

# STATE OF NEW YORK

5100

2023-2024 Regular Sessions

## IN SENATE

February 22, 2023

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

AN ACT to amend the public health law, in relation to providing for the remote conduct of witnessing health care proxies

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

1 Section 1. Section 2981 of the public health law is amended by adding  
2 a new subdivision 2-a to read as follows:

3 2-a. Alternate procedure for witnessing of health care proxies.  
4 Witnessing a health care proxy under this section may be done using  
5 audio-video technology, for either or both witnesses, provided that the  
6 following conditions are met (as used in this subdivision, "remote  
7 witness" means a witness acting using audio-visual technology):

8 (a) The principal, if not personally known to a remote witness, shall  
9 display valid photographic identification to the remote witness during  
10 the audio-video conference;

11 (b) The audio-video conference shall allow for direct interaction  
12 between the principal and any remote witness;

13 (c) Any remote witness shall receive a legible copy of the health care  
14 proxy, which shall be transmitted via facsimile or electronic means,  
15 within twenty-four hours of the proxy being signed by the principal  
16 during the audio-video conference; and

17 (d) The remote witness shall sign the transmitted copy of the proxy,  
18 and transmit it back to the principal.

19 § 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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