

STATE OF NEW YORK

3516

2023-2024 Regular Sessions

IN ASSEMBLY

February 3, 2023

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

§ 3. Paragraph (a) of subdivision 5 of section 4310 of the public health law, as amended by chapter 758 of the laws of 2022, is 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; (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; ~~(x)~~ (xi) indication made on an application for a civil service examination pursuant to section fifty of the civil service law, (xii) indication made on a claim for unemployment benefits made pursuant to section five hundred ninety-six of the labor law, (xiii) indication made on an application for a certificate, license or registration issued pursuant to article sixty-one of the education law, (xiv) indication made on an application to practice a profession pursuant to title eight of the education law, (xv) indication made on a personal income tax return, (xvi) indication made on an application for registration or renewal thereof of a motor vehicle, (xvii) indication made on an application for admission to practice or on a biennial registration form pursuant to section four hundred sixty-four or four hundred sixty-eight-a of the judiciary law, (xviii) indication made on an application to conduct a profession or occupation which is licensed or registered by the department of state, or (xix) through any other method

1 identified by the commissioner. The department shall establish a means
2 by which to register the consent given by individuals who are sixteen or
3 seventeen years of age in the donate life registry, and shall make
4 registration available by any of the methods provided in subparagraphs
5 (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x) ~~[and], (xi),~~
6 (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii) and (xix) of this
7 paragraph.

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

11 (b) Enrollment or amendment or revocation through the donate life
12 registry website through any of the means listed in this subdivision may
13 be signed by electronic signature, in accordance with the provisions of
14 article three of the state technology law, supported by the use of suit-
15 able mechanisms including unique identifiers to provide confidence in
16 the identity of the person providing the electronic signature. The
17 registration shall take effect upon the provision of written or elec-
18 tronic notice of the registration to the individual enrolling in the
19 donate life registry.

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

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

25 (w) require, in consultation and cooperation with the civil service
26 department and municipal commissions, that every individual applying for
27 a civil service examination be provided space so that such applicant may
28 register in the "donate life registry" for organ, eye and tissue
29 donations under section forty-three hundred ten of this chapter with the
30 following stated in clear conspicuous type: "Would you like to be added
31 to the Donate Life Registry? Check box for 'yes' or 'skip this ques-
32 tion'". Neither the civil service department nor municipal commissions
33 shall maintain records of any person who checks "skip this question".
34 Except where the application is made in person or electronically, fail-
35 ure to check a box shall not impair the validity of an application, and
36 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 (x) require, in consultation and cooperation with the commissioner of
44 the department of labor, that every individual filing a claim for unem-
45 ployment benefits be provided space so that such applicant may register
46 in the "donate life registry" for organ, eye and tissue donations under
47 section forty-three hundred ten of this chapter with the following stat-
48 ed in clear conspicuous type: "Would you like to be added to the Donate
49 Life Registry? Check box for 'yes' or 'skip this question'". The commis-
50 sioner shall not maintain records of any person who checks "skip this
51 question". Except where the claim for benefits is made in person or
52 electronically, failure to check a box shall not impair the validity of
53 an application, and failure to check "yes" or checking "skip this ques-
54 tion" shall not be construed to imply a wish not to donate. In the case
55 of a claimant under sixteen years of age, checking "yes" shall not
56 constitute consent to make an anatomical gift or registration in the

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

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

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

41 (aa) require, in consultation and cooperation with the department of
42 taxation and finance, that every individual filing a personal income tax
43 return be provided space so that such applicant may register in the
44 "donate life registry" for organ, eye and tissue donations under section
45 forty-three hundred ten of this chapter with the following stated in
46 clear conspicuous type: "Would you like to be added to the Donate Life
47 Registry? Check box for 'yes' or 'skip this question'". The commissioner
48 shall not maintain records of any person who checks "skip this ques-
49 tion". Except where the application is made in person or electronically,
50 failure to check a box shall not impair the validity of an application,
51 and failure to check "yes" or checking "skip this question" shall not be
52 construed to imply a wish not to donate. In the case of an applicant
53 under sixteen years of age, checking "yes" shall not constitute consent
54 to make an anatomical gift or registration in the donate life registry.
55 Where an applicant has previously consented to make an anatomical gift

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

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

21 (cc) require, in consultation and cooperation with the state board of
22 law examiners, that every individual applying for admission to practice
23 or on a biennial registration form pursuant to section four hundred
24 sixty-four or four hundred sixty-eight-a of the judiciary law, be
25 provided space so that such applicant may register in the "donate life
26 registry" for organ, eye and tissue donations under section forty-three
27 hundred ten of this chapter with the following stated in clear conspicu-
28 ous type: "Would you like to be added to the Donate Life Registry? Check
29 box for 'yes' or 'skip this question'". The commissioner shall not main-
30 tain records of any person who checks "skip this question". Except where
31 the application is made in person or electronically, failure to check a
32 box shall not impair the validity of an application, and failure to
33 check "yes" or checking "skip this question" shall not be construed to
34 imply a wish not to donate. In the case of an applicant under sixteen
35 years of age, checking "yes" shall not constitute consent to make an
36 anatomical gift or registration in the donate life registry. Where an
37 applicant has previously consented to make an anatomical gift or regis-
38 tered in the donate life registry, checking "skip this question" or
39 failing to check a box shall not impair that consent or registration.

40 (dd) require, in consultation and cooperation with the secretary of
41 state, that every individual applying to conduct a profession or occupa-
42 tion which is licensed or registered by the department of state be
43 provided space so that such applicant may register in the "donate life
44 registry" for organ, eye and tissue donations under section forty-three
45 hundred ten of this chapter with the following stated in clear conspicu-
46 ous type: "Would you like to be added to the Donate Life Registry? Check
47 box for 'yes' or 'skip this question'". The commissioner shall not main-
48 tain records of any person who checks "skip this question". Except where
49 the application is made in person or electronically, failure to check a
50 box shall not impair the validity of an application, and failure to
51 check "yes" or checking "skip this question" shall not be construed to
52 imply a wish not to donate. In the case of an applicant under sixteen
53 years of age, checking "yes" shall not constitute consent to make an
54 anatomical gift or registration in the donate life registry. Where an
55 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 § 7. Section 3006 of the education law is amended by adding a new
4 subdivision 4 to read as follows:

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

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

23 3. The regents shall provide, on each application to practice a
24 profession pursuant to this title and each application for renewal of a
25 license, registration or certification to practice such a profession,
26 space for the applicant to register in the "donate life registry" of
27 organ, eye and tissue donations established pursuant to section forty-
28 three hundred ten of the public health law with the following stated on
29 the application in clear and conspicuous type: "Would you like to be
30 added to the Donate Life Registry? Check box for 'yes' or 'skip this
31 question'". The regents shall not maintain records of any person who
32 checks "skip this question". 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. Provided, that where an applicant has
37 previously consented to make an anatomical gift or registered in the
38 "donate life registry", failing to check a box shall not impair such
39 consent or registration.

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

42 (a-1) Organ, eye and tissue donation. The commissioner shall provide
43 on each return space for the taxpayer or taxpayers to register in the
44 "donate life registry" for organ, eye and tissue donations established
45 pursuant to section forty-three hundred ten of the public health law
46 with the following stated on the application in clear and conspicuous
47 type: "Would you like to be added to the Donate Life Registry? Check box
48 for 'yes' or 'skip this question'". The commissioner shall not maintain
49 records of any person who checks "skip this question". Failure to check
50 "yes" or checking "skip this question" shall not be construed to imply a
51 wish not to donate. In the case of an applicant under sixteen years of
52 age, checking "yes" shall not constitute consent to make an anatomical
53 gift or registration in the donate life registry. Provided, that where a
54 taxpayer has previously consented to make an anatomical gift or regis-
55 tered in the "donate life registry", failing to check a box shall not
56 impair such consent or registration.

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

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

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

The chief administrator of the courts shall provide on each application for admission to practice, space for the applicant to register in the "donate life registry" for organ, eye and tissue donations established pursuant to section forty-three hundred ten of the public health law with the following stated on the application in clear and conspicuous type: "Would you like to be added to the Donate Life Registry? Check box for 'yes' or 'skip this question'". The chief administrator of the courts shall not maintain records of any person who checks "skip this question". Failure to check "yes" or checking "skip this question" shall not be construed to imply a wish not to donate. In the case of an applicant under sixteen years of age, checking "yes" shall not constitute consent to make an anatomical gift or registration in the donate life registry. Provided, that where an applicant has previously consented to make an anatomical gift or registered in the "donate life registry", failing to check a box shall not impair such consent or registration.

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

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

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

1 § 91-a. Organ, eye and tissue donation. The secretary shall provide
2 on each application to conduct a profession or occupation which is
3 licensed or registered by the department, and each renewal thereof,
4 space for the applicant to register in the "donate life registry" for
5 organ, eye and tissue donations established pursuant to section forty-
6 three hundred ten of the public health law with the following stated on
7 the application in clear and conspicuous type: "Would you like to be
8 added to the Donate Life Registry? Check box for 'yes' or 'skip this
9 question'". The secretary shall not maintain records of any person who
10 checks "skip this question". Failure to check "yes" or checking "skip
11 this question" shall not be construed to imply a wish not to donate. In
12 the case of an applicant under sixteen years of age, checking "yes"
13 shall not constitute consent to make an anatomical gift or registration
14 in the donate life registry. Provided, that where an applicant has
15 previously consented to make an anatomical gift or registered in the
16 "donate life registry", failing to check a box shall not impair such
17 consent or registration.

18 § 14. This act shall take effect on the first of January next succeed-
19 ing the date on which it shall have become a law; provided, however,
20 that section three of this act shall take effect on the same date and in
21 the same manner as chapter 758 of the laws of 2022 takes effect. Effec-
22 tive immediately, the addition, amendment and/or repeal of any rule or
23 regulation necessary for the implementation of this act on its effective
24 date are authorized to be made and completed on or before such effective
25 date.