STATE OF NEW YORK

9922

IN ASSEMBLY

April 26, 2024

Introduced by M. of A. PEOPLES-STOKES -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to providing the opportunity for patients to register to make an anatomical gift during health care visits

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

Section 1. Paragraph (i) of subdivision 1 of section 2803 of the public health law, as added by chapter 47 of the laws of 1997, is amended to read as follows:

(i) [~~The statement~~] **Compliance** regarding patient rights and responsibilities, required pursuant to paragraph (g) of this subdivision, shall include provisions informing the patient of [~~his or her~~] **such patient's** right to make organ, tissue or whole body donations, [~~and~~] **in addition to providing** the means **and presenting the opportunity** by which the patient may **register in the "donate life registry" for organ, eye and tissue donations as provided for under section forty-three hundred ten of this chapter to register to** make such [~~a donation~~] **an anatomical gift as a part of intake or discharge processes at the site of care delivery, during the patient's episode of care**. The commissioner shall promulgate any rules and regulations necessary to implement the provisions of this paragraph.

§ 2. Paragraph p of subdivision 3 of section 2803-c of the public health law, as added by chapter 47 of the laws of 1997, is amended to read as follows:

p. [~~A~~] **Every patient shall be provided a** statement informing the patient of [~~his or her~~] **such patient's** right to make organ, tissue or whole body donations, [~~and~~] **in addition to providing** the means **and presenting the opportunity** by which the patient may **register in the "donate life registry" for organ, eye and tissue donations as provided for under section forty-three hundred ten of this chapter to register to** make [~~such a donation~~] **an anatomical gift as part of intake or discharge processes at the site of care delivery, during such patient's episode of**

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

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care. The commissioner shall promulgate any rules and regulations necessary to implement the provisions of this paragraph.

§ 3. Section 2984 of the public health law is amended by adding a new subdivision 6 to read as follows:

6. A health care provider shall ensure that every patient shall be provided a statement informing the patient of such patient's right to make organ, tissue or whole body donations, in addition to providing the means and presenting the opportunity by which such patient may register in the "donate life registry" for organ, eye and tissue donations as provided for under section forty-three hundred ten of this chapter to register to make such an anatomical gift during such patient's episode of care.

§ 4. Paragraph (a) and subparagraph (i) of paragraph (b) of subdivision 5 of section 4310 of the public health law, as amended by chapter 37 of the laws of 2022, are 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; [~~or~~] (x) indication made pursuant to either paragraph (p) of subdivision three of section twenty-eight hundred three-c, or paragraph (i) of subdivision one of section twenty-eight hundred of this chapter; or (xi) through any other method identified by the commissioner. The department shall establish a means by which to register the consent given by individuals who are sixteen or seventeen years of age in the donate life registry, and shall make registration available by any of the methods provided in subparagraphs (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix) [~~and~~], (x), and (xi) of this paragraph.

(i) Where required by law for transactions described in subparagraphs (i), (ii), (iv), (vii), (viii), (ix), [~~and~~] (x), and (xi) of paragraph (a) of this subdivision, the commissioner shall ensure, in consultation with the head of any agency required to implement such transaction, that space is provided on any required form so that the applicant shall register or decline registration in the donate life registry for organ, eye and tissue donations under this section 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'."

§ 5. Paragraph (a) of subdivision 5 of section 4310 of the public health law, as amended by chapter 29 of the laws of 2023, 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 NY State of Health, the official Health Plan Marketplace, (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 an insured and/or applicant for insurance during enrollments, renewals, and the initial process for an insured in setting up an online member service portal with their insurer for accident and health insurance policies and contracts issued pursuant to article forty-four of this chapter, article forty-two of the insurance law, or article forty-three of the insurance law, excepting renewals made through the NY State of Health, the official Health Plan Marketplace, other than those specifically referenced in subparagraph (iv) of this paragraph and paragraph (v) of subdivision one of section two hundred six of this chapter; and provided, however, that nothing in this section shall apply to the medical assistance program under title eleven of article five of the social services law; [~~or~~] (xi) **indication made pursuant to either paragraph (p) of subdivision three of section twenty-eight hundred three-c, or paragraph (i) of subdivision one of section twenty-eight hundred of this chapter; or (xii)** through any other method identified by the commissioner. The department shall establish a means by which to register the consent given by individuals who are sixteen or seventeen years of age in the donate life registry, and shall make registration available by any of the methods provided in subparagraphs (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x) [~~and~~], (xi)**, and (xii)** of this paragraph.

§ 6. Subparagraph (i) of paragraph (b) 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:

(i) Where required by law for transactions described in subparagraphs (i), (ii), (iv), (vii), (viii), (ix), (x) [~~and~~], (xi)**, and (xii)** of paragraph (a) of this subdivision, the commissioner shall ensure, in consultation with the head of any agency required to implement such transaction, that space is provided on any required form so that the applicant shall register or decline registration in the donate life registry for organ, eye and tissue donations under this section 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'."

§ 7. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided, however, that if chapter 29 of the laws of 2023 shall not have taken effect on or

before such date then sections five and six of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2023, takes effect. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.