

# STATE OF NEW YORK

7318

## IN SENATE

January 17, 2020

Introduced by Sen. KENNEDY -- 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 environmental conservation law, in relation to allowing donate life registration when applying for or renewing a hunting, fishing or trapping license

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, [~~ex~~] (vii) indi-  
13 cation made on the application or renewal form of a hunting, fishing or  
14 trapping license issued pursuant to title seven of article eleven of the  
15 environmental conservation law, or (viii) through any other method iden-  
16 tified by the commissioner. The department shall establish a means by  
17 which to register the consent given by individuals who are sixteen or  
18 seventeen years of age in the donate life registry, and shall make  
19 registration available by any of the methods provided in subparagraphs  
20 (i), (ii), (iii), (iv), (v) [~~and~~], (vi) and (vii) of this paragraph.

21 § 2. Section 11-0713 of the environmental conservation law is amended  
22 by adding a new subdivision 7 to read as follows:

23 7. The commissioner shall ensure that space is provided on any form  
24 for application or renewal of a license issued pursuant to this title so  
25 that the applicant shall register or decline registration in the donate  
26 life registry for organ, eye and tissue donations pursuant to section

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

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1 forty-three hundred ten of the public health law and that the following  
2 is stated on the form in clear and conspicuous type:

3 "You must fill out the following section: Would you like to be added  
4 to the Donate Life Registry? Check box for 'yes' or 'skip this ques-  
5 tion'."

6 The commissioner of health shall not maintain records of any person  
7 who checks "skip this question". Except where the application is made in  
8 person or electronically, failure to check a box shall not impair the  
9 validity of an application, and failure to check "yes" or checking "skip  
10 this question" shall not be construed to imply a wish not to donate. In  
11 the case of an applicant under eighteen years of age, checking "yes"  
12 shall not constitute consent to make an anatomical gift or registration  
13 in the donate life registry, except as otherwise provided pursuant to  
14 the provisions of paragraph (b) of subdivision one of section forty-  
15 three hundred one of the public health law. Where an applicant has  
16 previously consented to make an anatomical gift or registered in the  
17 donate life registry, checking "skip this question" or failing to check  
18 a box shall not impair that consent or registration.

19 § 3. This act shall take effect one year after it shall have become a  
20 law.