STATE OF NEW YORK

2653

2019-2020 Regular Sessions

IN SENATE

January 28, 2019

Introduced by Sen. JORDAN -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law and the vehicle and traffic law, in relation to establishing do not resuscitate orders on drivers' licenses and identification cards

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 2 of section 2994-bb of the public health law, as added by chapter 8 of the laws of 2010, is amended to read as follows:

2. A nonhospital order not to resuscitate may be issued **(a)** during hospitalization to take effect after hospitalization, [~~or may be issued~~] **(b)** for a person who is not a patient in, or a resident of, a hospital**, (c) on an application or renewal form of a driver's license, or (d) on a non-driver identification card application or renewal form**.

§ 2. Section 2994-cc of the public health law is amended by adding a new subdivision 6 to read as follows:

6. An adult with decision-making capacity may consent to a nonhospital order not to resuscitate on an application or renewal form of a driver's license or on a non-driver identification card application or renewal form. Consent shall be governed by sections four hundred ninety and five hundred two of the vehicle and traffic law.

§ 3. The opening paragraph of section 2994-ee of the public health law, as added by chapter 8 of the laws of 2010, is amended to read as follows:

Obligation to honor a nonhospital order not to resuscitate. Emergency medical services personnel, home care services agency personnel, hospice personnel, or hospital emergency services personnel who are provided with a nonhospital order not to resuscitate, [~~or~~] who identify the standard bracelet on the patient's body, **or who identify a nonhospital order not to resuscitate on an individual's driver's license or non-driver**

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

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identification card shall comply with the terms of such order; provided, however, that:

§ 4. Section 490 of the vehicle and traffic law is amended by adding a new subdivision 2-a to read as follows:

2-a. Order to not resuscitate designation. The commissioner shall ensure that space is provided on the application so that the applicant may consent to or decline a nonhospital order not to resuscitate pursuant to section twenty-nine hundred ninety-four-cc 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 consent to a do-not-resuscitate order which directs emergency medical services personnel, home care services agency personnel, hospice personnel and hospital emergency services personnel not to attempt cardiopulmonary resuscitation in the event that you suffer cardiac or respiratory arrest? Check box for 'yes' or 'skip this question'."

Failure to check a "yes" or checking "skip this question" shall not be construed to imply a wish to consent to an order not to resuscitate. In the case of an applicant under eighteen years of age, checking "yes" shall not constitute consent to an order not to resuscitate. Where an applicant has previously consented to an order not to resuscitate, checking "skip this question" or failing to check a box shall not impair that consent.

§ 5. Section 502 of the vehicle and traffic law is amended by adding a new subdivision 1-a to read as follows:

1-a. Order to not resuscitate designation. The commissioner shall ensure that space is provided on the application so that the applicant may consent to or decline a nonhospital order not to resuscitate pursuant to section twenty-nine hundred ninety-four-cc 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 consent to a do-not-resuscitate order which directs emergency medical services personnel, home care services agency personnel, hospice personnel and hospital emergency services personnel not to attempt cardiopulmonary resuscitation in the event that you suffer cardiac or respiratory arrest? Check box for 'yes' or 'skip the question'."

Failure to check a "yes" or checking "skip the question" shall not be construed to imply a wish to consent to an order not to resuscitate. In the case of an applicant under eighteen years of age, checking "yes" shall not constitute consent to an order not to resuscitate. Where an applicant has previously consented to an order not to resuscitate, checking "skip this question" or failing to check a box shall not impair that consent.

§ 6. Subdivision 1 of section 504 of the vehicle and traffic law is amended by adding a new paragraph (a-2) to read as follows:

(a-2) Every license or renewal thereof shall contain a distinguishing mark and adequate space upon which consent to a nonhospital order not to resuscitate pursuant to section twenty-nine hundred ninety-four-cc of the public health law, by the licensee shall be recorded and shall contain such other information and shall be issued in such form as the commissioner shall determine; provided, however, every license or renewal thereof issued to a person consenting to a nonhospital order not to resuscitate shall have prominently printed upon the front of such license or renewal thereof the statement "D.N.R." in notably distinctive print or format.

§ 7. This act shall take effect on the ninetieth day after it shall have become a law; provided that the commissioner of motor vehicles may implement sections four, five, and six of this act before that date.