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IN ASSEMBLY

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Introduced by M. of A. SIMOTAS, DINOWITZ, ORTIZ, BUCHWALD, O'DONNELL, QUART, LUPARDO, BRAUNSTEIN, RAIA, PALMESANO, CRESPO, HEVESI, HUNTER -- Multi-Sponsored by -- M. of A. STEC -- read once and referred to the Committee on Health

AN ACT to amend 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. 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, ~~[-]~~ (vii) indi-
13 cation made on application for a certificate, license or registration
14 issued pursuant to article sixty-one of the education law, (viii) indi-
15 cation made on an application to practice a profession pursuant to title
16 eight of the education law, (ix) indication made on a personal income
17 tax return, (x) indication made on an application for registration or
18 renewal thereof of a motor vehicle, (xi) indication made on an applica-
19 tion for admission to practice or on a biennial registration form pursu-

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

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1 ant to section four hundred sixty-four or four hundred sixty-eight-a of
2 the judiciary law, (xii) indication made on an application to conduct a
3 profession or occupation which is licensed or registered by the depart-
4 ment of state, or (xiii) through any other method identified by the
5 commissioner. The department shall establish a means by which to regis-
6 ter the consent given by individuals who are sixteen or seventeen years
7 of age in the donate life registry, and shall make registration avail-
8 able by any of the methods provided in subparagraphs (i), (ii), (iii),
9 (iv), (v) [and], (vi), (vii), (viii), (ix), (x), (xi), (xii) and (xiii)
10 of this paragraph.

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12 public health law are REPEALED and a new paragraph (b) is added to read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

14 (b) Enrollment or amendment or revocation through the donate life
15 registry website through any of the means listed in this subdivision may
16 be signed by electronic signature, in accordance with the provisions of
17 article three of the state technology law, supported by the use of suit-
18 able mechanisms including unique identifiers to provide confidence in
19 the identity of the person providing the electronic signature. The
20 registration shall take effect upon the provision of written or elec-
21 tronic notice of the registration to the individual enrolling in the
22 donate life registry.

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

25 § 4. Subdivision 1 of section 206 of the public health law is amended
26 by adding six new paragraphs (w), (x), (y), (z), (aa) and (bb) to read
27 as follows:

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

46 (x) require, in consultation and cooperation with the commissioner of
47 education, that every individual applying to practice a profession
48 pursuant to title eight of the education law, be provided space so that
49 such applicant may register in the "donate life registry" for organ, eye
50 and tissue donations under section forty-three hundred ten of this chap-
51 ter with the following stated in clear conspicuous type: "Would you like
52 to be added to the Donate Life Registry? Check box for 'yes' or 'skip
53 this question'". The commissioner shall not maintain records of any
54 person who checks "skip this question". Except where the application is
55 made in person or electronically, failure to check a box shall not
56 impair the validity of an application, and failure to check "yes" or

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

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

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

43 (aa) require, in consultation and cooperation with the state board of
44 law examiners, that every individual applying for admission to practice
45 or on a biennial registration form pursuant to section four hundred
46 sixty-four or four hundred sixty-eight-a of the judiciary law, be
47 provided space so that such applicant may register in the "donate life
48 registry" for organ, eye and tissue donations under section forty-three
49 hundred ten of this chapter with the following stated in clear conspicu-
50 ous type: "Would you like to be added to the Donate Life Registry? Check
51 box for 'yes' or 'skip this question'". The commissioner shall not main-
52 tain records of any person who checks "skip this question". Except where
53 the application is made in person or electronically, failure to check a
54 box shall not impair the validity of an application, and failure to
55 check "yes" or checking "skip this question" shall not be construed to
56 imply a wish not to donate. In the case of an applicant under sixteen

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

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

24 § 5. Section 3006 of the education law is amended by adding a new
25 subdivision 4 to read as follows:

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

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

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

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

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

7 (a-1) Organ, eye and tissue donation. The commissioner shall provide
8 on each return space for the taxpayer or taxpayers to register in the
9 "donate life registry" for organ, eye and tissue donations established
10 pursuant to section forty-three hundred ten of the public health law
11 with the following stated on the application in clear and conspicuous
12 type: "Would you like to be added to the Donate Life Registry? Check box
13 for 'yes' or 'skip this question'". The commissioner shall not maintain
14 records of any person who checks "skip this question". Failure to check
15 "yes" or checking "skip this question" shall not be construed to imply a
16 wish not to donate. In the case of an applicant under sixteen years of
17 age, checking "yes" shall not constitute consent to make an anatomical
18 gift or registration in the donate life registry. Provided, that where a
19 taxpayer has previously consented to make an anatomical gift or regis-
20 tered in the "donate life registry", failing to check a box shall not
21 impair such consent or registration.

22 § 8. Paragraph b of subdivision 1 of section 401 of the vehicle and
23 traffic law is amended by adding a new closing paragraph to read as
24 follows:

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

40 § 9. Section 464 of the judiciary law is amended by adding a new clos-
41 ing paragraph to read as follows:

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

1 registry", failing to check a box shall not impair such consent or
2 registration.

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

5 4-a. The chief administrator shall provide on each biennial registra-
6 tion form space for the attorney to register in the "donate life regis-
7 try" for organ, eye and tissue donations established pursuant to section
8 forty-three hundred ten of the public health law with the following
9 stated on the application in clear and conspicuous type: "Would you like
10 to be added to the Donate Life Registry? Check box for 'yes' or 'skip
11 this question'". The chief administrator shall not maintain records of
12 any person who checks "skip this question". Failure to check "yes" or
13 checking "skip this question" shall not be construed to imply a wish not
14 to donate. In the case of an applicant under sixteen years of age,
15 checking "yes" shall not constitute consent to make an anatomical gift
16 or registration in the donate life registry. Provided, that where an
17 attorney has previously consented to make an anatomical gift or regis-
18 tered in the "donate life registry", failing to check a box shall not
19 impair such consent or registration.

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

22 § 91-a. Organ, eye and tissue donation. The secretary shall provide
23 on each application to conduct a profession or occupation which is
24 licensed or registered by the department, and each renewal thereof,
25 space for the applicant to register in the "donate life registry" for
26 organ, eye and tissue donations established pursuant to section forty-
27 three hundred ten of the public health law with the following stated on
28 the application in clear and conspicuous type: "Would you like to be
29 added to the Donate Life Registry? Check box for 'yes' or 'skip this
30 question'". The secretary shall not maintain records of any person who
31 checks "skip this question". Failure to check "yes" or checking "skip
32 this question" shall not be construed to imply a wish not to donate. In
33 the case of an applicant under sixteen years of age, checking "yes"
34 shall not constitute consent to make an anatomical gift or registration
35 in the donate life registry. Provided, that where an applicant has
36 previously consented to make an anatomical gift or registered in the
37 "donate life registry", failing to check a box shall not impair such
38 consent or registration.

39 § 12. This act shall take effect on the first of January next succeed-
40 ing the date on which it shall have become a law; provided, however,
41 that effective immediately, the addition, amendment and/or repeal of any
42 rule or regulation necessary for the implementation of this act on its
43 effective date are authorized and directed to be made and completed on
44 or before such effective date.