

STATE OF NEW YORK

6069

2019-2020 Regular Sessions

IN SENATE

May 16, 2019

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed 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:

Section 1. 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) indication made on application for a certificate, license or registration issued pursuant to article sixty-one of the education law, (viii) indication made on an application to practice a profession pursuant to title eight of the education law, (ix) indication made on a personal income tax return, (x) indication made on an application for registration or renewal thereof of a motor vehicle, (xi) 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, (xii) indication made on an application to conduct a

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

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

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10 public health law are REPEALED and a new paragraph (b) is added to read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

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

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

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

26 (w) require, in consultation and cooperation with the commissioner of
27 education, that every individual applying for a certificate, license or
28 registration issued pursuant to article sixty-one of the education law,
29 be provided space so that such applicant may register in the "donate
30 life registry" for organ, eye and tissue donations under section forty-
31 three hundred ten of this chapter with the following stated in clear
32 conspicuous type: "Would you like to be added to the Donate Life Regis-
33 try? 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 (x) require, in consultation and cooperation with the commissioner of
45 education, that every individual applying to practice a profession
46 pursuant to title eight of the education law, be provided space so that
47 such applicant may register in the "donate life registry" for organ, eye
48 and tissue donations under section forty-three hundred ten of this chap-
49 ter with the following stated in clear conspicuous type: "Would you like
50 to be added to the Donate Life Registry? Check box for 'yes' or 'skip
51 this question'". The commissioner shall not maintain records of any
52 person who checks "skip this question". Except where the application is
53 made in person or electronically, failure to check a box shall not
54 impair the validity of an application, and failure to check "yes" or
55 checking "skip this question" shall not be construed to imply a wish not
56 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. Where an applicant has previously consented to make an anatomical gift or registered in the donate life registry, checking "skip this question" or failing to check a box shall not impair that consent or registration.

(y) require, in consultation and cooperation with the department of taxation and finance, that every individual filing a personal income tax return be provided space so that such applicant may register in the "donate life registry" for organ, eye and tissue donations under section forty-three hundred ten of this chapter with the following stated in clear 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". Except where the application is made in person or electronically, failure to check a box shall not impair the validity of an application, and 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. Where an applicant has previously consented to make an anatomical gift or registered in the donate life registry, checking "skip this question" or failing to check a box shall not impair that consent or registration.

(z) require, in consultation and cooperation with the commissioner of motor vehicles, that every individual applying for a registration or renewal thereof of a motor vehicle be provided space so that such applicant may register in the "donate life registry" for organ, eye and tissue donations under section forty-three hundred ten of this chapter with the following stated in clear 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". Except where the application is made in person or electronically, failure to check a box shall not impair the validity of an application, and 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. Where an applicant has previously consented to make an anatomical gift or registered in the donate life registry, checking "skip this question" or failing to check a box shall not impair that consent or registration.

(aa) require, in consultation and cooperation with the state board of law examiners, that every individual applying 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, be provided space so that such applicant may register in the "donate life registry" for organ, eye and tissue donations under section forty-three hundred ten of this chapter with the following stated in clear 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". Except where the application is made in person or electronically, failure to check a box shall not impair the validity of an application, and 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. Where an

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

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

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

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

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

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

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

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

5 (a-1) Organ, eye and tissue donation. The commissioner shall provide
6 on each return space for the taxpayer or taxpayers to register in the
7 "donate life registry" for organ, eye and tissue donations established
8 pursuant to section forty-three hundred ten of the public health law
9 with the following stated on the application in clear and conspicuous
10 type: "Would you like to be added to the Donate Life Registry? Check box
11 for 'yes' or 'skip this question'". The commissioner shall not 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 a
17 taxpayer 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 § 8. Paragraph b of subdivision 1 of section 401 of the vehicle and
21 traffic law is amended by adding a new closing paragraph to read as
22 follows:

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

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

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

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

3 4-a. The chief administrator shall provide on each biennial registra-
4 tion form space for the attorney to register in the "donate life regis-
5 try" for organ, eye and tissue donations established pursuant to section
6 forty-three hundred ten of the public health law with the following
7 stated on the application in clear and conspicuous type: "Would you like
8 to be added to the Donate Life Registry? Check box for 'yes' or 'skip
9 this question'". The chief administrator shall not maintain records of
10 any person who checks "skip this question". Failure to check "yes" or
11 checking "skip this question" shall not be construed to imply a wish not
12 to donate. In the case of an applicant under sixteen years of age,
13 checking "yes" shall not constitute consent to make an anatomical gift
14 or registration in the donate life registry. Provided, that where an
15 attorney has previously consented to make an anatomical gift or regis-
16 tered in the "donate life registry", failing to check a box shall not
17 impair such consent or registration.

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

20 § 91-a. Organ, eye and tissue donation. The secretary shall provide
21 on each application to conduct a profession or occupation which is
22 licensed or registered by the department, and each renewal thereof,
23 space for the applicant to register in the "donate life registry" for
24 organ, eye and tissue donations established pursuant to section forty-
25 three hundred ten of the public health law with the following stated on
26 the application in clear and conspicuous type: "Would you like to be
27 added to the Donate Life Registry? Check box for 'yes' or 'skip this
28 question'". The secretary shall not maintain records of any person who
29 checks "skip this question". Failure to check "yes" or checking "skip
30 this question" shall not be construed to imply a wish not to donate. In
31 the case of an applicant under sixteen years of age, checking "yes"
32 shall not constitute consent to make an anatomical gift or registration
33 in the donate life registry. Provided, that where an applicant has
34 previously consented to make an anatomical gift or registered in the
35 "donate life registry", failing to check a box shall not impair such
36 consent or registration.

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