

STATE OF NEW YORK

3047

2021-2022 Regular Sessions

IN SENATE

January 27, 2021

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:

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, ~~[or]~~ (vii) indi-
13 cation made on application for a certificate, license or registration
14 issued pursuant to article sixty-one of the education law, (viii) indi-
15 cation made on an application to practice a profession pursuant to title
16 eight of the education law, (ix) indication made on a personal income
17 tax return, (x) indication made on an application for registration or
18 renewal thereof of a motor vehicle, (xi) indication made on an applica-
19 tion for admission to practice or on a biennial registration form pursu-
20 ant to section four hundred sixty-four or four hundred sixty-eight-a of
21 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. Paragraph (a) of subdivision 5 of section 4310 of the public
10 health law, as amended by chapter 149 of the laws of 2020, is amended to
11 read as follows:

12 (a) Such organ, eye and tissue registration of consent to make an
13 anatomical gift can be made through: (i) indication made on the applica-
14 tion or renewal form of a driver's license, (ii) indication made on a
15 non-driver identification card application or renewal form, (iii) indi-
16 cation made on a voter registration form pursuant to subdivision five of
17 section 5-210 of the election law, (iv) indication made on the applica-
18 tion for health care coverage offered through the state health benefit
19 exchange, (v) enrollment through the donate life registry website, (vi)
20 paper enrollment submitted to the donate life registry, (vii) indication
21 made on the application or renewal form of a hunting, fishing or trap-
22 ping license issued pursuant to title seven of article eleven of the
23 environmental conservation law, ~~[or]~~ (viii) indication made on applica-
24 tion for a certificate, license or registration issued pursuant to arti-
25 cle sixty-one of the education law, (ix) indication made on an applica-
26 tion to practice a profession pursuant to title eight of the education
27 law, (x) indication made on a personal income tax return, (xi) indi-
28 cation made on an application for registration or renewal thereof of a
29 motor vehicle, (xii) indication made on an application for admission to
30 practice or on a biennial registration form pursuant to section four
31 hundred sixty-four or four hundred sixty-eight-a of the judiciary law,
32 (xiii) indication made on an application to conduct a profession or
33 occupation which is licensed or registered by the department of state,
34 or (xiv) through any other method identified by the commissioner. The
35 department shall establish a means by which to register the consent
36 given by individuals who are sixteen or seventeen years of age in the
37 donate life registry, and shall make registration available by any of
38 the methods provided in subparagraphs (i), (ii), (iii), (iv), (v), (vi),
39 ~~[and]~~ (vii), (viii), (ix), (x), (xi), (xii), (xiii) and (xiv) of this
40 paragraph.

41 § 3. Paragraphs (b) and (c) of subdivision 5 of section 4310 of the
42 public health law are REPEALED and a new paragraph (b) is added to read
43 as follows:

44 (b) Enrollment or amendment or revocation through the donate life
45 registry website through any of the means listed in this subdivision may
46 be signed by electronic signature, in accordance with the provisions of
47 article three of the state technology law, supported by the use of suit-
48 able mechanisms including unique identifiers to provide confidence in
49 the identity of the person providing the electronic signature. The
50 registration shall take effect upon the provision of written or elec-
51 tronic notice of the registration to the individual enrolling in the
52 donate life registry.

53 § 4. Paragraphs (d), (e) and (f) of subdivision 5 of section 4310 of
54 the public health law are relettered paragraphs (c), (d) and (e).

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

(w) require, in consultation and cooperation with the commissioner of education, that every individual applying for a certificate, license or registration issued pursuant to article sixty-one of the education 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 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.

(x) require, in consultation and cooperation with the commissioner of education, that every individual applying to practice a profession pursuant to title eight of the education 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 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 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.

(bb) require, in consultation and cooperation with the secretary of state, that every individual applying to conduct a profession or occupation which is licensed or registered by the department of state 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.

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

4. Organ, eye and tissue donation. The commissioner shall provide on each application for a certificate, license or registration issued pursuant to this article, and each renewal thereof, space for the applicant to register in the "donate life registry" for organ, eye and tissue donations established pursuant to section forty-three hundred ten of the public health law with the following stated on the application in clear and conspicuous type: "Would you like to be added to the Donate Life Registry? Check box for 'yes' or 'skip this question'". The regents shall not maintain records of any person who checks "skip this question". 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. Provided, that where an applicant has previously consented to make an anatomical gift or registered in the "donate life registry", failing to check a box shall not impair such consent or registration.

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

3. The regents shall provide, on each application to practice a profession pursuant to this title and each application for renewal of a license, registration or certification to practice such a profession, space for the applicant to register in the "donate life registry" of organ, eye and tissue donations established pursuant to section forty-three hundred ten of the public health law with the following stated on the application in clear and conspicuous type: "Would you like to be added to the Donate Life Registry? Check box for 'yes' or 'skip this question'". The regents shall not maintain records of any person who checks "skip this question". 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. Provided, that where an applicant has previously consented to make an anatomical gift or registered in the "donate life registry", failing to check a box shall not impair such consent or registration.

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

(a-1) Organ, eye and tissue donation. The commissioner shall provide on each return space for the taxpayer or taxpayers to register in the "donate life registry" for organ, eye and tissue donations established pursuant to section forty-three hundred ten of the public health law with the following stated on the application in clear and 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". 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. Provided, that where a taxpayer has previously consented to make an anatomical gift or registered in the "donate life registry", failing to check a box shall not impair such consent or registration.

§ 9. Paragraph b of subdivision 1 of section 401 of the vehicle and traffic law is amended by adding a new closing paragraph to read as follows:

The commissioner shall provide on each application for registration and renewal thereof space for the motor vehicle owner to register in the "donate life registry" for organ, eye and tissue donations established pursuant to section forty-three hundred ten of the public health law with the following stated on the application in clear and 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". 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. Provided, that where a motor vehicle owner has previously consented to make an anatomical gift or registered in the "donate life registry", failing to check a box shall not impair such consent or registration.

§ 10. Section 464 of the judiciary law is amended by adding a new closing paragraph to read as follows:

The chief administrator of the courts shall provide on each application for admission to practice, space for the applicant to register in the "donate life registry" for organ, eye and tissue donations established pursuant to section forty-three hundred ten of the public health law with the following stated on the application in clear and conspicuous type: "Would you like to be added to the Donate Life Registry? Check box for 'yes' or 'skip this question'". The chief administrator of the courts shall not maintain records of any person who checks "skip this question". 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. Provided, that where an applicant has previously consented to make an anatomical gift or registered in the "donate life registry", failing to check a box shall not impair such consent or registration.

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

4-a. The chief administrator shall provide on each biennial registration form space for the attorney to register in the "donate life registry" for organ, eye and tissue donations established pursuant to section forty-three hundred ten of the public health law with the following stated on the application in clear and conspicuous type: "Would you like to be added to the Donate Life Registry? Check box for 'yes' or 'skip this question'". The chief administrator shall not maintain records of any person who checks "skip this question". 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. Provided, that where an attorney has previously consented to make an anatomical gift or registered in the "donate life registry", failing to check a box shall not impair such consent or registration.

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

1 § 91-a. Organ, eye and tissue donation. The secretary shall provide
2 on each application to conduct a profession or occupation which is
3 licensed or registered by the department, and each renewal thereof,
4 space for the applicant to register in the "donate life registry" for
5 organ, eye and tissue donations established pursuant to section forty-
6 three hundred ten of the public health law with the following stated on
7 the application in clear and conspicuous type: "Would you like to be
8 added to the Donate Life Registry? Check box for 'yes' or 'skip this
9 question'". The secretary shall not maintain records of any person who
10 checks "skip this question". Failure to check "yes" or checking "skip
11 this question" shall not be construed to imply a wish not to donate. In
12 the case of an applicant under sixteen years of age, checking "yes"
13 shall not constitute consent to make an anatomical gift or registration
14 in the donate life registry. Provided, that where an applicant has
15 previously consented to make an anatomical gift or registered in the
16 "donate life registry", failing to check a box shall not impair such
17 consent or registration.

18 § 13. This act shall take effect on the first of January next succeed-
19 ing the date on which it shall have become a law; provided, however,
20 that if chapter 149 of the laws of 2020 shall not have taken effect on
21 or before such date, then section two of this act shall take effect on
22 the same date and in the same manner as such chapter of the laws of 2020
23 takes effect. Effective immediately, the addition, amendment and/or
24 repeal of any rule or regulation necessary for the implementation of
25 this act on its effective date are authorized and directed to be made
26 and completed on or before such effective date.