



NEW YORK STATE SENATOR

Suzi Oppenheimer

New Law Gives Individuals Greater Control Over Organ Donor Status

SUZI OPPENHEIMER September 17, 2009

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Senator Oppenheimer (D-Mamaroneck) today announced that patients will have greater control and flexibility in determining their status as organ donors after Senate bill S.3910 (Duane) was signed into law by Governor Paterson.

“I was a strong supporter of this initiative,” said Senator Oppenheimer, “which permits patients to designate a health care proxy to manage their organ donor status. The new law

also updates the priority list of individuals who may consent to organ and tissue donation on a patient's behalf, giving first priority to the person specifically designated by the patient."

Previously, individuals were unable to designate a non-relative, such as a domestic partner, to manage their organ donor status, even when the non-relative might be the most appropriate choice. "The new law recognizes the patient's specific designee as first person eligible to exercise the proxy," observed Senator Oppenheimer, "and provides patients with the comfort of knowing that their final wishes will be carried out by the loved one they select."

Under the new legislation, authorization for donation, unless previously indicated, shall be determined by the highest ranking individual available. The designated health care proxy is given the highest priority, followed by a spouse or domestic partner, a son or daughter, 18 years of age or older, a parent, a brother or sister, 18 years or older, or a guardian.