STATE OF NEW YORK

96--A

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. GUNTHER, BENEDETTO, HYNDMAN, WALKER, GALEF, PAULIN, STECK, STIRPE, WOERNER, O'DONNELL, FAHY, JEAN-PIERRE, SOLAGES, COLTON, HEVESI, GOTTFRIED, SIMON, CARROLL, TAYLOR, SANTABARBARA, QUART, DiPIETRO, McDONOUGH, PALMESANO, RA, LEMONDES, LAWLER, DARLING, McMAHON, THIELE, L. ROSENTHAL, B. MILLER -- Multi-Sponsored by -- M. of A. BRAUNSTEIN, ENGLEBRIGHT, HUNTER, LUPARDO -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

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

§ 114-b. Emergency operation. The operation, or parking, of an authorized emergency vehicle, when such vehicle is engaged in transporting a sick or injured person, transporting prisoners, delivering blood or blood products in a situation involving an imminent health risk, **transporting human organs and/or medical personnel for the purpose of organ recovery or transplantation in a situation involving an imminent health**

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

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risk where undue delay would jeopardize such recovery or transplantation, pursuing an actual or suspected violator of the law, or responding to, or working or assisting at the scene of an accident, disaster, police call, alarm of fire, actual or potential release of hazardous materials or other emergency. Emergency operation shall not include returning from such service.

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

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

2. No human organ delivery vehicle shall be operated as an authorized emergency vehicle unless: (a) the certified organ procurement organization which owns and operates such vehicle is in compliance with article forty-three-B of the public health law and rules and regulations promulgated thereunder; (b) such vehicle is used solely for the purpose of transporting human organs and/or medical personnel for the purpose of organ recovery or transplantation while engaged in an emergency operation; (c) such vehicle is designated and clearly identified as a human organ delivery vehicle, and, prior to its operation as a human organ delivery vehicle the certified organ procurement organization which owns and operates such vehicle has received written authorization from the commissioner of health for the operation of such vehicle as a human organ delivery vehicle; (d) such vehicle is operated in compliance with this chapter and with regulations promulgated pursuant thereto including subdivision three of this section; and (e) the driver of such vehicle has undergone training for the operation of authorized emergency vehicles during emergency operations as approved pursuant to subdivision three of this section, and a defensive driving course. The commissioner of health may revoke or suspend a written authorization issued pursuant to paragraph (c) of this subdivision on proof that a certified organ procurement organization has failed to comply with the provisions of this section or any rules and regulations promulgated pursuant thereto. Provided, however, that any such revocations or suspensions shall be subject to the same requirements for revocations, suspensions, hearings, notice and review as set forth in subdivision two of section forty-three hundred sixty-six of the public health law.

3. The commissioner of health, in consultation with the commissioner, shall promulgate regulations to establish standards for the operation of human organ delivery vehicles as authorized emergency vehicles pursuant to this chapter. Such regulations shall, at a minimum: (a) establish standards for the issuance of written authorization for the operation of such vehicles; (b) establish standards for human organ delivery vehicle operations, vehicles and equipment including compliance with this chapter, and the training of human organ delivery vehicle drivers for the safe operation of such vehicles during an emergency operation; (c) require certified organ procurement organizations to establish and enforce written policies concerning minimum qualifications and physical

requirements for human organ delivery vehicle drivers and for the equipping and maintenance of such vehicles; and (d) include such other standards or requirements as the commissioner of health and the commissioner deem necessary for the safety and well being of the people of the state.

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