

STATE OF NEW YORK

8805

IN SENATE

April 19, 2022

Introduced by Sen. BRESLIN -- 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 insurance law, in relation to requiring space for donate life registration on certain insurance forms

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

1 Section 1. Paragraph (a) and subparagraph (i) of paragraph (b) of
2 subdivision 5 of section 4310 of the public health law, as amended by
3 chapter 37 of the laws of 2022, are 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, or manual renewal application by an account holder of, health
11 care coverage offered through the state health benefit exchange, (v)
12 enrollment through the donate life registry website, (vi) paper enroll-
13 ment submitted to the donate life registry, (vii) indication made on the
14 application or renewal form of a hunting, fishing or trapping license
15 issued pursuant to title seven of article eleven of the environmental
16 conservation law, (viii) indication made on transactions administered by
17 the office of temporary and disability assistance through the mybene-
18 fits.ny.gov website, or any such successor website; (ix) indication made
19 on applications, renewals or related transactions for college financial
20 aid, grants, or scholarships offered or administered through any website
21 maintained by the higher education services corporation; [~~ex~~] (x) indi-
22 cation made by eligible individuals during enrollments, renewals, and
23 other related transactions for health insurance policies covered under
24 this article, section three thousand two hundred sixteen of the insur-
25 ance law, or section three thousand two hundred twenty-one of the insur-
26 ance law; or (xi) through any other method identified by the commission-
27 er. The department shall establish a means by which to register the

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

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1 consent given by individuals who are sixteen or seventeen years of age
2 in the donate life registry, and shall make registration available by
3 any of the methods provided in subparagraphs (i), (ii), (iii), (iv),
4 (v), (vi), (vii), (viii), (ix) [~~and~~], (x) and (xi) of this paragraph.

5 (i) Where required by law for transactions described in subparagraphs
6 (i), (ii), (iv), (vii), (viii), (ix), [~~and~~] (x) and (xi) of paragraph
7 (a) of this subdivision, the commissioner shall ensure, in consultation
8 with the head of any agency required to implement such transaction, that
9 space is provided on any required form so that the applicant shall
10 register or decline registration in the donate life registry for organ,
11 eye and tissue donations under this section and that the following is
12 stated on the form in clear and conspicuous type:

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

16 § 2. Section 4408 of the public health law is amended by adding a new
17 subdivision 8 to read as follows:

18 8. Space shall be provided on any form required of enrollees so that
19 the eligible individual shall register or decline registration in the
20 donate life registry for organ, eye and tissue donations under this
21 section and that the following is stated on the form in clear and
22 conspicuous type:

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

26 § 3. Subsection (a) of section 3221 of the insurance law is amended by
27 adding a new paragraph 17 to read as follows:

28 (17) Space shall be provided on any form required of enrollees so that
29 the eligible individual shall register or decline registration in the
30 donate life registry for organ, eye and tissue donations under this
31 section and that the following is stated on the form in clear and
32 conspicuous type:

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

36 § 4. Section 4306 of the insurance law is amended by adding a new
37 subsection (o) to read as follows:

38 (o) Space shall be provided on any form required of enrollees so that
39 the eligible individual shall register or decline registration in the
40 donate life registry for organ, eye and tissue donations under this
41 section and that the following is stated on the form in clear and
42 conspicuous type:

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

46 § 5. This act shall take effect on the one hundred eightieth day after
47 it shall have become a law; provided, however, that if chapter 743 of
48 the laws of 2021 shall not have taken effect on or before such date then
49 this act shall take effect on the same date and in the same manner as
50 such chapter of the laws of 2021 takes effect. Effective immediately,
51 the commissioner of health, in conjunction with the superintendent of
52 financial services, are authorized to promulgate any rules and regu-
53 lations necessary for the implementation of this act on or before such
54 effective date.