



NEW YORK STATE SENATOR

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Senate Passes Legislative Package To Encourage More New Yorkers To Become Lifesaving Organ And Tissue Donors

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THE NEW YORK
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ORGAN DONATION



The New York State Senate passed a package of bipartisan bills aimed at encouraging more New Yorkers to become organ and tissue donors and protecting the rights of those who do. The bills focus on enhancing public awareness and removing bureaucratic obstacles and will increase the number of New Yorkers who sign up to help save lives through organ, tissue, bone marrow, and blood donation.

Senate Majority Leader John Flanagan (2nd Senate District) said, “Organ and tissue transplants affect nearly everyone. It is an unfortunate truth for New Yorkers, but whether it’s you or someone close to you, your chances of being donated any type of organ for a lifesaving procedure are among the slimmest in the nation. The Senate is doing its best to correct this trend, and the bills we passed today build upon our longstanding commitment to raise awareness of organ and tissue donation and would be instrumental to helping more people live long, healthy lives.”

Only 27 percent of potential New Yorkers are enrolled in the New York State Donate Life Registry – the lowest rate in the country, whereas nearly 10,000 people are waiting for organ transplants in New York – the third highest rate in the country. The Senate continues to be advocates for increasing resources and public awareness on the importance of organ and tissue donation through legislation and funding. This year’s enacted state budget included \$1.3 million as part of the Senate’s ongoing commitment to help New Yorkers’ need of lifesaving transplants.

The Senate passed two bills sponsored by Senator Kemp Hannon (6th Senate District) to provide a wide variety of protections and support for prospective organ donors. The measures would bolster the amount of lifesaving organ and tissue and donations and shield donors in New York by:

- Enacting the “Living Donor Protection Act of 2017” to prevent discrimination against living organ or tissue donors who have or are applying for life, accident, health, or long-term care insurance; designating transplantation preparation and recovery related to donation as “serious health conditions” covered by paid family leave; and directing the Commissioner of Health, in cooperation with the transplant council and other interested parties to develop and distribute information on live organ donation ([S2496](#)); and

- Establishing a one-time personal income tax credit for up to \$10,000 for expenses related to a taxpayer donating his or her organs for transplantation. The bill also repeals the personal income tax modification, reducing federal adjusted income, for such expenses ([S2497](#)).

Senator Hannon said, “Each year the waiting list for organ transplants grows longer, with nearly 10,000 New Yorkers currently awaiting a transplant in this state alone. My legislation will accomplish many goals. It will ensure donors receive reliable and accurate information about donation and make sure those who donate are protected against insurance discrimination and benefit from paid family leave. It will also replace the current organ donation income tax deduction with a one-time personal income tax credit for up to \$10,000 for expenses incurred by a living organ donor.”

To further increase public awareness of organ and tissue donation, especially among youth, a bill ([S5283B](#)) sponsored by Senator Chris Jacobs (60th Senate District) would allow SUNY, CUNY, and library card applicants to register as an organ donor. The bill would expand Lauren’s Law, which changed DMV forms to require applicants to choose “yes” or “skip” the question about becoming a donor.

Senator Jacobs said, “The organ donor registration access bill approved today will enable us to target our Donate Life message to a captive new audience of over 20 million people. Our hope is that through our legislation, more people, particularly younger generations, will get exposed to the concept of organ donation earlier in life and sign up for this lifesaving cause.”

The Senate also passed legislation ([S2162A](#)), sponsored by Senator Susan Serino (41st Senate District), to help medical transport teams quickly operate within their necessary and sensitive time frames. The bill would add human organ delivery vehicles to the list of authorized emergency vehicles in the state.

Senator Serino said, “When your life depends on receiving a new organ or tissue donation, every second counts. To think that a life could be lost as an organ delivery vehicle sits in traffic is reprehensible. Should this bill become law, it would take effect immediately, so I urge my colleagues in both houses to make it a priority. Those on wait-lists for an organ have waited long enough.”

In addition, the Senate passed a bill ([S474B](#)), sponsored by Senator Jose Peralta (13th Senate District), that would give the option to applicants for the practice of a profession or occupation, state income tax filers, and applicants registering motor vehicles to register in the Donate Life Registry for organ, eye, and tissue donation.

The Senate also passed a measure ([S1475](#)), sponsored by Senator David Carlucci (38th Senate District), that would allow a taxpayer or the spouse of a taxpayer to deduct costs related to the taxpayer’s organ donation, and include child care costs within such allowable costs.

The bills have all been sent to the Assembly for further action.

Additionally, another bill ([S2495](#)) sponsored by Senator Hannon, which would allow the state's Transplant Council to expand its scope and help New York organ donation efforts by making annual recommendations to the Commissioner of Health on organ donation, procurement organizations, and organ banks and storage, passed both houses earlier this year.