

STATE OF NEW YORK

1491

2019-2020 Regular Sessions

IN SENATE

January 15, 2019

Introduced by Sens. JACOBS, BOYLE, BRESLIN, CARLUCCI, FLANAGAN, HELMING, HOYLMAN, RANZENHOFER, SAVINO, SERRANO, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Education

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
16 shall be subject to approval by the commissioner. Any applicable state
17 agency, including, but not limited to, the department, the department of
18 motor vehicles, the state university of New York, and the city universi-
19 ty of New York boards of trustees, and the board of elections, and
20 libraries within the state, shall cooperate in the collection and trans-
21 fer of registrant data to the donate life registry.

22 (a) Such organ, eye and tissue registration of consent to make an
23 anatomical gift can be made through: (i) indication made on the applica-

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

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

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

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

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

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

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

50 § 3. Section 6206 of the education law is amended by adding a new
51 subdivision 20 to read as follows:

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

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

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

15 § 4. The education law is amended by adding a new section 262-a to
16 read as follows:

17 § 262-a. Application for library card; registration in the donate life
18 registry. 1. Where required by law for application forms described in
19 subparagraph (viii) of paragraph (a) of subdivision five of section
20 forty-three hundred ten of the public health law, every library, other
21 than a school library, shall ensure that space is provided on the appli-
22 cation for a library card so that the applicant shall register or
23 decline registration in the donate life registry for organ, eye and
24 tissue donations under section forty-three hundred ten of the public
25 health law and that the following is stated on the application in clear
26 and conspicuous type:

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

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

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

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

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

55 § 5. This act shall take effect immediately.