

For Immediate Release

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## **Historical Milestone Achieved: A Comprehensive Legislative Package on Organ and Tissue Donation Becomes Law In New York State**

August 17<sup>th</sup> 2006---Today marks a significant historical milestone in the field of organ and tissue donation and transplantation. This package of legislation represents the best that the United States has to offer in policies that enhance and support individuals' decision to designate themselves as organ and/or tissue donors and improve the chances for those waiting for life-saving and life enhancing transplants.

“On behalf of the New York Alliance for Donation, its Board members, affiliate members and volunteers, I'd like to thank the Legislature and Governor for their commitment to improve and support donation,” said Carla R. Williams, Executive Director of the New York Alliance for Donation.

The seven bills allow New York to join the ranks of states such as Pennsylvania, Illinois, Ohio, Florida, Wisconsin, Texas and Utah that have adopted legislation to enhance donation opportunities and awareness; provide tax incentives to recognize the out-of-pocket expenses of living donors or create mechanisms to fund public education. “There are over 93,000 people desperately waiting for organ transplants in the United States, about 7,000 of them are right here in the greater New York area. “While more needs to be done, this is a significant milestone in New York. By making this legislation into law, many New Yorkers' names will be removed from the waiting list because they received the gift of life,” said Elaine Berg, President and CEO of The New York Organ Donor Network.

The following provides a brief description of the bills:

### *I. Providing Avenues for More Donation Opportunities and Raising Awareness*

- A. 11842 (Brotsky)/S. 8256 (Spano) -- This bill requires that the Transplant Council study the current standard of intent in organ donations and to study whether we should move toward a system of presumed consent; i.e. assume people want to donate unless they specify otherwise. Presumed consent is the standard in many European countries and has greatly increased the number of donors. This legislation is first in the nation. Asking the Transplant Council to consider this approach is forward thinking and will utilize the existing experts in New York to make recommendations.
- A. 11887 (Conte)/S.8465 (Robach) -- Renames the New York State Organ and Tissue Donor Registry to the “Donate Life Registry.” This legislation will enhance the Registry by incorporating the national efforts of Coalition on

Donation to utilize the “Donate Life” logo. This change enhances the actions already taken by the Department of Health.

- A. 3995 (Cahill)/S. 8281 (Bonacic) -- Provides that drivers’ licenses and renewals issued to a person making an anatomical gift shall have prominently printed upon the front a designation of the statement. This is a simple and powerful change. While the New York license is considered by law a document of gift, the current license is impossible to sign, and therefore this improvement is important for people to confirm their decision to be a donor.
- A. 9902-B (Latimer)/S. 8312 (Spano) -- Establishes an anatomical gift information program to promote public awareness of organ and tissue donation within the Department of Health. This legislation codifies the good work already initiated by the Department of Health staff by making donation an ongoing part of any education efforts.
- A. 11883 (Schimminger)/S. 8379 (Robach) -- Allows those registered under the New York State Organ and Tissue Donor Registry to authorize and execute an anatomical gift; requires consent to be made upon registration to make an anatomical gift. This legislation will improve our current registry by making it one that documents an individual’s legal decisions to be a donor. Thirty-one states have registries of consent. It is a national priority with Health and Human Services just releasing grant funding to assist states without registries to initiate them in the next year. States with highly functioning registries consistently have higher consent rates than New York. This mechanism will assist in the donation process in New York and ensure that legal documents of gift are acted upon.

## *II. Tax Incentives for Organ Donors and Their Families*

- A.3072 (Hoyt)/S.759 (Hannon) – Provides donors and their families an income tax credit for up to \$10,000. This legislation recognizes that the act of donation by living donors includes out-of-pocket expenses and lost wages that are not covered by insurance. This is limited to New York residents and is acceptable under Federal law governing donation. Much like charitable activities are considered for the purposes of tax reduction so should this ultimate act of giving?

## *III. Additional Funding for Organ Donation Programs*

- A.4294 (Hoyt)/S.4610-A (Hannon) – Requires that the drivers’ license application provide for an opportunity to make a voluntary contribution to the Life Pass It On Trust Fund to support organ and tissue donation education and awareness. The state of Pennsylvania generates approximately \$800,000 per year with this type of mechanism. Pennsylvania has consistently more deceased donors than New York

with seven million fewer people; this is related to supporting donation education and awareness throughout the state with a designated source of funding. New York will make a difference by allowing funding for a sustained and consistent effort across the State.

New York legislative leaders and the Governor had previously demonstrated their support through:

- creating the Gift of Life Donor Medal of Honor program;
- creating the New York State Organ and Tissue Donor Registry of Intent administratively and then signing legislation in 2004 to make it part of the Public Health Law;
- creating the Life Pass It On license plate and establishing the Life Pass It On Trust Fund; and
- consistently proclaiming Thanksgiving as “Give Thanks, Give Life Day” and April as “Organ and Tissue Donor Awareness Month.”

New York has now become the “Empire State” of organ and tissue donation with the adoption of these bills. More importantly, action has been taken that will save lives, restore sight, heal burns, return mobility and recognize donors and their families for their altruistic gifts.

As humans we are blessed with the ability to demonstrate compassion for each other. By making each of these bills the law of the State of New York the Governor and Legislature have assisted New Yorkers to act on our compassionate abilities.