

# STATE OF NEW YORK

3516

2023-2024 Regular Sessions

## IN ASSEMBLY

February 3, 2023

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

AN ACT to amend the civil service law, the labor law, 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:

1 Section 1. The civil service law is amended by adding a new section  
2 50-d to read as follows:

3 § 50-d. Organ, eye and tissue donation. The civil service department  
4 and municipal commissions shall provide on each application provided  
5 pursuant to section fifty of this title space for the applicant to  
6 register in the "donate life registry" for organ, eye and tissue  
7 donations established pursuant to section forty-three hundred ten of the  
8 public health law with the following stated on the application in clear  
9 and conspicuous type: "Would you like to be added to the Donate Life  
10 Registry? Check box for 'yes' or 'skip this question'". Neither the  
11 civil service department nor municipal commissions shall maintain  
12 records of any person who checks "skip this question". Failure to check  
13 "yes" or checking "skip this question" shall not be construed to imply a  
14 wish not to donate. In the case of an applicant under sixteen years of  
15 age, checking "yes" shall not constitute consent to make an anatomical  
16 gift or registration in the donate life registry. Provided, that where  
17 an applicant has previously consented to make an anatomical gift or  
18 registered in the "donate life registry", failing to check a box shall  
19 not impair such consent or registration.

20 § 2. The labor law is amended by adding a new section 596-a to read as  
21 follows:

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

LBD06846-01-3

§ 596-a. Organ, eye and tissue donation. The commissioner shall provide on each claim for benefits made pursuant to section five hundred ninety-six of this title space for the claimant 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 commissioner 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 a claimant 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.

§ 3. Paragraph (a) 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:

(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; (x) indication made by eligible individuals during enrollments, renewals, and other related transactions for health insurance policies covered under this article, section three thousand two hundred sixteen of the insurance law, or section three thousand two hundred twenty-one of the insurance law; ~~(x)~~ (xi) indication made on an application for a civil service examination pursuant to section fifty of the civil service law, (xii) indication made on a claim for unemployment benefits made pursuant to section five hundred ninety-six of the labor law, (xiii) indication made on an application for a certificate, license or registration issued pursuant to article sixty-one of the education law, (xiv) indication made on an application to practice a profession pursuant to title eight of the education law, (xv) indication made on a personal income tax return, (xvi) indication made on an application for registration or renewal thereof of a motor vehicle, (xvii) indication made on an application for admission to practice or on a biennial registration form pursuant to section four hundred sixty-four or four hundred sixty-eight-a of the judiciary law, (xviii) indication made on an application to conduct a profession or occupation which is licensed or registered by the department of state, or (xix) through any other method

1 identified by the commissioner. The department shall establish a means  
2 by which to register the consent given by individuals who are sixteen or  
3 seventeen years of age in the donate life registry, and shall make  
4 registration available by any of the methods provided in subparagraphs  
5 (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x) ~~[and], (xi),~~  
6 (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii) and (xix) of this  
7 paragraph.

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

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

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

22 § 6. Subdivision 1 of section 206 of the public health law is amended  
23 by adding eight new paragraphs (w), (x), (y), (z), (aa), (bb), (cc) and  
24 (dd) to read as follows:

25 (w) require, in consultation and cooperation with the civil service  
26 department and municipal commissions, that every individual applying for  
27 a civil service examination be provided space so that such applicant may  
28 register in the "donate life registry" for organ, eye and tissue  
29 donations under section forty-three hundred ten of this chapter with the  
30 following stated in clear conspicuous type: "Would you like to be added  
31 to the Donate Life Registry? Check box for 'yes' or 'skip this ques-  
32 tion'". Neither the civil service department nor municipal commissions  
33 shall maintain records of any person who checks "skip this question".  
34 Except where the application is made in person or electronically, fail-  
35 ure to check a box shall not impair the validity of an application, and  
36 failure to check "yes" or checking "skip this question" shall not be  
37 construed to imply a wish not to donate. In the case of an applicant  
38 under sixteen years of age, checking "yes" shall not constitute consent  
39 to make an anatomical gift or registration in the donate life registry.  
40 Where an applicant has previously consented to make an anatomical gift  
41 or registered in the donate life registry, checking "skip this question"  
42 or failing to check a box shall not impair that consent or registration.

43 (x) require, in consultation and cooperation with the commissioner of  
44 the department of labor, that every individual filing a claim for unem-  
45 ployment benefits be provided space so that such applicant may register  
46 in the "donate life registry" for organ, eye and tissue donations under  
47 section forty-three hundred ten of this chapter with the following stat-  
48 ed in clear conspicuous type: "Would you like to be added to the Donate  
49 Life Registry? Check box for 'yes' or 'skip this question'". The commis-  
50 sioner shall not maintain records of any person who checks "skip this  
51 question". Except where the claim for benefits is made in person or  
52 electronically, failure to check a box shall not impair the validity of  
53 an application, and failure to check "yes" or checking "skip this ques-  
54 tion" shall not be construed to imply a wish not to donate. In the case  
55 of a claimant under sixteen years of age, checking "yes" shall not  
56 constitute consent to make an anatomical gift or registration in the

1 donate life registry. Where a claimant has previously consented to make  
2 an anatomical gift or registered in the donate life registry, checking  
3 "skip this question" or failing to check a box shall not impair that  
4 consent or registration.

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

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

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

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

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

21 (cc) require, in consultation and cooperation with the state board of  
22 law examiners, that every individual applying for admission to practice  
23 or on a biennial registration form pursuant to section four hundred  
24 sixty-four or four hundred sixty-eight-a of the judiciary law, be  
25 provided space so that such applicant may register in the "donate life  
26 registry" for organ, eye and tissue donations under section forty-three  
27 hundred ten of this chapter with the following stated in clear conspicu-  
28 ous type: "Would you like to be added to the Donate Life Registry? Check  
29 box for 'yes' or 'skip this question'". The commissioner shall not main-  
30 tain records of any person who checks "skip this question". Except where  
31 the application is made in person or electronically, failure to check a  
32 box shall not impair the validity of an application, and failure to  
33 check "yes" or checking "skip this question" shall not be construed to  
34 imply a wish not to donate. In the case of an applicant under sixteen  
35 years of age, checking "yes" shall not constitute consent to make an  
36 anatomical gift or registration in the donate life registry. Where an  
37 applicant has previously consented to make an anatomical gift or regis-  
38 tered in the donate life registry, checking "skip this question" or  
39 failing to check a box shall not impair that consent or registration.

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



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

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

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

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

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

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

42 (a-1) Organ, eye and tissue donation. The commissioner shall provide  
43 on each return space for the taxpayer or taxpayers to register in the  
44 "donate life registry" for organ, eye and tissue donations established  
45 pursuant to section forty-three hundred ten of the public health law  
46 with the following stated on the application in clear and conspicuous  
47 type: "Would you like to be added to the Donate Life Registry? Check box  
48 for 'yes' or 'skip this question'". The commissioner shall not maintain  
49 records of any person who checks "skip this question". Failure to check  
50 "yes" or checking "skip this question" shall not be construed to imply a  
51 wish not to donate. In the case of an applicant under sixteen years of  
52 age, checking "yes" shall not constitute consent to make an anatomical  
53 gift or registration in the donate life registry. Provided, that where a  
54 taxpayer has previously consented to make an anatomical gift or regis-  
55 tered in the "donate life registry", failing to check a box shall not  
56 impair such consent or registration.

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

The commissioner shall provide on each application for registration and renewal thereof space for the motor vehicle owner 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 commissioner 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 a motor vehicle owner 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.

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

The chief administrator of the courts shall provide on each application for admission to practice, 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 chief administrator of the courts 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.

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

4-a. The chief administrator shall provide on each biennial registration form space for the attorney 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 chief administrator 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 attorney 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.

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

1     § 91-a. Organ, eye and tissue donation. The secretary shall provide  
2 on each application to conduct a profession or occupation which is  
3 licensed or registered by the department, and each renewal thereof,  
4 space for the applicant to register in the "donate life registry" for  
5 organ, eye and tissue donations established pursuant to section forty-  
6 three hundred ten of the public health law with the following stated on  
7 the application in clear and conspicuous type: "Would you like to be  
8 added to the Donate Life Registry? Check box for 'yes' or 'skip this  
9 question'". The secretary shall not maintain records of any person who  
10 checks "skip this question". Failure to check "yes" or checking "skip  
11 this question" shall not be construed to imply a wish not to donate. In  
12 the case of an applicant under sixteen years of age, checking "yes"  
13 shall not constitute consent to make an anatomical gift or registration  
14 in the donate life registry. Provided, that where an applicant has  
15 previously consented to make an anatomical gift or registered in the  
16 "donate life registry", failing to check a box shall not impair such  
17 consent or registration.

18     § 14. This act shall take effect on the first of January next succeed-  
19 ing the date on which it shall have become a law; provided, however,  
20 that section three of this act shall take effect on the same date and in  
21 the same manner as chapter 758 of the laws of 2022 takes effect. Effec-  
22 tive immediately, the addition, amendment and/or repeal of any rule or  
23 regulation necessary for the implementation of this act on its effective  
24 date are authorized to be made and completed on or before such effective  
25 date.