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Albany Bill on Organ Donation Urges License Applicants to Act

By **KEVIN SACK**

The New York State Legislature passed a measure on Wednesday aimed at increasing the low number of organ donors in the state by encouraging driver's license applicants to make an active choice about their donation status. If the bill is signed by Gov. Andrew M. Cuomo, New York will become the second state, along with California, to make such a change in its donor registration process.

In 2010, the last year for which comparative figures are available, only 15 percent of New Yorkers 18 or older had registered to be organ donors, according to [Donate Life America](#), a national advocacy group. That was the second lowest rate in the country, behind only Texas. The national average was 40 percent.

After the Assembly acted on Tuesday night, the State Senate gave unanimous approval on Wednesday to Lauren's law, named for a young [heart transplant](#) survivor from Rockland County. The measure would change driver's license forms to include a section that applicants "must fill out" by either joining the organ donor registry or choosing to "skip this question." Currently, filling out that section on the license application is clearly optional.

Despite the new mandatory language, the bill stipulates that failure to check a box cannot be used to invalidate an application, meaning there is no real enforcement mechanism.

"We want people to just have a momentary contemplation of the decision, even if the decision is that I don't want to help right now," said Rocco Andriola, co-chairman of [Save Lives Now New York Foundation](#), which pushed for the measure in Albany.

There are currently nearly 10,000 New Yorkers waiting for organ transplants, mostly for kidneys, and 597 died last year while on the waiting list, according to the federal [Organ Procurement and Transplantation Network](#).

The New York legislation stops far short of the presumed consent laws that exist in several European countries, where the deceased are considered by default to be potential organ donors unless they have actively registered their opposition. No state has such an opt-out system, and medical and political leaders in the United States generally agree that such an approach would be

too prescriptive for this country.

California last year enacted a law that requires driver's license applicants to check either a box consenting to donate or one that says "I do not wish to register at this time." Previously, the question could have been bypassed without answer. Advocates for the laws have resisted efforts to give applicants the choice of a final-sounding "no."

Charlene R. Zettel, the chief executive of Donate Life California, said it was too early to tell whether the new law had increased organ donation rates in her state.