

# 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.