

STATE OF NEW YORK

9564--A

IN ASSEMBLY

March 20, 2024

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law and the public health 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.

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

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§ 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:

(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. Subsection (o) of section 4306 of the insurance law, as amended by chapter 29 of the laws of 2023, is amended to read as follows:

(o) (1) Space shall be provided on any enrollment, renewal or initial online portal process setup forms required of a subscriber or applicant for coverage, 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 forty three hundred ten and paragraph (v) of subdivision one of section two hundred six of the public health law, so that the subscriber or applicant for coverage 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'."

(2) For subscribers and applicants for coverage that respond "yes", a corporation (or third-party administrator acting on such corporation's behalf) shall provide the subscriber or applicant for coverage with a donate life registry enrollment form or a link to the donate life registry enrollment form website.

(3) The superintendent, in consultation with the commissioner of health, may approve additional procedures for corporations (or third-party administrators) to comply with paragraph one of this subsection.

§ 4. Subdivision 8 of section 4408 of the public health law, as amended by chapter 29 of the laws of 2023, is amended to read as follows:

8. (a) Space shall be provided on any enrollment, renewal or initial online portal process setup forms required of a subscriber or applicant

1 for coverage, excepting forms issued by the NY State of Health, the
2 official Health Plan Marketplace, other than those specifically refer-
3 enced in subparagraph (iv) of paragraph (a) of subdivision five of
4 section forty-three hundred ten and paragraph (v) of subdivision one of
5 section two hundred six of this chapter, so that the subscriber or
6 applicant for coverage shall register or decline registration in the
7 donate life registry for organ, eye and tissue donations under this
8 section of the enrollment or renewal form and that the following is
9 stated on the form in clear and conspicuous type:

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

13 (b) For subscribers and applicants for coverage that respond "yes", a
14 health maintenance organization (or third-party administrator acting on
15 such health maintenance organization's behalf) shall provide the
16 subscriber or applicant for coverage with a donate life registry enroll-
17 ment form or a link to the donate life registry enrollment form website.

18 (c) The superintendent of financial services, in consultation with the
19 commissioner, may approve additional procedures for health maintenance
20 organizations (or third-party administrators) to comply with paragraph
21 (a) of this subdivision.

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

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

31 § 6. This act shall take effect immediately; provided that sections
32 one, two, three and four of this act shall take effect on the same date
33 and in the same manner as chapter 758 of the laws of 2022 takes effect.