

# STATE OF NEW YORK

6857

2019-2020 Regular Sessions

## IN ASSEMBLY

March 22, 2019

Introduced by M. of A. ORTIZ, GALEF -- read once and referred to the Committee on Higher Education

AN ACT to amend the public health law and the education law, in relation to requiring the president of the New York state higher education services corporation to include space for registering in the "donate life registry" for organ, eye and tissue donations on applications for student aid and loan programs; 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. Paragraph (a) of subdivision 5 of section 4310 of the  
2 public health law, as separately amended by chapters 40 and 248 of the  
3 laws of 2016, is amended to read as follows:  
4 (a) Such organ, eye and tissue registration of consent to make an  
5 anatomical gift can be made through: (i) indication made on the applica-  
6 tion or renewal form of a driver's license, (ii) indication made on a  
7 non-driver identification card application or renewal form, (iii) indi-  
8 cation made on a voter registration form pursuant to subdivision five of  
9 section 5-210 of the election law, (iv) indication made on the applica-  
10 tion for health care coverage offered through the state health benefit  
11 exchange, (v) enrollment through the donate life registry website, (vi)  
12 paper enrollment submitted to the donate life registry, [~~or~~] (vii) indi-  
13 cation made on application for a student aid or loan program awarded  
14 pursuant to article fourteen of the education law, or (viii) through any  
15 other method identified by the commissioner. The department shall estab-  
16 lish a means by which to register the consent given by individuals who  
17 are sixteen or seventeen years of age in the donate life registry, and  
18 shall make registration available by any of the methods provided in  
19 subparagraphs (i), (ii), (iii), (iv), (v) [~~and~~], (vi), (vii) and (viii)  
20 of this paragraph.

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

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2 public health law are REPEALED and a new paragraph (b) is added to read  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

4 (b) Enrollment or amendment or revocation through the donate life  
5 registry website through any of the means listed in this subdivision may  
6 be signed by electronic signature, in accordance with the provisions of  
7 article three of the state technology law, supported by the use of suit-  
8 able mechanisms including unique identifiers to provide confidence in  
9 the identity of the person providing the electronic signature. The  
10 registration shall take effect upon the provision of written or elec-  
11 tronic notice of the registration to the individual enrolling in the  
12 donate life registry.

13 § 2-a. Paragraphs (d), (e) and (f) of subdivision 5 of section 4310 of  
14 the public health law are relettered paragraphs (c), (d) and (e).

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

17 (w) require, in consultation and cooperation with the president of the  
18 New York state higher education services corporation, that every indi-  
19 vidual applying for a student aid or loan program awarded pursuant to  
20 article fourteen of the education law, be provided space so that such  
21 applicant may register in the "donate life registry" for organ, eye and  
22 tissue donations under section forty-three hundred ten of this chapter  
23 with the following stated in clear conspicuous type: "Would you like to  
24 be added to the Donate Life Registry? Check box for 'yes' or 'skip this  
25 question'". The commissioner shall not maintain records of any person  
26 who checks "skip this question". Except where the application is made in  
27 person or electronically, failure to check a box shall not impair the  
28 validity of an application, and failure to check "yes" or checking "skip  
29 this question" shall not be construed to imply a wish not to donate. In  
30 the case of an applicant under sixteen years of age, checking "yes"  
31 shall not constitute consent to make an anatomical gift or registration  
32 in the donate life registry. Where an applicant has previously consented  
33 to make an anatomical gift or registered in the donate life registry,  
34 checking "skip this question" or failing to check a box shall not impair  
35 that consent or registration.

36 § 4. Paragraph a of subdivision 4 of section 655 of the education law,  
37 as amended by chapter 202 of the laws of 1996, is amended to read as  
38 follows:

39 a. Application for and the granting and administration of student aid  
40 and loan programs, the repayment of loans or the guarantee of loans made  
41 by the corporation; and administrative functions in support of state and  
42 federal student aid programs. Provided that the president shall provide  
43 on each application for a student aid or loan program awarded pursuant  
44 to this article, space for the applicant to register in the "donate life  
45 registry" for organ, eye and tissue donations established pursuant to  
46 section forty-three hundred ten of the public health law with the  
47 following stated on the application in clear and conspicuous type:  
48 "Would you like to be added to the Donate Life Registry? Check box for  
49 the 'yes' or 'skip this question'". The regents shall not maintain  
50 records of any person who checks "skip this question". Failure to check  
51 "yes" or checking "skip this question" shall not be construed to imply a  
52 wish not to donate. In the case of an applicant under sixteen years of  
53 age, checking "yes" shall not constitute consent to make an anatomical  
54 gift or registration in the donate life registry. Provided, that where  
55 an applicant has previously consented to make an anatomical gift or

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

3 § 5. This act shall take effect on the first of January next succeed-  
4 ing the date on which it shall have become a law. Effective immediate-  
5 ly, the addition, amendment and/or repeal of any rule or regulation  
6 necessary for the implementation of this act on its effective date are  
7 authorized to be made and completed on or before such effective date.