STATE OF NEW YORK

973

2023-2024 Regular Sessions

IN ASSEMBLY

January 11, 2023

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

AN ACT to amend the public health law and the insurance law, in relation to requiring space for donate life registration in the initial process of setting up an online member service portal with an insurer; and to amend a chapter of the laws of 2022 amending the public health law and the insurance law relating to requiring space for donate life registration on certain insurance forms, as proposed in legislative bills numbers S. 8805 and A. 10186, in relation to the effectiveness thereof

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 a chapter of the laws of 2022 amending the public health law and the insurance law relating to requiring space for donate life registration on certain insurance forms, as proposed in legislative bills numbers S. 8805 and A. 10186, 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~~] **NY State of Health, the official Health Plan Marketplace**, (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

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

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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~~] an insured and/or applicant for insurance during enrollments, renewals, and [~~other related transactions~~] the initial process for an insured in setting up an online member service portal with their insurer for accident and health insurance policies [~~covered under this~~] and contracts issued pursuant to article[~~, section three thousand two hundred sixteen~~] forty-four of this chapter, article forty-two of the insurance law, or [~~section three thousand two hundred twenty one~~] article forty-three of the insurance law, excepting renewals made through the NY State of Health, the official Health Plan Marketplace, other than those specifically referenced in subparagraph (iv) of this paragraph and paragraph (v) of subdivision one of section two hundred six of this chapter; and provided, however, that nothing in this section shall apply to the medical assistance program under title eleven of article five of the social services law; or (xi) through any other method identified by the commissioner. The department shall establish a means by which to register the consent given by individuals who are sixteen or seventeen years of age in the donate life registry, and shall make registration available by any of the methods provided in subparagraphs (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x) and (xi) of this paragraph.

§ 2. Subdivision 8 of section 4408 of the public health law, as added by a chapter of the laws of 2022 amending the public health law and the insurance law relating to requiring space for donate life registration on certain insurance forms, as proposed in legislative bills numbers S. 8805 and A. 10186, is amended to read as follows:

8. Space shall be provided on any [~~form~~] enrollment, renewal or initial online portal process setup forms required of [~~enrollees~~] a subscriber or applicant for coverage, excepting forms issued by the NY State of Health, the official Health Plan Marketplace, other than those specifically referenced in subparagraph (iv) of paragraph (a) of subdivision five of section forty-three hundred ten and paragraph (v) of subdivision one of section two hundred six of this chapter, so that the [~~eligible individual~~] subscriber or applicant for coverage shall register or decline registration in the donate life registry for organ, eye and tissue donations under this section of the enrollment or renewal form and that the following is stated on the form in clear and conspicuous type:

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

§ 3. Paragraph 17 of subsection (a) of section 3221 of the insurance law, as added by a chapter of the laws of 2022 amending the public health law and the insurance law relating to requiring space for donate life registration on certain insurance forms, as proposed in legislative bills numbers S. 8805 and A. 10186, is amended to read as follows:

(17) Space shall be provided on any [~~form~~] enrollment, renewal or initial online portal process setup forms required of [~~enrollees~~] an insured or applicant for insurance so that the [~~eligible individual~~] insured or applicant for insurance shall register or decline registration in the donate life registry for organ, eye and tissue donations under this section of the enrollment, renewal or initial online portal

process setup forms and that the following is stated on the form in clear and conspicuous type:

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

§ 4. Subsection (o) of section 4306 of the insurance law, as added by a chapter of the laws of 2022 amending the public health law and the insurance law relating to requiring space for donate life registration on certain insurance forms, as proposed in legislative bills numbers S. 8805 and A. 10186, is amended to read as follows:

(o) Space shall be provided on any [~~form~~] enrollment, renewal or initial online portal process setup forms required of [~~enrollees~~] a subscriber or applicant for coverage, except forms issued by the NY State of Health, the official Health Plan Marketplace, other than those specifically referenced in subparagraph (iv) of paragraph (a) of subdivision five of section forty three hundred ten and paragraph (v) of subdivision one of section two hundred six of the public health law, so that the [~~eligible individual~~] subscriber or applicant for coverage shall register or decline registration in the donate life registry for organ, eye and tissue donations under this section of the enrollment, renewal or initial online portal process setup forms and that the following is stated on the form in clear and conspicuous type:

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

§ 5. Subsection (c) of section 3216 of the insurance law is amended by adding a new paragraph 15 to read as follows:

(15) Space shall be provided on any enrollment, renewal or initial online portal process setup forms required of an insured or applicant for insurance, except forms issued by the NY State of Health, the official Health Plan Marketplace, other than those specifically referenced in subparagraph (iv) of paragraph (a) of subdivision five of section four thousand three hundred ten and paragraph (v) of subdivision one of section two hundred six of the public health law, required of an insured or applicant for insurance so that the insured or applicant shall register or decline registration in the donate life registry for organ, eye and tissue donations under this section of the enrollment or renewal form and that the following is stated on the form in clear and conspicuous type:

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

§ 6. Section 5 of a chapter of the laws of 2022 amending the public health law and the insurance law relating to requiring space for donate life registration on certain insurance forms, as proposed in legislative bills numbers S. 8805 and A. 10186, is amended to read as follows:

§ 5. This act shall take effect [~~on the one hundred eightieth day~~] eighteen months after it shall have become a law[~~; provided, however, that if chapter 743 of the laws of 2021 shall not have taken effect on or before such date then this act shall take effect on the same date and in the same manner as such chapter of the laws of 2021 takes effect~~]. Effective immediately, the commissioner of health[~~, in conjunction with~~] and the superintendent of financial services[~~,~~] are authorized to promulgate any rules and regulations necessary for the implementation of this act on or before such effective date.

§ 7. This act shall take effect immediately; provided however that sections one, two, three, four, and five of this act shall take effect on the same date and in the same manner as a chapter of the laws of 2022 amending the public health law and the insurance law relating to requiring space for donate life registration on certain insurance forms, as proposed in legislative bills numbers S. 8805 and A. 10186, takes effect.