

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:

1 Section 1. Paragraph (w) of subdivision 1 of section 206 of the public
2 health law, as added by a chapter of the laws of 2024 amending the
3 public health law relating to allowing patients to register in the
4 "donate life registry" through their electronic health records, as
5 proposed in legislative bills numbers S. 8456 and A. 7079, is amended to
6 read as follows:
7 (w) require that every electronic health record vendor include and
8 integrate components into their electronic health record products imple-
9 mented for general hospitals in the state regulated under article twen-
10 ty-eight of this chapter in such a manner to allow patients to register
11 directly in the New York state "donate life registry" for organ, eye and
12 tissue donations as provided for under section forty-three hundred ten
13 of this chapter. Such registration shall be via a patient-facing portal,
14 provided that, to protect patient confidentiality and prevent conflicts
15 of interest, such electronic health record products do not retain or
16 store patients' donor status information, and provided, further, that
17 such electronic health record products meet standards as may be estab-
18 lished by the commissioner, including, but not limited to, a standard-
19 ized question allowing direct enrollment in the donate life registry and
20 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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1 the integration of such elements without additional cost under this
2 paragraph as a component of either existing or new implementations of
3 their electronic health record products. Patient facing elements of
4 these [~~requirements~~] products shall include opportunities for patients
5 to directly register in the "donate life registry" for organ, eye and
6 tissue donations as a component of such elements.

7 § 2. Paragraph (a) of subdivision 5 of section 4310 of the public
8 health law, as amended by section 2 of a chapter of the laws of 2024
9 amending the public health law relating to allowing patients to register
10 in the "donate life registry" through their electronic health records,
11 as proposed in legislative bills numbers S. 8456 and A. 7079, is amended
12 to read as follows

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

39 § 3. Paragraph (a) of subdivision 5 of section 4310 of the public
40 health law, as amended by section 3 of a chapter of the laws of 2024
41 amending the public health law relating to allowing patients to register
42 in the "donate life registry" through their electronic health records,
43 as proposed in legislative bills numbers S. 8456 and A. 7079, is amended
44 to read as follows:

45 (a) Such organ, eye and tissue registration of consent to make an
46 anatomical gift can be made through: (i) indication made on the applica-
47 tion or renewal form of a driver's license, (ii) indication made on a
48 non-driver identification card application or renewal form, (iii) indi-
49 cation made on a voter registration form pursuant to subdivision five of
50 section 5-210 of the election law, (iv) indication made on the applica-
51 tion for, or manual renewal application by an account holder of, health
52 care coverage offered through the NY State of Health, the official
53 Health Plan Marketplace, (v) enrollment through the donate life registry
54 website, (vi) paper enrollment submitted to the donate life registry,
55 (vii) indication made on the application or renewal form of a hunting,
56 fishing or trapping license issued pursuant to title seven of article

1 eleven of the environmental conservation law, (viii) indication made on
2 transactions administered by the office of temporary and disability
3 assistance through the mybenefits.ny.gov website, or any such successor
4 website; (ix) indication made on applications, renewals or related tran-
5 sactions for college financial aid, grants, or scholarships offered or
6 administered through any website maintained by the higher education
7 services corporation; (x) indication made by an insured and/or applicant
8 for insurance during enrollments, renewals, and the initial process for
9 an insured in setting up an online member service portal with their
10 insurer for accident and health insurance policies and contracts issued
11 pursuant to article forty-four of this chapter, article forty-two of the
12 insurance law, or article forty-three of the insurance law, excepting
13 renewals made through the NY State of Health, the official Health Plan
14 Marketplace, other than those specifically referenced in subparagraph
15 (iv) of this paragraph and paragraph (v) of subdivision one of section
16 two hundred six of this chapter; and provided, however, that nothing in
17 this section shall apply to the medical assistance program under title
18 eleven of article five of the social services law; (xi) [~~indication made~~
19 ~~on~~] transactions conducted through the patient-facing portal of an indi-
20 vidual's electronic health record; or (xii) through any other method
21 identified by the commissioner. The department shall establish a means
22 by which to register the consent given by individuals who are sixteen or
23 seventeen years of age in the donate life registry, and shall make
24 registration available by any of the methods provided in subparagraphs
25 (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi) and
26 (xii) of this paragraph.

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

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

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