



NEW YORK STATE SENATOR

John J. Flanagan

## Senator Flanagan Announces “Living Donor Protection Act” Signed Into Law

JOHN J. FLANAGAN November 28, 2018

| ISSUE: **ORGAN DONATION, HEALTH CARE, SENATOR HANNON**

THE NEW YORK  
**STATE SENATE**  
— PROMOTES —  
**ORGAN DONATION**



Senate Majority Leader John Flanagan (2<sup>nd</sup> Senate District) announced today that a bill prohibiting insurance discrimination or loss in paid family leave benefits for individuals who choose to become living organ and tissue donors has been signed into law. The bill ([S2496B](#)), sponsored by Senator Kemp Hannon (6<sup>th</sup> Senate District), enacts the “Living Donor Protection Act,” to increase public education about living donors and remove obstacles people may encounter when they decide to help others by donating a lifesaving organ or

tissue.

The new law amends New York State Insurance Law to clarify that no insurer may discriminate because of an individual's status as a living organ or tissue donor. This applies to life, accident and health insurance policies to protect those who have selflessly decided to be an organ donor.

It also amends the Workers' Compensation Law to include transplantation preparation and recovery related to organ or tissue donation among those "serious health conditions" covered under paid family leave.

Additionally, the law will help motivate people to register as donors by directing the New York State Commissioner of Health to develop and distribute information regarding live organ donation. This information will help provide potential donors with the information they need to make an informed decision and, hopefully, dispel concerns they may have about registering.

Of the 1,048 donated and transplanted kidneys in New York last year, half were from living donors. In New York State, the percentage of eligible donors has increased by nearly 1 million registrants (3.86 million in 2015 to 4.8 million in 2017) in the last two years alone.

This increase was due in large part to other measures the New York Senate has taken including:

- making Lauren's Law permanent to require applicants for driver's licenses to complete the organ donor registry section instead of leaving it blank;
- allowing 16- and 17-year-olds to register as donors;
- expanding the input of the State's Transplant Council to the Department of Health; and

- directing the state health department to work with state agencies to make organ donation enrollment options more readily available to the public; and increasing public awareness.

An additional \$300,000 in this year's budget alone - for a total of \$1.3 million – was also a part of the Senate's ongoing commitment to promote organ donation.

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*“As our state works to increase the number of registered organ donors to help save lives of New Yorkers, it is imperative that we protect those who have stepped up to help others. Those who choose to become a living organ donor are giving a gift to the over 9,500 who are currently on the organ donor waitlist, and anything our state can do to help inspire people to register or protect those who are registered is so important. Thank you to Senator Hannon for this legislation and for his constant efforts on behalf of protecting the health of all New Yorkers,” stated Senator Flanagan.*

Residents who are interested in registering as an organ or tissue donor should visit <http://www.liveonny.org/> to join the effort.

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#### RELATED LEGISLATION

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### 2017-S2496B

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- Introduced
- - In Committee Assembly
  - In Committee Senate

- ○ On Floor Calendar Assembly
  - On Floor Calendar Senate

- ○ Passed Assembly
  - Passed Senate

- Delivered to Governor

- Signed By Governor

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Enacts the "living donor protection act of 2018"

January 13, 2017

Signed by Governor

Sponsored by **Kemp Hannon**

Do you support this bill?