

STATE OF NEW YORK

5469

2023-2024 Regular Sessions

IN SENATE

March 6, 2023

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

AN ACT to amend the public health law, the education law, the tax law, the vehicle and traffic law, the judiciary law and the executive law, in relation to requiring certain state forms and applications to include space for registering in the "donate life registry" for organ, eye and tissue donations; and to repeal certain provisions of the public health law relating thereto

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

Section 1. Paragraph (a) of subdivision 5 of section 4310 of the public health law, as amended by chapter 37 of the laws of 2022, 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 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[~~+-ex~~], (x) indi-

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

LBD08084-01-3

1 cation made on the application for a certificate, license or registra-
2 tion issued pursuant to article sixty-one of the education law, (xi)
3 indication made on the application to practice a profession pursuant to
4 title eight of the education law, (xii) indication made on a personal
5 income tax return, (xiii) indication made on the application for regis-
6 tration or renewal thereof of a motor vehicle, (xiv) indication made on
7 the application for admission to practice or on a biennial registration
8 form pursuant to section four hundred sixty-four or four hundred sixty-
9 eight-a of the judiciary law, (xv) indication made on the application to
10 conduct a profession or occupation which is licensed or registered by
11 the department of state, or (xvi) through any other method identified by
12 the commissioner. The department shall establish a means by which to
13 register the consent given by individuals who are sixteen or seventeen
14 years of age in the donate life registry, and shall make registration
15 available by any of the methods provided in subparagraphs (i), (ii),
16 (iii), (iv), (v), (vi), (vii), (viii), (ix) ~~and~~, (x), (xi), (xii),
17 (xiii), (xiv), (xv) and (xvi) of this paragraph.

18 § 2. Paragraph (a) of subdivision 5 of section 4310 of the public
19 health law, as amended by chapter 758 of the laws of 2022, is amended to
20 read as follows:

21 (a) Such organ, eye and tissue registration of consent to make an
22 anatomical gift can be made through: (i) indication made on the applica-
23 tion or renewal form of a driver's license, (ii) indication made on a
24 non-driver identification card application or renewal form, (iii) indi-
25 cation made on a voter registration form pursuant to subdivision five of
26 section 5-210 of the election law, (iv) indication made on the applica-
27 tion for, or manual renewal application by an account holder of, health
28 care coverage offered through the state health benefit exchange, (v)
29 enrollment through the donate life registry website, (vi) paper enroll-
30 ment submitted to the donate life registry, (vii) indication made on the
31 application or renewal form of a hunting, fishing or trapping license
32 issued pursuant to title seven of article eleven of the environmental
33 conservation law, (viii) indication made on transactions administered by
34 the office of temporary and disability assistance through the mybene-
35 fits.ny.gov website, or any such successor website; (ix) indication made
36 on applications, renewals or related transactions for college financial
37 aid, grants, or scholarships offered or administered through any website
38 maintained by the higher education services corporation; (x) indication
39 made by eligible individuals during enrollments, renewals, and other
40 related transactions for health insurance policies covered under this
41 article, section three thousand two hundred sixteen of the insurance
42 law, or section three thousand two hundred twenty-one of the insurance
43 law~~[redacted]~~, (xi) indication made on the application for a certificate,
44 license or registration issued pursuant to article sixty-one of the
45 education law, (xii) indication made on the application to practice a
46 profession pursuant to title eight of the education law, (xiii) indi-
47 cation made on a personal income tax return, (xiv) indication made on
48 the application for registration or renewal thereof of a motor vehicle,
49 (xv) indication made on the application for admission to practice or on
50 a biennial registration form pursuant to section four hundred sixty-four
51 or four hundred sixty-eight-a of the judiciary law, (xvi) indication
52 made on the application to conduct a profession or occupation which is
53 licensed or registered by the department of state, or (xvii) through any
54 other method identified by the commissioner. The department shall estab-
55 lish a means by which to register the consent given by individuals who
56 are sixteen or seventeen years of age in the donate life registry, and

1 shall make registration available by any of the methods provided in
2 subparagraphs (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix),
3 (x) ~~[and]~~, (xi), (xii), (xiii), (xiv), (xv), (xvi) and (xvii) of this
4 paragraph.

5 § 3. Paragraphs (b) and (c) of subdivision 5 of section 4310 of the
6 public health law are REPEALED and a new paragraph (b) is added to read
7 as follows:

8 (b) Enrollment or amendment or revocation through the donate life
9 registry website through any of the means listed in this subdivision may
10 be signed by electronic signature, in accordance with the provisions of
11 article three of the state technology law, supported by the use of suit-
12 able mechanisms including unique identifiers to provide confidence in
13 the identity of the person providing the electronic signature. The
14 registration shall take effect upon the provision of written or elec-
15 tronic notice of the registration to the individual enrolling in the
16 donate life registry.

17 § 4. Paragraphs (d), (e) and (f) of subdivision 5 of section 4310 of
18 the public health law are relettered paragraphs (c), (d) and (e).

19 § 5. Subdivision 1 of section 206 of the public health law is amended
20 by adding six new paragraphs (w), (x), (y), (z), (aa) and (bb) to read
21 as follows:

22 (w) require, in consultation and cooperation with the commissioner of
23 education, that every individual applying for a certificate, license or
24 registration issued pursuant to article sixty-one of the education law,
25 be provided space so that such applicant may register in the "donate
26 life registry" for organ, eye and tissue donations under section forty-
27 three hundred ten of this chapter with the following stated in clear
28 conspicuous type: "Would you like to be added to the Donate Life Regis-
29 try? Check box for 'yes' or 'skip this question'". The commissioner
30 shall not maintain records of any person who checks "skip this ques-
31 tion". Except where the application is made in person or electronically,
32 failure to check a box shall not impair the validity of an application,
33 and failure to check "yes" or checking "skip this question" shall not be
34 construed to imply a wish not to donate. In the case of an applicant
35 under sixteen years of age, checking "yes" shall not constitute consent
36 to make an anatomical gift or registration in the donate life registry.
37 Where an applicant has previously consented to make an anatomical gift
38 or registered in the donate life registry, checking "skip this question"
39 or failing to check a box shall not impair that consent or registration.

40 (x) require, in consultation and cooperation with the commissioner of
41 education, that every individual applying to practice a profession
42 pursuant to title eight of the education law, be provided space so that
43 such applicant may register in the "donate life registry" for organ, eye
44 and tissue donations under section forty-three hundred ten of this chap-
45 ter with the following stated in clear conspicuous type: "Would you like
46 to be added to the Donate Life Registry? Check box for 'yes' or 'skip
47 this question'". The commissioner shall not maintain records of any
48 person who checks "skip this question". Except where the application is
49 made in person or electronically, failure to check a box shall not
50 impair the validity of an application, and failure to check "yes" or
51 checking "skip this question" shall not be construed to imply a wish not
52 to donate. In the case of an applicant under sixteen years of age,
53 checking "yes" shall not constitute consent to make an anatomical gift
54 or registration in the donate life registry. Where an applicant has
55 previously consented to make an anatomical gift or registered in the

1 donate life registry, checking "skip this question" or failing to check
2 a box shall not impair that consent or registration.

3 (y) require, in consultation and cooperation with the department of
4 taxation and finance, that every individual filing a personal income tax
5 return be provided space so that such applicant may register in the
6 "donate life registry" for organ, eye and tissue donations under section
7 forty-three hundred ten of this chapter with the following stated in
8 clear conspicuous type: "Would you like to be added to the Donate Life
9 Registry? Check box for 'yes' or 'skip this question'". The commissioner
10 shall not maintain records of any person who checks "skip this ques-
11 tion". Except where the application is made in person or electronically,
12 failure to check a box shall not impair the validity of an application,
13 and failure to check "yes" or checking "skip this question" shall not be
14 construed to imply a wish not to donate. In the case of an applicant
15 under sixteen years of age, checking "yes" shall not constitute consent
16 to make an anatomical gift or registration in the donate life registry.
17 Where an applicant has previously consented to make an anatomical gift
18 or registered in the donate life registry, checking "skip this question"
19 or failing to check a box shall not impair that consent or registration.

20 (z) require, in consultation and cooperation with the commissioner of
21 motor vehicles, that every individual applying for a registration or
22 renewal thereof of a motor vehicle be provided space so that such appli-
23 cant may register in the "donate life registry" for organ, eye and
24 tissue donations under section forty-three hundred ten of this chapter
25 with the following stated in clear conspicuous type: "Would you like to
26 be added to the Donate Life Registry? Check box for 'yes' or 'skip this
27 question'". The commissioner shall not maintain records of any person
28 who checks "skip this question". Except where the application is made in
29 person or electronically, failure to check a box shall not impair the
30 validity of an application, and failure to check "yes" or checking "skip
31 this question" shall not be construed to imply a wish not to donate. In
32 the case of an applicant under sixteen years of age, checking "yes"
33 shall not constitute consent to make an anatomical gift or registration
34 in the donate life registry. Where an applicant has previously consented
35 to make an anatomical gift or registered in the donate life registry,
36 checking "skip this question" or failing to check a box shall not impair
37 that consent or registration.

38 (aa) require, in consultation and cooperation with the state board of
39 law examiners, that every individual applying for admission to practice
40 or on a biennial registration form pursuant to section four hundred
41 sixty-four or four hundred sixty-eight-a of the judiciary law, be
42 provided space so that such applicant may register in the "donate life
43 registry" for organ, eye and tissue donations under section forty-three
44 hundred ten of this chapter with the following stated in clear conspicu-
45 ous type: "Would you like to be added to the Donate Life Registry? Check
46 box for 'yes' or 'skip this question'". The commissioner shall not main-
47 tain records of any person who checks "skip this question". Except where
48 the application is made in person or electronically, failure to check a
49 box shall not impair the validity of an application, and failure to
50 check "yes" or checking "skip this question" shall not be construed to
51 imply a wish not to donate. In the case of an applicant under sixteen
52 years of age, checking "yes" shall not constitute consent to make an
53 anatomical gift or registration in the donate life registry. Where an
54 applicant has previously consented to make an anatomical gift or regis-
55 tered in the donate life registry, checking "skip this question" or
56 failing to check a box shall not impair that consent or registration.

(bb) require, in consultation and cooperation with the secretary of state, that every individual applying to conduct a profession or occupation which is licensed or registered by the department of state be provided space so that such applicant may register in the "donate life registry" for organ, eye and tissue donations under section forty-three hundred ten of this chapter with the following stated in clear conspicuous type: "Would you like to be added to the Donate Life Registry? Check box for 'yes' or 'skip this question'". The commissioner shall not maintain records of any person who checks "skip this question". Except where the application is made in person or electronically, failure to check a box shall not impair the validity of an application, and failure to check "yes" or checking "skip this question" shall not be construed to imply a wish not to donate. In the case of an applicant under sixteen years of age, checking "yes" shall not constitute consent to make an anatomical gift or registration in the donate life registry. Where an applicant has previously consented to make an anatomical gift or registered in the donate life registry, checking "skip this question" or failing to check a box shall not impair that consent or registration.

§ 6. Section 3006 of the education law is amended by adding a new subdivision 4 to read as follows:

4. Organ, eye and tissue donation. The commissioner shall provide on each application for a certificate, license or registration issued pursuant to this article, and each renewal thereof, space for the applicant to register in the "donate life registry" for organ, eye and tissue donations established pursuant to section forty-three hundred ten of the public health law with the following stated on the application in clear and conspicuous type: "Would you like to be added to the Donate Life Registry? Check box for 'yes' or 'skip this question'". The regents shall not maintain records of any person who checks "skip this question". Failure to check "yes" or checking "skip this question" shall not be construed to imply a wish not to donate. In the case of an applicant under sixteen years of age, checking "yes" shall not constitute consent to make an anatomical gift or registration in the donate life registry. Provided, that where an applicant has previously consented to make an anatomical gift or registered in the "donate life registry", failing to check a box shall not impair such consent or registration.

§ 7. Section 6501 of the education law is amended by adding a new subdivision 3 to read as follows:

3. The regents shall provide, on each application to practice a profession pursuant to this title and each application for renewal of a license, registration or certification to practice such a profession, space for the applicant to register in the "donate life registry" of organ, eye and tissue donations established pursuant to section forty-three hundred ten of the public health law with the following stated on the application in clear and conspicuous type: "Would you like to be added to the Donate Life Registry? Check box for 'yes' or 'skip this question'". The regents shall not maintain records of any person who checks "skip this question". Failure to check "yes" or checking "skip this question" shall not be construed to imply a wish not to donate. In the case of an applicant under sixteen years of age, checking "yes" shall not constitute consent to make an anatomical gift or registration in the donate life registry. Provided, that where an applicant has previously consented to make an anatomical gift or registered in the "donate life registry", failing to check a box shall not impair such consent or registration.

1 § 8. Section 651 of the tax law is amended by adding a new subsection
2 (a-1) to read as follows:

3 (a-1) Organ, eye and tissue donation. The commissioner shall provide
4 on each return space for the taxpayer or taxpayers to register in the
5 "donate life registry" for organ, eye and tissue donations established
6 pursuant to section forty-three hundred ten of the public health law
7 with the following stated on the application in clear and conspicuous
8 type: "Would you like to be added to the Donate Life Registry? Check box
9 for 'yes' or 'skip this question'". The commissioner shall not maintain
10 records of any person who checks "skip this question". Failure to check
11 "yes" or checking "skip this question" shall not be construed to imply a
12 wish not to donate. In the case of an applicant under sixteen years of
13 age, checking "yes" shall not constitute consent to make an anatomical
14 gift or registration in the donate life registry. Provided, that where a
15 taxpayer has previously consented to make an anatomical gift or regis-
16 tered in the "donate life registry", failing to check a box shall not
17 impair such consent or registration.

18 § 9. Paragraph b of subdivision 1 of section 401 of the vehicle and
19 traffic law is amended by adding a new closing paragraph to read as
20 follows:

21 The commissioner shall provide on each application for registration
22 and renewal thereof space for the motor vehicle owner to register in the
23 "donate life registry" for organ, eye and tissue donations established
24 pursuant to section forty-three hundred ten of the public health law
25 with the following stated on the application in clear and conspicuous
26 type: "Would you like to be added to the Donate Life Registry? Check box
27 for 'yes' or 'skip this question'". The commissioner shall not maintain
28 records of any person who checks "skip this question". Failure to check
29 "yes" or checking "skip this question" shall not be construed to imply a
30 wish not to donate. In the case of an applicant under sixteen years of
31 age, checking "yes" shall not constitute consent to make an anatomical
32 gift or registration in the donate life registry. Provided, that where a
33 motor vehicle owner has previously consented to make an anatomical gift
34 or registered in the "donate life registry", failing to check a box
35 shall not impair such consent or registration.

36 § 10. Section 464 of the judiciary law is amended by adding a new
37 closing paragraph to read as follows:

38 The chief administrator of the courts shall provide on each applica-
39 tion for admission to practice, space for the applicant to register in
40 the "donate life registry" for organ, eye and tissue donations estab-
41 lished pursuant to section forty-three hundred ten of the public health
42 law with the following stated on the application in clear and conspicu-
43 ous type: "Would you like to be added to the Donate Life Registry? Check
44 box for 'yes' or 'skip this question'". The chief administrator of the
45 courts shall not maintain records of any person who checks "skip this
46 question". Failure to check "yes" or checking "skip this question"
47 shall not be construed to imply a wish not to donate. In the case of an
48 applicant under sixteen years of age, checking "yes" shall not consti-
49 tute consent to make an anatomical gift or registration in the donate
50 life registry. Provided, that where an applicant has previously
51 consented to make an anatomical gift or registered in the "donate life
52 registry", failing to check a box shall not impair such consent or
53 registration.

54 § 11. Section 468-a of the judiciary law is amended by adding a new
55 subdivision 4-a to read as follows:

1 4-a. The chief administrator shall provide on each biennial registra-
2 tion form space for the attorney to register in the "donate life regis-
3 try" for organ, eye and tissue donations established pursuant to section
4 forty-three hundred ten of the public health law with the following
5 stated on the application in clear and conspicuous type: "Would you like
6 to be added to the Donate Life Registry? Check box for 'yes' or 'skip
7 this question'". The chief administrator shall not maintain records of
8 any person who checks "skip this question". Failure to check "yes" or
9 checking "skip this question" shall not be construed to imply a wish not
10 to donate. In the case of an applicant under sixteen years of age,
11 checking "yes" shall not constitute consent to make an anatomical gift
12 or registration in the donate life registry. Provided, that where an
13 attorney has previously consented to make an anatomical gift or regis-
14 tered in the "donate life registry", failing to check a box shall not
15 impair such consent or registration.

16 § 12. The executive law is amended by adding a new section 91-a to
17 read as follows:

18 § 91-a. Organ, eye and tissue donation. The secretary shall provide
19 on each application to conduct a profession or occupation which is
20 licensed or registered by the department, and each renewal thereof,
21 space for the applicant to register in the "donate life registry" for
22 organ, eye and tissue donations established pursuant to section forty-
23 three hundred ten of the public health law with the following stated on
24 the application in clear and conspicuous type: "Would you like to be
25 added to the Donate Life Registry? Check box for 'yes' or 'skip this
26 question'". The secretary shall not maintain records of any person who
27 checks "skip this question". Failure to check "yes" or checking "skip
28 this question" shall not be construed to imply a wish not to donate. In
29 the case of an applicant under sixteen years of age, checking "yes"
30 shall not constitute consent to make an anatomical gift or registration
31 in the donate life registry. Provided, that where an applicant has
32 previously consented to make an anatomical gift or registered in the
33 "donate life registry", failing to check a box shall not impair such
34 consent or registration.

35 § 13. This act shall take effect on the first of January next succeed-
36 ing the date on which it shall have become a law; provided, however,
37 that if chapter 758 of the laws of 2022 shall not have taken effect on
38 or before such date, then section two of this act shall take effect on
39 the same date and in the same manner as such chapter of the laws of 2022
40 takes effect. Effective immediately, the addition, amendment and/or
41 repeal of any rule or regulation necessary for the implementation of
42 this act on its effective date are authorized to be made and completed
43 on or before such effective date.