STATE OF NEW YORK

5100

2023-2024 Regular Sessions

IN SENATE

February 22, 2023

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to providing for the remote conduct of witnessing health care proxies

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

Section 1. Section 2981 of the public health law is amended by adding a new subdivision 2-a to read as follows:

2-a. Alternate procedure for witnessing of health care proxies. Witnessing a health care proxy under this section may be done using audio-video technology, for either or both witnesses, provided that the following conditions are met (as used in this subdivision, "remote witness" means a witness acting using audio-visual technology):

(a) The principal, if not personally known to a remote witness, shall display valid photographic identification to the remote witness during the audio-video conference;

(b) The audio-video conference shall allow for direct interaction between the principal and any remote witness;

(c) Any remote witness shall receive a legible copy of the health care proxy, which shall be transmitted via facsimile or electronic means, within twenty-four hours of the proxy being signed by the principal during the audio-video conference; and

(d) The remote witness shall sign the transmitted copy of the proxy, and transmit it back to the principal.

§ 2. This act shall take effect immediately.

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

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