STATE OF NEW YORK

814

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

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

AN ACT to amend the public health law, in relation to organ donation registration through a patient-facing portal; and to amend a chapter of the laws of 2024 amending the public health law relating to allowing patients to register in the "donate life registry" through their electronic health records, as proposed in legislative bills numbers S. 8456 and A. 7079, 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 (w) of subdivision 1 of section 206 of the public health law, as added by a chapter of the laws of 2024 amending the public health law relating to allowing patients to register in the "donate life registry" through their electronic health records, as proposed in legislative bills numbers S. 8456 and A. 7079, is amended to read as follows:

(w) require that every electronic health record vendor include and integrate components into their electronic health record products implemented for general hospitals in the state regulated under article twenty-eight of this chapter in such a manner to allow patients to register **directly** in the **New York state** "donate life registry" for organ, eye and tissue donations as provided for under section forty-three hundred ten of this chapter. **Such registration shall be via a patient-facing portal, provided that, to protect patient confidentiality and prevent conflicts of interest, such electronic health record products do not retain or store patients' donor status information, and provided, further, that such electronic health record products meet standards as may be established by the commissioner, including, but not limited to, a standardized question allowing direct enrollment in the donate life registry and required data elements.** Electronic health record vendors shall provide

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

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the integration of such elements without additional cost under this paragraph as a component of either existing or new implementations of their electronic health record products. Patient facing elements of these [~~requirements~~] **products** shall include opportunities for patients to directly register in the "donate life registry" for organ, eye and tissue donations as a component of such elements.

§ 2. Paragraph (a) of subdivision 5 of section 4310 of the public health law, as amended by section 2 of a chapter of the laws of 2024 amending the public health law relating to allowing patients to register in the "donate life registry" through their electronic health records, as proposed in legislative bills numbers S. 8456 and A. 7079, 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, (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 on~~] transactions conducted through **the patient-facing portal of** an individual's electronic health records; 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.

§ 3. Paragraph (a) of subdivision 5 of section 4310 of the public health law, as amended by section 3 of a chapter of the laws of 2024 amending the public health law relating to allowing patients to register in the "donate life registry" through their electronic health records, as proposed in legislative bills numbers S. 8456 and A. 7079, 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 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; (xi) [~~indication made on~~] transactions conducted through **the patient-facing portal of** an individual's electronic health record; 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), (xi) and (xii) of this paragraph.

§ 4. Section 6 of a chapter of the laws of 2024 amending the public health law relating to allowing patients to register in the "donate life registry" through their electronic health records, as proposed in legislative bills numbers S. 8456 and A. 7079, is amended to read as follows:

§ 6. This act shall take effect [~~on the first of January next succeeding the date on which~~] **two years after** it shall have become a law; provided, however, **that effective immediately any donor registrations made through electronic health records shall be transmitted to the New York state "donate life registry"; and provided, further, however,** that if chapter 758 of the laws of 2022 shall not have taken effect on or before such date then sections three and five of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2022 takes effect. Effective immediately, the commissioner of health is authorized to take any actions necessary to implement the provisions of this act on or before its effective date.

§ 5. This act shall take effect immediately; provided that sections one, two and three of this act shall take effect on the same date and in the same manner as a chapter of the laws of 2024 amending the public health law relating to allowing patients to register in the "donate life registry" through their electronic health records, as proposed in legislative bills numbers S. 8456 and A. 7079, takes effect.