

# 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:

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

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

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

19 p. [~~A~~] Every patient shall be provided a statement informing the  
20 patient of [~~his or her~~] such patient's right to make organ, tissue or  
21 whole body donations, [~~and~~] in addition to providing the means and  
22 presenting the opportunity by which the patient may register in the  
23 "donate life registry" for organ, eye and tissue donations as provided  
24 for under section forty-three hundred ten of this chapter to register to  
25 make [~~such a donation~~] an anatomical gift as part of intake or discharge  
26 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.

LBD14726-02-4

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

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

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

13 § 4. Paragraph (a) and subparagraph (i) of paragraph (b) of subdivi-  
14 sion 5 of section 4310 of the public health law, as amended by chapter  
15 37 of the laws of 2022, are amended to read as follows:

16 (a) Such organ, eye and tissue registration of consent to make an  
17 anatomical gift can be made through: (i) indication made on the applica-  
18 tion or renewal form of a driver's license, (ii) indication made on a  
19 non-driver identification card application or renewal form, (iii) indi-  
20 cation made on a voter registration form pursuant to subdivision five of  
21 section 5-210 of the election law, (iv) indication made on the applica-  
22 tion for, or manual renewal application by an account holder of, health  
23 care coverage offered through the state health benefit exchange, (v)  
24 enrollment through the donate life registry website, (vi) paper enroll-  
25 ment submitted to the donate life registry, (vii) indication made on the  
26 application or renewal form of a hunting, fishing or trapping license  
27 issued pursuant to title seven of article eleven of the environmental  
28 conservation law, (viii) indication made on transactions administered by  
29 the office of temporary and disability assistance through the mybene-  
30 fits.ny.gov website, or any such successor website; (ix) indication made  
31 on applications, renewals or related transactions for college financial  
32 aid, grants, or scholarships offered or administered through any website  
33 maintained by the higher education services corporation; ~~(x)~~ (x) indi-  
34 cation made pursuant to either paragraph (p) of subdivision three of  
35 section twenty-eight hundred three-c, or paragraph (i) of subdivision  
36 one of section twenty-eight hundred of this chapter; or (xi) through any  
37 other method identified by the commissioner. The department shall estab-  
38 lish a means by which to register the consent given by individuals who  
39 are sixteen or seventeen years of age in the donate life registry, and  
40 shall make registration available by any of the methods provided in  
41 subparagraphs (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix)  
42 ~~and~~, (x), and (xi) of this paragraph.

43 (i) Where required by law for transactions described in subparagraphs  
44 (i), (ii), (iv), (vii), (viii), (ix), ~~and~~ (x), and (xi) of paragraph  
45 (a) of this subdivision, the commissioner shall ensure, in consultation  
46 with the head of any agency required to implement such transaction, that  
47 space is provided on any required form so that the applicant shall  
48 register or decline registration in the donate life registry for organ,  
49 eye and tissue donations under this section and that the following is  
50 stated on the form in clear and conspicuous type:

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

54 § 5. Paragraph (a) of subdivision 5 of section 4310 of the public  
55 health law, as amended by chapter 29 of the laws of 2023, is amended to  
56 read as follows:

1 (a) Such organ, eye and tissue registration of consent to make an  
2 anatomical gift can be made through: (i) indication made on the applica-  
3 tion or renewal form of a driver's license, (ii) indication made on a  
4 non-driver identification card application or renewal form, (iii) indi-  
5 cation made on a voter registration form pursuant to subdivision five of  
6 section 5-210 of the election law, (iv) indication made on the applica-  
7 tion for, or manual renewal application by an account holder of, health  
8 care coverage offered through the NY State of Health, the official  
9 Health Plan Marketplace, (v) enrollment through the donate life registry  
10 website, (vi) paper enrollment submitted to the donate life registry,  
11 (vii) indication made on the application or renewal form of a hunting,  
12 fishing or trapping license issued pursuant to title seven of article  
13 eleven of the environmental conservation law, (viii) indication made on  
14 transactions administered by the office of temporary and disability  
15 assistance through the mybenefits.ny.gov website, or any such successor  
16 website; (ix) indication made on applications, renewals or related tran-  
17 sactions for college financial aid, grants, or scholarships offered or  
18 administered through any website maintained by the higher education  
19 services corporation; (x) indication made by an insured and/or applicant  
20 for insurance during enrollments, renewals, and the initial process for  
21 an insured in setting up an online member service portal with their  
22 insurer for accident and health insurance policies and contracts issued  
23 pursuant to article forty-four of this chapter, article forty-two of the  
24 insurance law, or article forty-three of the insurance law, excepting  
25 renewals made through the NY State of Health, the official Health Plan  
26 Marketplace, other than those specifically referenced in subparagraph  
27 (iv) of this paragraph and paragraph (v) of subdivision one of section  
28 two hundred six of this chapter; and provided, however, that nothing in  
29 this section shall apply to the medical assistance program under title  
30 eleven of article five of the social services law; ~~(xi)~~ (xi) indication  
31 made pursuant to either paragraph (p) of subdivision three of section  
32 twenty-eight hundred three-c, or paragraph (i) of subdivision one of  
33 section twenty-eight hundred of this chapter; or (xii) through any other  
34 method identified by the commissioner. The department shall establish a  
35 means by which to register the consent given by individuals who are  
36 sixteen or seventeen years of age in the donate life registry, and shall  
37 make registration available by any of the methods provided in subpara-  
38 graphs (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x)  
39 ~~and~~, (xi), and (xii) of this paragraph.

40 § 6. Subparagraph (i) of paragraph (b) of subdivision 5 of section  
41 4310 of the public health law, as amended by chapter 758 of the laws of  
42 2022, is amended to read as follows:

43 (i) Where required by law for transactions described in subparagraphs  
44 (i), (ii), (iv), (vii), (viii), (ix), (x) ~~and~~, (xi), and (xii) of  
45 paragraph (a) of this subdivision, the commissioner shall ensure, in  
46 consultation with the head of any agency required to implement such  
47 transaction, that space is provided on any required form so that the  
48 applicant shall register or decline registration in the donate life  
49 registry for organ, eye and tissue donations under this section and that  
50 the following is stated on the form in clear and conspicuous type:

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

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

1 before such date then sections five and six of this act shall take  
2 effect on the same date and in the same manner as such chapter of the  
3 laws of 2023, takes effect. Effective immediately, the addition, amend-  
4 ment and/or repeal of any rule or regulation necessary for the implemen-  
5 tation of this act on its effective date are authorized to be made and  
6 completed on or before such effective date.