20 "donate life registry", failing to check a box shall not impair such
21 consent or registration.

22 § 9. Section 651 of the tax law is amended by adding a new subsection
23 (a-1) to read as follows:

24 (a-1) Organ, eye and tissue donation. The commissioner shall provide
25 on each return space for the taxpayer or taxpayers to register in the
26 "donate life registry" for organ, eye and tissue donations established
27 pursuant to section forty-three hundred ten of the public health law
28 with the following stated on the application in clear and conspicuous
29 type: "Would you like to be added to the Donate Life Registry? Check box
30 for 'yes' or 'skip this question'". The commissioner shall not maintain
31 records of any person who checks "skip this question". Failure to check
32 "yes" or checking "skip this question" shall not be construed to imply a
33 wish not to donate. In the case of an applicant under sixteen years of
34 age, checking "yes" shall not constitute consent to make an anatomical
35 gift or registration in the donate life registry. Provided, that where a
36 taxpayer has previously consented to make an anatomical gift or regis-
37 tered in the "donate life registry", failing to check a box shall not
38 impair such consent or registration.

39 § 10. Paragraph b of subdivision 1 of section 401 of the vehicle and
40 traffic law is amended by adding a new closing paragraph to read as
41 follows:

42 The commissioner shall provide on each application for registration
43 and renewal thereof space for the motor vehicle owner to register in the
44 "donate life registry" for organ, eye and tissue donations established
45 pursuant to section forty-three hundred ten of the public health law
46 with the following stated on the application in clear and conspicuous
47 type: "Would you like to be added to the Donate Life Registry? Check box
48 for 'yes' or 'skip this question'". The commissioner shall not maintain
49 records of any person who checks "skip this question". Failure to check
50 "yes" or checking "skip this question" shall not be construed to imply a
51 wish not to donate. In the case of an applicant under sixteen years of
52 age, checking "yes" shall not constitute consent to make an anatomical
53 gift or registration in the donate life registry. Provided, that where a
54 motor vehicle owner has previously consented to make an anatomical gift
55 or registered in the "donate life registry", failing to check a box
56 shall not impair such consent or registration.

§ 11. Section 464 of the judiciary law is amended by adding a new closing paragraph to read as follows:

The chief administrator of the courts shall provide on each application for admission to practice, 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: "Would you like to be added to the Donate Life Registry? Check box for 'yes' or 'skip this question'". The chief administrator of the courts shall not maintain records of any person who checks "skip this question". 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. Provided, that where an applicant has previously consented to make an anatomical gift or registered in the "donate life registry", failing to check a box shall not impair such consent or registration.

§ 12. Section 468-a of the judiciary law is amended by adding a new subdivision 4-a to read as follows:

4-a. The chief administrator shall provide on each biennial registration form space for the attorney 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: "Would you like to be added to the Donate Life Registry? Check box for 'yes' or 'skip this question'". The chief administrator shall not maintain records of any person who checks "skip this question". 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. Provided, that where an attorney has previously consented to make an anatomical gift or registered in the "donate life registry", failing to check a box shall not impair such consent or registration.

§ 13. The executive law is amended by adding a new section 91-a to read as follows:

§ 91-a. Organ, eye and tissue donation. The secretary shall provide on each application to conduct a profession or occupation which is licensed or registered by the department, and each renewal thereof, 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: "Would you like to be added to the Donate Life Registry? Check box for 'yes' or 'skip this question'". The secretary shall not maintain records of any person who checks "skip this question". 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. Provided, that where an applicant has previously consented to make an anatomical gift or registered in the "donate life registry", failing to check a box shall not impair such consent or registration.

§ 14. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided, however,

1 that effective immediately, the addition, amendment and/or repeal of any
2 rule or regulation necessary for the implementation of this act on its
3 effective date are authorized and directed to be made and completed on
4 or before such effective date.