

# STATE OF NEW YORK

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4071--A

Cal. No. 1236

2021-2022 Regular Sessions

## IN SENATE

February 2, 2021

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Introduced by Sens. KENNEDY, BROOKS, GALLIVAN, HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

AN ACT to amend the vehicle and traffic law, in relation to designating human organ delivery vehicles as authorized emergency vehicles

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

1 Section 1. Section 101 of the vehicle and traffic law, as amended by  
2 chapter 446 of the laws of 2003, is amended to read as follows:

3 § 101. Authorized emergency vehicle. Every ambulance, police vehicle  
4 or bicycle, correction vehicle, fire vehicle, civil defense emergency  
5 vehicle, emergency ambulance service vehicle, blood delivery vehicle,  
6 human organ delivery vehicle, county emergency medical services vehicle,  
7 environmental emergency response vehicle, sanitation patrol vehicle,  
8 hazardous materials emergency vehicle and ordnance disposal vehicle of  
9 the armed forces of the United States.

10 § 2. Section 114-b of the vehicle and traffic law, as amended by chap-  
11 ter 460 of the laws of 1996, is amended to read as follows:

12 § 114-b. Emergency operation. The operation, or parking, of an author-  
13 ized emergency vehicle, when such vehicle is engaged in transporting a  
14 sick or injured person, transporting prisoners, delivering blood or  
15 blood products in a situation involving an imminent health risk, trans-  
16 porting human organs and/or medical personnel for the purpose of organ  
17 recovery or transplantation in a situation involving an imminent health  
18 risk where undue delay would jeopardize such recovery or transplanta-  
19 tion, pursuing an actual or suspected violator of the law, or responding  
20 to, or working or assisting at the scene of an accident, disaster,  
21 police call, alarm of fire, actual or potential release of hazardous

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

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1 materials or other emergency. Emergency operation shall not include  
2 returning from such service.

3 § 3. The vehicle and traffic law is amended by adding a new section  
4 117-e to read as follows:

5 § 117-e. Human organ delivery vehicle. 1. Any vehicle which is owned  
6 and operated by a certified organ procurement organization for the sole  
7 purpose of transporting human organs and/or medical personnel for the  
8 purpose of organ recovery or transplantation while engaged in an emer-  
9 gency operation. For the purpose of this chapter, the term "organ  
10 procurement organization" shall mean an organ procurement organization  
11 as defined in subdivision five of section forty-three hundred sixty of  
12 the public health law which is certified as a qualified organ procure-  
13 ment organization by the federal centers for medicare and medicaid  
14 services pursuant to section 273(b) of title 42 of the United States  
15 code and section 486.303 of title 42 of the code of federal regulations.

16 2. No human organ delivery vehicle shall be operated as an authorized  
17 emergency vehicle unless: (a) the certified organ procurement organiza-  
18 tion which owns and operates such vehicle is in compliance with article  
19 forty-three-B of the public health law and rules and regulations promul-  
20 gated thereunder; (b) such vehicle is used solely for the purpose of  
21 transporting human organs and/or medical personnel for the purpose of  
22 organ recovery or transplantation while engaged in an emergency opera-  
23 tion; (c) such vehicle is designated and clearly identified as a human  
24 organ delivery vehicle, and, prior to its operation as a human organ  
25 delivery vehicle the certified organ procurement organization which owns  
26 and operates such vehicle has received written authorization from the  
27 commissioner of health for the operation of such vehicle as a human  
28 organ delivery vehicle; (d) such vehicle is operated in compliance with  
29 this chapter and with regulations promulgated pursuant thereto including  
30 subdivision three of this section; and (e) the driver of such vehicle  
31 has undergone training for the operation of authorized emergency vehi-  
32 cles during emergency operations as approved pursuant to subdivision  
33 three of this section, and a defensive driving course. The commissioner  
34 of health may revoke or suspend a written authorization issued pursuant  
35 to paragraph (c) of this subdivision on proof that a certified organ  
36 procurement organization has failed to comply with the provisions of  
37 this section or any rules and regulations promulgated pursuant thereto.  
38 Provided, however, that any such revocations or suspensions shall be  
39 subject to the same requirements for revocations, suspensions, hearings,  
40 notice and review as set forth in subdivision two of section forty-three  
41 hundred sixty-six of the public health law.

42 3. The commissioner of health, in consultation with the commissioner,  
43 shall promulgate regulations to establish standards for the operation of  
44 human organ delivery vehicles as authorized emergency vehicles pursuant  
45 to this chapter. Such regulations shall, at a minimum: (a) establish  
46 standards for the issuance of written authorization for the operation of  
47 such vehicles; (b) establish standards for human organ delivery vehicle  
48 operations, vehicles and equipment including compliance with this chap-  
49 ter, and the training of human organ delivery vehicle drivers for the  
50 safe operation of such vehicles during an emergency operation; (c)  
51 require certified organ procurement organizations to establish and  
52 enforce written policies concerning minimum qualifications and physical  
53 requirements for human organ delivery vehicle drivers and for the equip-  
54 ping and maintenance of such vehicles; and (d) include such other stand-  
55 ards or requirements as the commissioner of health and the commissioner  
56 deem necessary for the safety and well being of the people of the state.

1     § 4. This act shall take effect on the one hundred eightieth day after  
2     it shall have become a law. Effective immediately, the addition, amend-  
3     ment and/or repeal of any rule or regulation necessary for the implemen-  
4     tation of this act on its effective date are authorized and directed to  
5     be made and completed on or before such effective date.