

# 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:

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

4 (17) (A) Space shall be provided on any enrollment, renewal or  
5 initial online portal process setup forms required of an insured or  
6 applicant for insurance so that the insured or applicant for insurance  
7 shall register or decline registration in the donate life registry for  
8 organ, eye and tissue donations under this section of the enrollment,  
9 renewal or initial online portal process setup forms and that the  
10 following is stated on the form in clear and conspicuous type:

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

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

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

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

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

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1 (15) (A) Space shall be provided on any enrollment, renewal or  
2 initial online portal process setup forms required of an insured or  
3 applicant for insurance, except forms issued by the NY State of Health,  
4 the official Health Plan Marketplace, other than those specifically  
5 referenced in subparagraph (iv) of paragraph (a) of subdivision five of  
6 section four thousand three hundred ten and paragraph (v) of subdivision  
7 one of section two hundred six of the public health law, required of an  
8 insured or applicant for insurance so that the insured or applicant  
9 shall register or decline registration in the donate life registry for  
10 organ, eye and tissue donations under this section of the enrollment or  
11 renewal form and that the following is stated on the form in clear and  
12 conspicuous type:

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

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

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

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

28 § 5. This act shall take effect [~~eighteen months after it shall have~~  
29 ~~become a law~~] January 1, 2026. Effective immediately, the commissioner  
30 of health and the superintendent of financial services are authorized to  
31 promulgate any rules and regulations necessary for the implementation of  
32 this act on or before such effective date.

33 § 4. This act shall take effect immediately.