

STATE OF NEW YORK

2882

2019-2020 Regular Sessions

IN ASSEMBLY

January 28, 2019

Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Health

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:

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

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

1 able mechanisms including unique identifiers to provide confidence in
2 the identity of the person providing the electronic signature. The
3 registration shall take effect upon the provision of written or elec-
4 tronic notice of the registration to the individual enrolling in the
5 donate life registry.

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

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

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

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

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

1 failure to check a box shall not impair the validity of an application,
2 and failure to check "yes" or checking "skip this question" shall not be
3 construed to imply a wish not to donate. In the case of an applicant
4 under sixteen years of age, checking "yes" shall not constitute consent
5 to make an anatomical gift or registration in the donate life registry.
6 Where an applicant has previously consented to make an anatomical gift
7 or registered in the donate life registry, checking "skip this question"
8 or failing to check a box shall not impair that consent or registration.

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

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

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

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

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

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

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

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

1 to make an anatomical gift or registration in the donate life registry.
2 Provided, that where an applicant has previously consented to make an
3 anatomical gift or registered in the "donate life registry", failing to
4 check a box shall not impair such consent or registration.

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

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

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

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

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

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

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

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

5 The chief administrator of the courts shall provide on each applica-
6 tion for admission to practice, space for the applicant to register in
7 the "donate life registry" for organ, eye and tissue donations estab-
8 lished pursuant to section forty-three hundred ten of the public health
9 law with the following stated on the application in clear and 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 chief administrator of the
12 courts shall not maintain records of any person who checks "skip this
13 question". Failure to check "yes" or checking "skip this question"
14 shall not be construed to imply a wish not to donate. In the case of an
15 applicant under sixteen years of age, checking "yes" shall not consti-
16 tute consent to make an anatomical gift or registration in the donate
17 life registry. Provided, that where an applicant has previously
18 consented to make an anatomical gift or registered in the "donate life
19 registry", failing to check a box shall not impair such consent or
20 registration.

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

23 4-a. The chief administrator shall provide on each biennial registra-
24 tion form space for the attorney to register in the "donate life regis-
25 try" for organ, eye and tissue donations established pursuant to section
26 forty-three hundred ten of the public health law with the following
27 stated on the application in clear and conspicuous type: "Would you like
28 to be added to the Donate Life Registry? Check box for 'yes' or 'skip
29 this question'". The chief administrator shall not maintain records of
30 any person who checks "skip this question". Failure to check "yes" or
31 checking "skip this question" shall not be construed to imply a wish not
32 to donate. In the case of an applicant under sixteen years of age,
33 checking "yes" shall not constitute consent to make an anatomical gift
34 or registration in the donate life registry. Provided, that where an
35 attorney has previously consented to make an anatomical gift or regis-
36 tered in the "donate life registry", failing to check a box shall not
37 impair such consent or registration.

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

40 § 91-a. Organ, eye and tissue donation. The secretary shall provide
41 on each application to conduct a profession or occupation which is
42 licensed or registered by the department, and each renewal thereof,
43 space for the applicant to register in the "donate life registry" for
44 organ, eye and tissue donations established pursuant to section forty-
45 three hundred ten of the public health law with the following stated on
46 the application in clear and conspicuous type: "Would you like to be
47 added to the Donate Life Registry? Check box for 'yes' or 'skip this
48 question'". The secretary shall not maintain records of any person who
49 checks "skip this question". Failure to check "yes" or checking "skip
50 this question" shall not be construed to imply a wish not to donate. In
51 the case of an applicant under sixteen years of age, checking "yes"
52 shall not constitute consent to make an anatomical gift or registration
53 in the donate life registry. Provided, that where an applicant has
54 previously consented to make an anatomical gift or registered in the
55 "donate life registry", failing to check a box shall not impair such
56 consent or registration.

1 § 14. This act shall take effect on the first of January next succeed-
2 ing the date on which it shall have become a law; provided, however,
3 that effective immediately, the addition, amendment and/or repeal of any
4 rule or regulation necessary for the implementation of this act on its
5 effective date are authorized and directed to be made and completed on
6 or before such effective date.