

STATE OF NEW YORK

9922

IN ASSEMBLY

April 26, 2024

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

AN ACT to amend the public health law, in relation to providing the opportunity for patients to register to make an anatomical gift during health care visits

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

1 Section 1. Paragraph (i) of subdivision 1 of section 2803 of the
2 public health law, as added by chapter 47 of the laws of 1997, is
3 amended to read as follows:

4 (i) ~~[The statement]~~ Compliance regarding patient rights and responsi-
5 bilities, required pursuant to paragraph (g) of this subdivision, shall
6 include provisions informing the patient of ~~[his or her]~~ such patient's
7 right to make organ, tissue or whole body donations, ~~[and]~~ in addition
8 to providing the means and presenting the opportunity by which the
9 patient may register in the "donate life registry" for organ, eye and
10 tissue donations as provided for under section forty-three hundred ten
11 of this chapter to register to make such ~~[a donation]~~ an anatomical gift
12 as a part of intake or discharge processes at the site of care delivery,
13 during the patient's episode of care. The commissioner shall promulgate
14 any rules and regulations necessary to implement the provisions of this
15 paragraph.

16 § 2. Paragraph p of subdivision 3 of section 2803-c of the public
17 health law, as added by chapter 47 of the laws of 1997, is amended to
18 read as follows:

19 p. ~~[A]~~ Every patient shall be provided a statement informing the
20 patient of ~~[his or her]~~ such patient's right to make organ, tissue or
21 whole body donations, ~~[and]~~ in addition to providing the means and
22 presenting the opportunity by which the patient may register in the
23 "donate life registry" for organ, eye and tissue donations as provided
24 for under section forty-three hundred ten of this chapter to register to
25 make ~~[such a donation]~~ an anatomical gift as part of intake or discharge
26 processes at the site of care delivery, during such patient's episode of

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

LBD14726-02-4

1 care. The commissioner shall promulgate any rules and regulations
2 necessary to implement the provisions of this paragraph.

3 § 3. Section 2984 of the public health law is amended by adding a new
4 subdivision 6 to read as follows:

5 6. A health care provider shall ensure that every patient shall be
6 provided a statement informing the patient of such patient's right to
7 make organ, tissue or whole body donations, in addition to providing the
8 means and presenting the opportunity by which such patient may register
9 in the "donate life registry" for organ, eye and tissue donations as
10 provided for under section forty-three hundred ten of this chapter to
11 register to make such an anatomical gift during such patient's episode
12 of care.

13 § 4. Paragraph (a) and subparagraph (i) of paragraph (b) of subdivi-
14 sion 5 of section 4310 of the public health law, as amended by chapter
15 37 of the laws of 2022, are amended to read as follows:

16 (a) Such organ, eye and tissue registration of consent to make an
17 anatomical gift can be made through: (i) indication made on the applica-
18 tion or renewal form of a driver's license, (ii) indication made on a
19 non-driver identification card application or renewal form, (iii) indi-
20 cation made on a voter registration form pursuant to subdivision five of
21 section 5-210 of the election law, (iv) indication made on the applica-
22 tion for, or manual renewal application by an account holder of, health
23 care coverage offered through the state health benefit exchange, (v)
24 enrollment through the donate life registry website, (vi) paper enroll-
25 ment submitted to the donate life registry, (vii) indication made on the
26 application or renewal form of a hunting, fishing or trapping license
27 issued pursuant to title seven of article eleven of the environmental
28 conservation law, (viii) indication made on transactions administered by
29 the office of temporary and disability assistance through the mybene-
30 fits.ny.gov website, or any such successor website; (ix) indication made
31 on applications, renewals or related transactions for college financial
32 aid, grants, or scholarships offered or administered through any website
33 maintained by the higher education services corporation; ~~or~~ (x) indi-
34 cation made pursuant to either paragraph (p) of subdivision three of
35 section twenty-eight hundred three-c, or paragraph (i) of subdivision
36 one of section twenty-eight hundred of this chapter; or (xi) through any
37 other method identified by the commissioner. The department shall estab-
38 lish a means by which to register the consent given by individuals who
39 are sixteen or seventeen years of age in the donate life registry, and
40 shall make registration available by any of the methods provided in
41 subparagraphs (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix)
42 ~~and~~, (x), and (xi) of this paragraph.

43 (i) Where required by law for transactions described in subparagraphs
44 (i), (ii), (iv), (vii), (viii), (ix), ~~and~~ (x), and (xi) of paragraph
45 (a) of this subdivision, the commissioner shall ensure, in consultation
46 with the head of any agency required to implement such transaction, that
47 space is provided on any required form so that the applicant shall
48 register or decline registration in the donate life registry for organ,
49 eye and tissue donations under this section and that the following is
50 stated on the form in clear and conspicuous type:

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

54 § 5. Paragraph (a) of subdivision 5 of section 4310 of the public
55 health law, as amended by chapter 29 of the laws of 2023, is amended to
56 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 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 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 an insured and/or applicant for insurance during enrollments, renewals, and the initial process for an insured in setting up an online member service portal with their insurer for accident and health insurance policies and contracts issued pursuant to article forty-four of this chapter, article forty-two of the insurance law, or 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) indication made pursuant to either paragraph (p) of subdivision three of section twenty-eight hundred three-c, or paragraph (i) of subdivision one of section twenty-eight hundred of this chapter; or (xii) 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), and (xii) of this paragraph.

§ 6. Subparagraph (i) of paragraph (b) 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:

(i) Where required by law for transactions described in subparagraphs (i), (ii), (iv), (vii), (viii), (ix), (x) ~~and~~, (xi), and (xii) of paragraph (a) of this subdivision, the commissioner shall ensure, in consultation with the head of any agency required to implement such transaction, that space is provided on any required form so that the applicant shall register or decline registration in the donate life registry for organ, eye and tissue donations under this section 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'."

§ 7. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided, however, that if chapter 29 of the laws of 2023 shall not have taken effect on or

1 before such date then sections five and six of this act shall take
2 effect on the same date and in the same manner as such chapter of the
3 laws of 2023, takes effect. Effective immediately, the addition, amend-
4 ment and/or repeal of any rule or regulation necessary for the implemen-
5 tation of this act on its effective date are authorized to be made and
6 completed on or before such effective date.