STATE OF NEW YORK

9564

IN ASSEMBLY

March 20, 2024

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to the provision of donate life registry enrollment forms to certain insureds; and to amend chapter 758 of the laws of 2022 amending the public health law and the insurance law relating to requiring space for donate life registration on certain insurance forms, in relation to the effectiveness thereof

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

Section 1. Paragraph 17 of subsection (a) of section 3221 of the insurance law, as amended by chapter 29 of the laws of 2023, is amended to read as follows:

(17) **(A)** Space shall be provided on any enrollment, renewal or initial online portal process setup forms required of an insured or applicant for insurance so that the insured or applicant for insurance shall register or decline registration in the donate life registry for organ, eye and tissue donations under this section of the enrollment, renewal or initial online portal process setup forms 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'."

(B) For insureds and applicants for insurance that respond "yes", an insurer (or third party administrator acting on such insurer's behalf) shall provide the insured or applicant for insurance with a donate life registry enrollment form or a link to the donate life registry enrollment form website.

(C) The superintendent, in consultation with the commissioner of health, may approve additional procedures for insurers (or third party administrators) to comply with subparagraph (A) of this paragraph.

§ 2. Paragraph 15 of subsection (c) of section 3216 of the insurance law, as added by chapter 29 of the laws of 2023, is amended to read as follows:

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

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(15) **(A)** Space shall be provided on any enrollment, renewal or initial online portal process setup forms required of an insured or applicant for insurance, except forms issued by the NY State of Health, the official Health Plan Marketplace, other than those specifically referenced in subparagraph (iv) of paragraph (a) of subdivision five of section four thousand three hundred ten and paragraph (v) of subdivision one of section two hundred six of the public health law, required of an insured or applicant for insurance so that the insured or applicant shall register or decline registration in the donate life registry for organ, eye and tissue donations under this section of the enrollment or renewal form 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'."

(B) For insureds and applicants for insurance that respond "yes", an insurer (or third party administrator acting on such insurer's behalf) shall provide the insured or applicant for insurance with a donate life registry enrollment form or a link to the donate life registry enrollment form website.

(C) The superintendent, in consultation with the commissioner of health, may approve additional procedures for insurers (or third party administrators) to comply with subparagraph (A) of this paragraph.

§ 3. Section 5 of chapter 758 of the laws of 2022 amending the public health law and the insurance law relating to requiring space for donate life registration on certain insurance forms, as amended by chapter 29 of the laws of 2023, is amended to read as follows:

§ 5. This act shall take effect [~~eighteen months after it shall have become a law~~] **January 1, 2026**. Effective immediately, the commissioner of health and 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.

§ 4. This act shall take effect immediately.