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:

Section 1. Paragraph (a) and subparagraph (i) of paragraph (b) of subdivision 5 of section 4310 of the public health law, as amended by chapter 37 of the laws of 2022, are amended to read as follows:

(a) Such organ, eye and tissue registration of consent to make an anatomical gift can be made through: (i) indication made on the application or renewal form of a driver's license, (ii) indication made on a non-driver identification card application or renewal form, (iii) indication made on a voter registration form pursuant to subdivision five of section 5-210 of the election law, (iv) indication made on the application for, or manual renewal application by an account holder of, health care coverage offered through the state health benefit exchange, (v) enrollment through the donate life registry website, (vi) paper enrollment submitted to the donate life registry, (vii) indication made on the application or renewal form of a hunting, fishing or trapping license issued pursuant to title seven of article eleven of the environmental conservation law, (viii) indication made on transactions administered by the office of temporary and disability assistance through the mybenefits.ny.gov website, or any such successor website; (ix) indication made on applications, renewals or related transactions for college financial aid, grants, or scholarships offered or administered through any website maintained by the higher education services corporation; [~~or~~] (x) **indication made by eligible individuals during enrollments, renewals, and other related transactions for health insurance policies covered under this article, section three thousand two hundred sixteen of the insurance law, or section three thousand two hundred twenty-one of the insurance law; or (xi)** through any other method identified by the commissioner. 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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consent given by individuals who are sixteen or seventeen years of age in the donate life registry, and shall make registration available by any of the methods provided in subparagraphs (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix) [~~and~~], (x) and (xi) of this paragraph.

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

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

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

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

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

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

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

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

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

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

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

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