

STATE OF NEW YORK

2092

2021-2022 Regular Sessions

IN SENATE

January 19, 2021

Introduced by Sens. JORDAN, STAVISKY -- 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:

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

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

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

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

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

19 Obligation to honor a nonhospital order not to resuscitate. Emergency
20 medical services personnel, home care services agency personnel, hospice
21 personnel, or hospital emergency services personnel who are provided
22 with a nonhospital order not to resuscitate, ~~[or]~~ or who identify a nonhospital order
23 not to resuscitate on an individual's driver's license or non-driver
24 license or non-driver identification card.

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

LBD01387-01-1

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

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

5 2-a. Order to not resuscitate designation. The commissioner shall
6 ensure that space is provided on the application so that the applicant
7 may consent to or decline a nonhospital order not to resuscitate pursu-
8 ant to section twenty-nine hundred ninety-four-cc of the public health
9 law and that the following is stated on the application in clear and
10 conspicuous type:

11 "You must fill out the following section: Would you like to consent to
12 a do-not-resuscitate order which directs emergency medical services
13 personnel, home care services agency personnel, hospice personnel and
14 hospital emergency services personnel not to attempt cardiopulmonary
15 resuscitation in the event that you suffer cardiac or respiratory
16 arrest? Check box for 'yes' or 'skip this question'."

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

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

26 1-a. Order to not resuscitate designation. The commissioner shall
27 ensure that space is provided on the application so that the applicant
28 may consent to or decline a nonhospital order not to resuscitate pursu-
29 ant to section twenty-nine hundred ninety-four-cc of the public health
30 law and that the following is stated on the application in clear and
31 conspicuous type:

32 "You must fill out the following section: Would you like to consent to
33 a do-not-resuscitate order which directs emergency medical services
34 personnel, home care services agency personnel, hospice personnel and
35 hospital emergency services personnel not to attempt cardiopulmonary
36 resuscitation in the event that you suffer cardiac or respiratory
37 arrest? Check box for 'yes' or 'skip the question'."

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

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

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

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