STATE OF NEW YORK

9464

IN ASSEMBLY

March 14, 2024

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

AN ACT to amend the public health law, in relation to expanding support for living organ donation to include living donors who are residents of the state or are making a living donation in which the ultimate recipient is a resident of the state

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

Section 1. Paragraph (a) of subdivision 2 of section 4371 of the public health law, as amended by chapter 66 of the laws of 2023, is amended to read as follows:

(a) Subject to appropriations therefor, the program shall pay the living donor expenses for living donors**: (i)** who are residents of the state [~~and make~~]**; or (ii) are making** a living donation in which the ultimate recipient, either directly or through paired donation is a resident of the state. The commissioner through regulations shall establish eligible living donor expenses that are eligible for reimbursement under the program which shall include at a minimum: lost wages (including demonstrated lost non-employment income) or the economic value of sick or vacation days expended; travel and lodging, child care and elder care expenses; and costs of medications and care associated with the living donation surgery that are not covered by health insurance. The total period of time related to lost wages or expended sick or vacation days shall not exceed four weeks unless special circumstances are demonstrated, such as the nature of physical labor required for the living donor's employment; provided that the total period shall in no event exceed eight weeks. The commissioner may, by regulation, impose reasonable limitations on: (i) the amount of lost wages for a living donor making an income in excess of an annual rate of one hundred twenty-five thousand dollars; or (ii) the amount of living donor expenses above fourteen thousand dollars for any single living donor; and may include additional living donor expenses including reimbursement for costs of care performed by relatives or family members of the living donor.

§ 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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