# STATE OF NEW YORK

7617

2025-2026 Regular Sessions

# IN ASSEMBLY

April 1, 2025

Introduced by M. of A. PEOPLES-STOKES, DAVILA, PALMESANO, SMULLEN, KAY, ROMERO, SHIMSKY, ALVAREZ, DeSTEFANO, McDONOUGH, MORINELLO, K. BROWN, O'PHARROW -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to removing the prohibition on patient participation in multiple transplant programs in New York state

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

Section 1. Section 4363 of the public health law, as added by chapter 589 of the laws of 1990, is amended to read as follows:

§ 4363. Waiting lists for organs. 1. All organs retrieved for transplantation in New York state shall be allocated according to waiting lists developed by the organ procurement organization in the service area in which the organ is procured, provided, however, that nothing herein shall preclude the exercise of medical judgment in determining the suitability of a proposed recipient to receive a particular organ, and provided further, however, that if an organ is brought into a service area of an organ procurement organization from the service area of another organ procurement organization, the organ shall be allocated according to the waiting list developed by the organ procurement organization in the service area in which the organ is to be implanted. Nothing in this section shall prohibit:

(a) an individual donor from designating the recipient of an organ;

(b) organ sharing with other organ procurement organizations in accordance with federal and state standards including standards to meet the needs of patients who are highly sensitized and for whom it is difficult to identify a suitable kidney due to conditions such as a blood transfusion, immunization, prior pregnancy or a previous failed kidney transplant;

(c) organ sharing with other organ procurement organizations in accordance with organ sharing agreements approved by the commissioner.

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

LBD11152-02-5

2. [~~No organ procurement organization designated to serve any part of New York state shall place any person on a waiting list for the allocation of organs for transplantation if that person is listed on any other waiting list for the allocation of that organ maintained by any other organ procurement organization designated to serve any part of New York state.~~

~~3. No person may place his or her name on a waiting list for the allocation of organs for transplantation maintained by an organ procurement organization designated to serve any part of New York state if the person is listed on any other waiting list for the allocation of that organ maintained by any other organ procurement organization designated to serve any part of New York state. Each facility performing transplant services shall inform a patient of the prohibition against being placed on multiple waiting lists before arranging for the placement of the patient on a waiting list.~~

~~4.~~] In policies and procedures for distributing organs, no organ procurement organization shall consider or give any preference to patients in a facility based upon the facility's past or present procurement performance or its past or present relationship with a donor hospital.

§ 2. This act shall take effect immediately.