

STATE OF NEW YORK

2159

2021-2022 Regular Sessions

IN ASSEMBLY

January 14, 2021

Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Health

AN ACT to amend the civil service law, the labor law, 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. The civil service law is amended by adding a new section
2 50-d to read as follows:

3 § 50-d. Organ, eye and tissue donation. The civil service department
4 and municipal commissions shall provide on each application provided
5 pursuant to section fifty of this title space for the applicant to
6 register in the "donate life registry" for organ, eye and tissue
7 donations established pursuant to section forty-three hundred ten of the
8 public health law with the following stated on the application in clear
9 and conspicuous type: "Would you like to be added to the Donate Life
10 Registry? Check box for 'yes' or 'skip this question'". Neither the
11 civil service department nor municipal commissions shall maintain
12 records of any person who checks "skip this question". Failure to check
13 "yes" or checking "skip this question" shall not be construed to imply a
14 wish not to donate. In the case of an applicant under sixteen years of
15 age, checking "yes" shall not constitute consent to make an anatomical
16 gift or registration in the donate life registry. Provided, that where
17 an applicant has previously consented to make an anatomical gift or
18 registered in the "donate life registry", failing to check a box shall
19 not impair such consent or registration.

20 § 2. The labor law is amended by adding a new section 596-a to read as
21 follows:

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

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1 § 596-a. Organ, eye and tissue donation. The commissioner shall
2 provide on each claim for benefits made pursuant to section five hundred
3 ninety-six of this title space for the claimant to register in the
4 "donate life registry" for organ, eye and tissue donations established
5 pursuant to section forty-three hundred ten of the public health law
6 with the following stated on the application in clear and conspicuous
7 type: "Would you like to be added to the Donate Life Registry? Check
8 box for 'yes' or 'skip this question'". The commissioner shall not main-
9 tain records of any person who checks "skip this question". Failure to
10 check "yes" or checking "skip this question" shall not be construed to
11 imply a wish not to donate. In the case of an applicant under sixteen
12 years of age, checking "yes" shall not constitute consent to make an
13 anatomical gift or registration in the donate life registry. Provided,
14 that where a claimant has previously consented to make an anatomical
15 gift or registered in the "donate life registry", failing to check a box
16 shall not impair such consent or registration.

17 § 3. Paragraph (a) of subdivision 5 of section 4310 of the public
18 health law, as separately amended by chapters 40 and 248 of the laws of
19 2016, is amended to read as follows:

20 (a) Such organ, eye and tissue registration of consent to make an
21 anatomical gift can be made through: (i) indication made on the applica-
22 tion or renewal form of a driver's license, (ii) indication made on a
23 non-driver identification card application or renewal form, (iii) indi-
24 cation made on a voter registration form pursuant to subdivision five of
25 section 5-210 of the election law, (iv) indication made on the applica-
26 tion for health care coverage offered through the state health benefit
27 exchange, (v) enrollment through the donate life registry website, (vi)
28 paper enrollment submitted to the donate life registry, ~~(vii)~~ (vii) indi-
29 cation made on an application for a civil service examination pursuant
30 to section fifty of the civil service law, (viii) indication made on a
31 claim for unemployment benefits made pursuant to section five hundred
32 ninety-six of the labor law, (ix) indication made on an application for
33 a certificate, license or registration issued pursuant to article
34 sixty-one of the education law, (x) indication made on an application to
35 practice a profession pursuant to title eight of the education law, (xi)
36 indication made on a personal income tax return, (xii) indication made
37 on an application for registration or renewal thereof of a motor vehi-
38 cle, (xiii) indication made on an application for admission to practice
39 or on a biennial registration form pursuant to section four hundred
40 sixty-four or four hundred sixty-eight-a of the judiciary law, (xiv)
41 indication made on an application to conduct a profession or occupation
42 which is licensed or registered by the department of state, or (xv)
43 through any other method identified by the commissioner. The department
44 shall establish a means by which to register the consent given by indi-
45 viduals who are sixteen or seventeen years of age in the donate life
46 registry, and shall make registration available by any of the methods
47 provided in subparagraphs (i), (ii), (iii), (iv), (v) ~~and~~, (vi),
48 (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv) and (xv) of this
49 paragraph.

50 § 3-a. Paragraph (a) of subdivision 5 of section 4310 of the public
51 health law, as amended by chapter 149 of the laws of 2020, is amended to
52 read as follows:

53 (a) Such organ, eye and tissue registration of consent to make an
54 anatomical gift can be made through: (i) indication made on the applica-
55 tion or renewal form of a driver's license, (ii) indication made on a
56 non-driver identification card application or renewal form, (iii) indi-

1 cation made on a voter registration form pursuant to subdivision five of
2 section 5-210 of the election law, (iv) indication made on the applica-
3 tion for health care coverage offered through the state health benefit
4 exchange, (v) enrollment through the donate life registry website, (vi)
5 paper enrollment submitted to the donate life registry, (vii) indication
6 made on the application or renewal form of a hunting, fishing or trap-
7 ping license issued pursuant to title seven of article eleven of the
8 environmental conservation law, [REPEALED] (viii) indication made on an appli-
9 cation for a civil service examination pursuant to section fifty of the
10 civil service law, (ix) indication made on a claim for unemployment
11 benefits made pursuant to section five hundred ninety-six of the labor
12 law, (x) indication made on an application for a certificate, license or
13 registration issued pursuant to article sixty-one of the education law,
14 (xi) indication made on an application to practice a profession pursuant
15 to title eight of the education law, (xii) indication made on a personal
16 income tax return, (xiii) indication made on an application for regis-
17 tration or renewal thereof of a motor vehicle, (xiv) indication made on
18 an application for admission to practice or on a biennial registration
19 form pursuant to section four hundred sixty-four or four hundred sixty-
20 eight-a of the judiciary law, (xv) indication made on an application to
21 conduct a profession or occupation which is licensed or registered by
22 the department of state, or (xvi) through any other method identified by
23 the commissioner. The department shall establish a means by which to
24 register the consent given by individuals who are sixteen or seventeen
25 years of age in the donate life registry, and shall make registration
26 available by any of the methods provided in subparagraphs (i), (ii),
27 (iii), (iv), (v), (vi) and (vii) of this paragraph.

28 § 4. Paragraphs (b) and (c) of subdivision 5 of section 4310 of the
29 public health law are REPEALED and a new paragraph (b) is added to read
30 as follows:

31 (b) Enrollment or amendment or revocation through the donate life
32 registry website through any of the means listed in this subdivision may
33 be signed by electronic signature, in accordance with the provisions of
34 article three of the state technology law, supported by the use of suit-
35 able mechanisms including unique identifiers to provide confidence in
36 the identity of the person providing the electronic signature. The
37 registration shall take effect upon the provision of written or elec-
38 tronic notice of the registration to the individual enrolling in the
39 donate life registry.

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

42 § 6. Subdivision 1 of section 206 of the public health law is amended
43 by adding eight new paragraphs (w), (x), (y), (z), (aa), (bb), (cc) and
44 (dd) to read as follows:

45 (w) require, in consultation and cooperation with the civil service
46 department and municipal commissions, that every individual applying for
47 a civil service examination be provided space so that such applicant may
48 register in the "donate life registry" for organ, eye and tissue
49 donations under section forty-three hundred ten of this chapter with the
50 following stated in clear conspicuous type: "Would you like to be added
51 to the Donate Life Registry? Check box for 'yes' or 'skip this ques-
52 tion'". Neither the civil service department nor municipal commissions
53 shall maintain records of any person who checks "skip this question".
54 Except where the application is made in person or electronically, fail-
55 ure to check a box shall not impair the validity of an application, and
56 failure to check "yes" or checking "skip this question" shall not be

1 construed to imply a wish not to donate. In the case of an applicant
2 under sixteen years of age, checking "yes" shall not constitute consent
3 to make an anatomical gift or registration in the donate life registry.
4 Where an applicant has previously consented to make an anatomical gift
5 or registered in the donate life registry, checking "skip this question"
6 or failing to check a box shall not impair that consent or registration.

7 (x) require, in consultation and cooperation with the commissioner of
8 the department of labor, that every individual filing a claim for unem-
9 ployment benefits be provided space so that such applicant may register
10 in the "donate life registry" for organ, eye and tissue donations under
11 section forty-three hundred ten of this chapter with the following stat-
12 ed in clear conspicuous type: "Would you like to be added to the Donate
13 Life Registry? Check box for 'yes' or 'skip this question'". The commis-
14 sioner shall not maintain records of any person who checks "skip this
15 question". Except where the claim for benefits is made in person or
16 electronically, failure to check a box shall not impair the validity of
17 an application, and failure to check "yes" or checking "skip this ques-
18 tion" shall not be construed to imply a wish not to donate. In the case
19 of a claimant under sixteen years of age, checking "yes" shall not
20 constitute consent to make an anatomical gift or registration in the
21 donate life registry. Where a claimant has previously consented to make
22 an anatomical gift or registered in the donate life registry, checking
23 "skip this question" or failing to check a box shall not impair that
24 consent or registration.

25 (y) require, in consultation and cooperation with the commissioner of
26 education, that every individual applying for a certificate, license or
27 registration issued pursuant to article sixty-one of the education law,
28 be provided space so that such applicant may register in the "donate
29 life registry" for organ, eye and tissue donations under section forty-
30 three hundred ten of this chapter with the following stated in clear
31 conspicuous type: "Would you like to be added to the Donate Life Regis-
32 try? Check box for 'yes' or 'skip this question'". The commissioner
33 shall not maintain records of any person who checks "skip this ques-
34 tion". Except where the application is made in person or electronically,
35 failure to check a box shall not impair the validity of an application,
36 and failure to check "yes" or checking "skip this question" shall not be
37 construed to imply a wish not to donate. In the case of an applicant
38 under sixteen years of age, checking "yes" shall not constitute consent
39 to make an anatomical gift or registration in the donate life registry.
40 Where an applicant has previously consented to make an anatomical gift
41 or registered in the donate life registry, checking "skip this question"
42 or failing to check a box shall not impair that consent or registration.

43 (z) require, in consultation and cooperation with the commissioner of
44 education, that every individual applying to practice a profession
45 pursuant to title eight of the education law, be provided space so that
46 such applicant may register in the "donate life registry" for organ, eye
47 and tissue donations under section forty-three hundred ten of this chap-
48 ter with the following stated in clear conspicuous type: "Would you like
49 to be added to the Donate Life Registry? Check box for 'yes' or 'skip
50 this question'". The commissioner shall not maintain records of any
51 person who checks "skip this question". Except where the application is
52 made in person or electronically, failure to check a box shall not
53 impair the validity of an application, and failure to check "yes" or
54 checking "skip this question" shall not be construed to imply a wish not
55 to donate. In the case of an applicant under sixteen years of age,
56 checking "yes" shall not constitute consent to make an anatomical gift

1 or registration in the donate life registry. Where an applicant has
2 previously consented to make an anatomical gift or registered in the
3 donate life registry, checking "skip this question" or failing to check
4 a box shall not impair that consent or registration.

5 (aa) require, in consultation and cooperation with the department of
6 taxation and finance, that every individual filing a personal income tax
7 return be provided space so that such applicant may register in the
8 "donate life registry" for organ, eye and tissue donations under section
9 forty-three hundred ten of this chapter with the following stated in
10 clear conspicuous type: "Would you like to be added to the Donate Life
11 Registry? Check box for 'yes' or 'skip this question'". The commissioner
12 shall not maintain records of any person who checks "skip this ques-
13 tion". Except where the application is made in person or electronically,
14 failure to check a box shall not impair the validity of an application,
15 and failure to check "yes" or checking "skip this question" shall not be
16 construed to imply a wish not to donate. In the case of an applicant
17 under sixteen years of age, checking "yes" shall not constitute consent
18 to make an anatomical gift or registration in the donate life registry.
19 Where an applicant has previously consented to make an anatomical gift
20 or registered in the donate life registry, checking "skip this question"
21 or failing to check a box shall not impair that consent or registration.

22 (bb) require, in consultation and cooperation with the commissioner of
23 motor vehicles, that every individual applying for a registration or
24 renewal thereof of a motor vehicle be provided space so that such appli-
25 cant may register in the "donate life registry" for organ, eye and
26 tissue donations under section forty-three hundred ten of this chapter
27 with the following stated in clear conspicuous type: "Would you like to
28 be added to the Donate Life Registry? Check box for 'yes' or 'skip this
29 question'". The commissioner shall not maintain records of any person
30 who checks "skip this question". Except where the application is made in
31 person or electronically, failure to check a box shall not impair the
32 validity of an application, and failure to check "yes" or checking "skip
33 this question" shall not be construed to imply a wish not to donate. In
34 the case of an applicant under sixteen years of age, checking "yes"
35 shall not constitute consent to make an anatomical gift or registration
36 in the donate life registry. Where an applicant has previously consented
37 to make an anatomical gift or registered in the donate life registry,
38 checking "skip this question" or failing to check a box shall not impair
39 that consent or registration.

40 (cc) require, in consultation and cooperation with the state board of
41 law examiners, that every individual applying for admission to practice
42 or on a biennial registration form pursuant to section four hundred
43 sixty-four or four hundred sixty-eight-a of the judiciary law, be
44 provided space so that such applicant may register in the "donate life
45 registry" for organ, eye and tissue donations under section forty-three
46 hundred ten of this chapter with the following stated in clear conspicu-
47 ous type: "Would you like to be added to the Donate Life Registry? Check
48 box for 'yes' or 'skip this question'". The commissioner shall not main-
49 tain records of any person who checks "skip this question". Except where
50 the application is made in person or electronically, failure to check a
51 box shall not impair the validity of an application, and failure to
52 check "yes" or checking "skip this question" shall not be construed to
53 imply a wish not to donate. In the case of an applicant under sixteen
54 years of age, checking "yes" shall not constitute consent to make an
55 anatomical gift or registration in the donate life registry. Where an
56 applicant has previously consented to make an anatomical gift or regis-

1 tered in the donate life registry, checking "skip this question" or
2 failing to check a box shall not impair that consent or registration.

3 (dd) require, in consultation and cooperation with the secretary of
4 state, that every individual applying to conduct a profession or occupa-
5 tion which is licensed or registered by the department of state be
6 provided space so that such applicant may register in the "donate life
7 registry" for organ, eye and tissue donations under section forty-three
8 hundred ten of this chapter with the following stated in clear conspicu-
9 ous type: "Would you like to be added to the Donate Life Registry? Check
10 box for 'yes' or 'skip this question'". The commissioner shall not main-
11 tain records of any person who checks "skip this question". Except where
12 the application is made in person or electronically, failure to check a
13 box shall not impair the validity of an application, and failure to
14 check "yes" or checking "skip this question" shall not be construed to
15 imply a wish not to donate. In the case of an applicant under sixteen
16 years of age, checking "yes" shall not constitute consent to make an
17 anatomical gift or registration in the donate life registry. Where an
18 applicant has previously consented to make an anatomical gift or regis-
19 tered in the donate life registry, checking "skip this question" or
20 failing to check a box shall not impair that consent or registration.

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

23 4. Organ, eye and tissue donation. The commissioner shall provide on
24 each application for a certificate, license or registration issued
25 pursuant to this article, and each renewal thereof, space for the appli-
26 cant to register in the "donate life registry" for organ, eye and tissue
27 donations established pursuant to section forty-three hundred ten of the
28 public health law with the following stated on the application in clear
29 and conspicuous type: "Would you like to be added to the Donate Life
30 Registry? Check box for 'yes' or 'skip this question'". The regents
31 shall not maintain records of any person who checks "skip this ques-
32 tion". Failure to check "yes" or checking "skip this question" shall not
33 be construed to imply a wish not to donate. In the case of an applicant
34 under sixteen years of age, checking "yes" shall not constitute consent
35 to make an anatomical gift or registration in the donate life registry.
36 Provided, that where an applicant has previously consented to make an
37 anatomical gift or registered in the "donate life registry", failing to
38 check a box shall not impair such consent or registration.

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

41 3. The regents shall provide, on each application to practice a
42 profession pursuant to this title and each application for renewal of a
43 license, registration or certification to practice such a profession,
44 space for the applicant to register in the "donate life registry" of
45 organ, eye and tissue donations established pursuant to section forty-
46 three hundred ten of the public health law with the following stated on
47 the application in clear and conspicuous type: "Would you like to be
48 added to the Donate Life Registry? Check box for 'yes' or 'skip this
49 question'". The regents shall not maintain records of any person who
50 checks "skip this question". Failure to check "yes" or checking "skip
51 this question" shall not be construed to imply a wish not to donate. In
52 the case of an applicant under sixteen years of age, checking "yes"
53 shall not constitute consent to make an anatomical gift or registration
54 in the donate life registry. Provided, that where an applicant has
55 previously consented to make an anatomical gift or registered in the

1 "donate life registry", failing to check a box shall not impair such
2 consent or registration.

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

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

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

23 The commissioner shall provide on each application for registration
24 and renewal thereof space for the motor vehicle owner to register in the
25 "donate life registry" for organ, eye and tissue donations established
26 pursuant to section forty-three hundred ten of the public health law
27 with the following stated on the application in clear and conspicuous
28 type: "Would you like to be added to the Donate Life Registry? Check box
29 for 'yes' or 'skip this question'". The commissioner shall not maintain
30 records of any person who checks "skip this question". Failure to check
31 "yes" or checking "skip this question" shall not be construed to imply a
32 wish not to donate. In the case of an applicant under sixteen years of
33 age, checking "yes" shall not constitute consent to make an anatomical
34 gift or registration in the donate life registry. Provided, that where a
35 motor vehicle owner has previously consented to make an anatomical gift
36 or registered in the "donate life registry", failing to check a box
37 shall not impair such consent or registration.

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

40 The chief administrator of the courts shall provide on each applica-
41 tion for admission to practice, space for the applicant to register in
42 the "donate life registry" for organ, eye and tissue donations estab-
43 lished pursuant to section forty-three hundred ten of the public health
44 law with the following stated on the application in clear and conspicu-
45 ous type: "Would you like to be added to the Donate Life Registry? Check
46 box for 'yes' or 'skip this question'". The chief administrator of the
47 courts shall not maintain records of any person who checks "skip this
48 question". Failure to check "yes" or checking "skip this question"
49 shall not be construed to imply a wish not to donate. In the case of an
50 applicant under sixteen years of age, checking "yes" shall not consti-
51 tute consent to make an anatomical gift or registration in the donate
52 life registry. Provided, that where an applicant has previously
53 consented to make an anatomical gift or registered in the "donate life
54 registry", failing to check a box shall not impair such consent or
55 registration.

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

3 4-a. The chief administrator shall provide on each biennial registra-
4 tion form space for the attorney to register in the "donate life regis-
5 try" for organ, eye and tissue donations established pursuant to section
6 forty-three hundred ten of the public health law with the following
7 stated on the application in clear and conspicuous type: "Would you like
8 to be added to the Donate Life Registry? Check box for 'yes' or 'skip
9 this question'". The chief administrator shall not maintain records of
10 any person who checks "skip this question". Failure to check "yes" or
11 checking "skip this question" shall not be construed to imply a wish not
12 to donate. In the case of an applicant under sixteen years of age,
13 checking "yes" shall not constitute consent to make an anatomical gift
14 or registration in the donate life registry. Provided, that where an
15 attorney has previously consented to make an anatomical gift or regis-
16 tered in the "donate life registry", failing to check a box shall not
17 impair such consent or registration.

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

20 § 91-a. Organ, eye and tissue donation. The secretary shall provide
21 on each application to conduct a profession or occupation which is
22 licensed or registered by the department, and each renewal thereof,
23 space for the applicant to register in the "donate life registry" for
24 organ, eye and tissue donations established pursuant to section forty-
25 three hundred ten of the public health law with the following stated on
26 the application in clear and conspicuous type: "Would you like to be
27 added to the Donate Life Registry? Check box for 'yes' or 'skip this
28 question'". The secretary shall not maintain records of any person who
29 checks "skip this question". Failure to check "yes" or checking "skip
30 this question" shall not be construed to imply a wish not to donate. In
31 the case of an applicant under sixteen years of age, checking "yes"
32 shall not constitute consent to make an anatomical gift or registration
33 in the donate life registry. Provided, that where an applicant has
34 previously consented to make an anatomical gift or registered in the
35 "donate life registry", failing to check a box shall not impair such
36 consent or registration.

37 § 14. This act shall take effect on the first of January next succeed-
38 ing the date on which it shall have become a law; provided, however,
39 that section three-a of this act shall take effect on the same date and
40 in the same manner as chapter 149 of the laws of 2020 takes effect.
41 Effective immediately, the addition, amendment and/or repeal of any rule
42 or regulation necessary for the implementation of this act on its effec-
43 tive date are authorized and directed to be made and completed on or
44 before such effective date.