

STATE OF NEW YORK

7151

2025-2026 Regular Sessions

IN SENATE

April 2, 2025

Introduced by Sen. BASKIN -- 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 waiting lists for organs

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

1 Section 1. Section 4363 of the public health law, as added by chapter
2 589 of the laws of 1990, is amended to read as follows:

3 § 4363. Waiting lists for organs. 1. All organs retrieved for trans-
4 plantation in New York state shall be allocated according to waiting
5 lists developed by the organ procurement organization in the service
6 area in which the organ is procured, provided, however, that nothing
7 herein shall preclude the exercise of medical judgment in determining
8 the suitability of a proposed recipient to receive a particular organ,
9 and provided further, however, that if an organ is brought into a
10 service area of an organ procurement organization from the service area
11 of another organ procurement organization, the organ shall be allocated
12 according to the waiting list developed by the organ procurement organ-
13 ization in the service area in which the organ is to be implanted. Noth-
14 ing in this section shall prohibit:

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

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

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

24 2. ~~[No organ procurement organization designated to serve any part of~~
25 ~~New York state shall place any person on a waiting list for the allo-~~

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

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~~1 cation of organs for transplantation if that person is listed on any~~
~~2 other waiting list for the allocation of that organ maintained by any~~
~~3 other organ procurement organization designated to serve any part of New~~
~~4 York state.~~

~~5 3. No person may place his or her name on a waiting list for the allo-~~
~~6 cation of organs for transplantation maintained by an organ procurement~~
~~7 organization designated to serve any part of New York state if the~~
~~8 person is listed on any other waiting list for the allocation of that~~
~~9 organ maintained by any other organ procurement organization designated~~
~~10 to serve any part of New York state. Each facility performing transplant~~
~~11 services shall inform a patient of the prohibition against being placed~~
~~12 on multiple waiting lists before arranging for the placement of the~~
~~13 patient on a waiting list.~~

~~14 4.]~~ In policies and procedures for distributing organs, no organ
15 procurement organization shall consider or give any preference to
16 patients in a facility based upon the facility's past or present
17 procurement performance or its past or present relationship with a donor
18 hospital.

§ 2. This act shall take effect immediately.