

# STATE OF NEW YORK

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1491--A

2019-2020 Regular Sessions

## IN SENATE

January 15, 2019

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Introduced by Sens. JACOBS, AKSHAR, ANTONACCI, BOYLE, BRESLIN, CARLUCCI, FLANAGAN, GALLIVAN, GRIFFO, HELMING, HOYLMAN, LAVALLE, LIU, MARTINEZ, ORTT, PERSAUD, RANZENHOFER, SAVINO, SERRANO, STAVISKY, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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1 libraries within the state, shall cooperate in the collection and trans-  
2 fer of registrant data to the donate life registry.

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

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

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

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

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

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

54 § 3. Section 6206 of the education law is amended by adding a new  
55 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 city university of New York board of 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. 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

1 library card applications upon showing that costs associated with updat-  
2 ing application forms in compliance with this section would impose a  
3 financial hardship.

4 § 5. This act shall take effect immediately.