

STATE OF NEW YORK

973

2023-2024 Regular Sessions

IN ASSEMBLY

January 11, 2023

Introduced by M. of A. GUNTHER -- read once and referred 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 in the initial process of setting up an online member service portal with an insurer; and to amend a chapter 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 proposed in legislative bills numbers S. 8805 and A. 10186, 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 (a) of subdivision 5 of section 4310 of the
2 public health law, as amended by a chapter of the laws of 2022 amending
3 the public health law and the insurance law relating to requiring space
4 for donate life registration on certain insurance forms, as proposed in
5 legislative bills numbers S. 8805 and A. 10186, is amended to read as
6 follows:
7 (a) Such organ, eye and tissue registration of consent to make an
8 anatomical gift can be made through: (i) indication made on the applica-
9 tion or renewal form of a driver's license, (ii) indication made on a
10 non-driver identification card application or renewal form, (iii) indi-
11 cation made on a voter registration form pursuant to subdivision five of
12 section 5-210 of the election law, (iv) indication made on the applica-
13 tion for, or manual renewal application by an account holder of, health
14 care coverage offered through the [~~state health benefit exchange~~] NY
15 State of Health, the official Health Plan Marketplace, (v) enrollment
16 through the donate life registry website, (vi) paper enrollment submit-
17 ted to the donate life registry, (vii) indication made on the applica-
18 tion or renewal form of a hunting, fishing or trapping license issued
19 pursuant to title seven of article eleven of the environmental conserva-
20 tion law, (viii) indication made on transactions administered by the

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

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1 office of temporary and disability assistance through the mybene-
2 fits.ny.gov website, or any such successor website; (ix) indication made
3 on applications, renewals or related transactions for college financial
4 aid, grants, or scholarships offered or administered through any website
5 maintained by the higher education services corporation; (x) indication
6 made by ~~[eligible individuals]~~ an insured and/or applicant for insurance
7 during enrollments, renewals, and ~~[other related transactions]~~ the
8 initial process for an insured in setting up an online member service
9 portal with their insurer for accident and health insurance policies
10 ~~[covered under this]~~ and contracts issued pursuant to article ~~[, section~~
11 ~~three thousand two hundred sixteen]~~ forty-four of this chapter, article
12 forty-two of the insurance law, or ~~[section three thousand two hundred~~
13 ~~twenty-one]~~ article forty-three of the insurance law, excepting renewals
14 made through the NY State of Health, the official Health Plan Market-
15 place, other than those specifically referenced in subparagraph (iv) of
16 this paragraph and paragraph (v) of subdivision one of section two
17 hundred six of this chapter; and provided, however, that nothing in this
18 section shall apply to the medical assistance program under title eleven
19 of article five of the social services law; or (xi) through any other
20 method identified by the commissioner. The department shall establish a
21 means by which to register the consent given by individuals who are
22 sixteen or seventeen years of age in the donate life registry, and shall
23 make registration available by any of the methods provided in subpara-
24 graphs (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x) and
25 (xi) of this paragraph.

26 § 2. Subdivision 8 of section 4408 of the public health law, as added
27 by a chapter of the laws of 2022 amending the public health law and the
28 insurance law relating to requiring space for donate life registration
29 on certain insurance forms, as proposed in legislative bills numbers S.
30 8805 and A. 10186, is amended to read as follows:

31 8. Space shall be provided on any ~~[form]~~ enrollment, renewal or
32 initial online portal process setup forms required of ~~[enrollees]~~ a
33 subscriber or applicant for coverage, excepting forms issued by the NY
34 State of Health, the official Health Plan Marketplace, other than those
35 specifically referenced in subparagraph (iv) of paragraph (a) of subdi-
36 vision five of section forty-three hundred ten and paragraph (v) of
37 subdivision one of section two hundred six of this chapter, so that the
38 ~~[eligible individual]~~ subscriber or applicant for coverage shall regis-
39 ter or decline registration in the donate life registry for organ, eye
40 and tissue donations under this section of the enrollment or renewal
41 form and that the following is stated on the form in clear and conspicu-
42 ous type:

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

46 § 3. Paragraph 17 of subsection (a) of section 3221 of the insurance
47 law, as added by a chapter of the laws of 2022 amending the public
48 health law and the insurance law relating to requiring space for donate
49 life registration on certain insurance forms, as proposed in legislative
50 bills numbers S. 8805 and A. 10186, is amended to read as follows:

51 (17) Space shall be provided on any ~~[form]~~ enrollment, renewal or
52 initial online portal process setup forms required of ~~[enrollees]~~ an
53 insured or applicant for insurance so that the ~~[eligible individual]~~
54 insured or applicant for insurance shall register or decline registra-
55 tion in the donate life registry for organ, eye and tissue donations
56 under this section of the enrollment, renewal or initial online portal

1 process setup forms and that the following is stated on the form in
2 clear and conspicuous type:

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

6 § 4. Subsection (o) of section 4306 of the insurance law, as added by
7 a chapter of the laws of 2022 amending the public health law and the
8 insurance law relating to requiring space for donate life registration
9 on certain insurance forms, as proposed in legislative bills numbers S.
10 8805 and A. 10186, is amended to read as follows:

11 (o) Space shall be provided on any ~~[form]~~ enrollment, renewal or
12 initial online portal process setup forms required of ~~[enrollees]~~ a
13 subscriber or applicant for coverage, except forms issued by the NY
14 State of Health, the official Health Plan Marketplace, other than those
15 specifically referenced in subparagraph (iv) of paragraph (a) of subdi-
16 vision five of section forty three hundred ten and paragraph (v) of
17 subdivision one of section two hundred six of the public health law, so
18 that the ~~[eligible individual]~~ subscriber or applicant for coverage
19 shall register or decline registration in the donate life registry for
20 organ, eye and tissue donations under this section of the enrollment,
21 renewal or initial online portal process setup forms and that the
22 following is stated on the form in clear and conspicuous type:

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

26 § 5. Subsection (c) of section 3216 of the insurance law is amended by
27 adding a new paragraph 15 to read as follows:

28 (15) Space shall be provided on any enrollment, renewal or initial
29 online portal process setup forms required of an insured or applicant
30 for insurance, except forms issued by the NY State of Health, the offi-
31 cial Health Plan Marketplace, other than those specifically referenced
32 in subparagraph (iv) of paragraph (a) of subdivision five of section
33 four thousand three hundred ten and paragraph (v) of subdivision one of
34 section two hundred six of the public health law, required of an insured
35 or applicant for insurance so that the insured or applicant shall regis-
36 ter or decline registration in the donate life registry for organ, eye
37 and tissue donations under this section of the enrollment or renewal
38 form and that the following is stated on the form in clear and conspicu-
39 ous type:

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

43 § 6. Section 5 of a chapter of the laws of 2022 amending the public
44 health law and the insurance law relating to requiring space for donate
45 life registration on certain insurance forms, as proposed in legislative
46 bills numbers S. 8805 and A. 10186, is amended to read as follows:

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

1 § 7. This act shall take effect immediately; provided however that
2 sections one, two, three, four, and five of this act shall take effect
3 on the same date and in the same manner as a chapter of the laws of 2022
4 amending the public health law and the insurance law relating to requir-
5 ing space for donate life registration on certain insurance forms, as
6 proposed in legislative bills numbers S. 8805 and A. 10186, takes
7 effect.