



**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"New laws protect transgender identity at birth and after death," South Jersey Times, July 4, 2018

"Transgender identity is now protected at birth and after death," The Star-Ledger, July 4, 2018

"New law makes gender change on birth certificate easier," Associated Press State Wire: New Jersey, July 3, 2018

"Gender change on birth certificates now easier in New Jersey," Associated Press State Wire: New Jersey, July 3, 2018

"Gender change on birth certificate now easier in New Jersey," Associated Press State Wire: New Jersey, July 3, 2018

"MURPHY SIGNS TRANSGENDER, FILM CREDIT BILLS - MAINTAINING TREND OF UNDOING CHRISTIE POLICIES," The Record, July 4, 2018

P.L. 2018, CHAPTER 59, *approved July 3, 2018*  
Senate, No. 493 (*First Reprint*)

1 AN ACT concerning information included on death certificates and  
2 amending R.S.26:6-7.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. R.S.26:6-7 is amended to read as follows:

8 26:6-7. a. The certificate of death shall contain such items as  
9 shall be listed on death certificate forms or in the NJ-EDRS  
10 provided or approved by the department under the authority of  
11 subsection c. of R.S.26:8-24. The death certificate forms or the  
12 record in the NJ-EDRS shall include, but not be limited to, the  
13 following items:

14 (1) name of the decedent;

15 (2) county or municipality in which the death occurred;

16 (3) date of death;

17 (4) sex of the decedent, as provided for in subsection b. of this  
18 section;

19 (5) date of birth; and

20 (6) date of issuance and manner of death, provided this  
21 information is available.

22 b. The sex of the decedent shall be recorded to reflect the  
23 decedent's gender identity, as reported by the <sup>1</sup>**[**next of kin or the  
24 best qualified person available**]** person or persons with the right to  
25 control the funeral and disposition as established by section 22 of  
26 P.L.2003, c.261 (C.45:27-22)<sup>1</sup>, unless the person completing the  
27 death certificate is presented with a document that memorializes the  
28 decedent's gender transition. In the event that these sources  
29 provide conflicting information concerning the sex of the decedent,  
30 the death certificate shall be based on documentation that  
31 memorializes the decedent's gender transition. If documentation is  
32 not available, it shall be based on information <sup>1</sup>**[**from individuals  
33 most familiar with the decedent's gender identity at the time of  
34 death**]** provided by the person or persons with the right to control  
35 the funeral and disposition as established by section 22 of P.L.2003,  
36 c.261 (C.45:27-22)<sup>1</sup>. Documents that may memorialize a gender  
37 transition may include, but shall not be limited to: written  
38 instructions from the decedent; a court order approving a name or  
39 gender change; an advance health care directive; <sup>1</sup>**[**documentation  
40 of an appropriate course of treatment for the purpose of gender

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate floor amendments adopted February 1, 2018.

1 transition] proof of clinical treatment for gender transition<sup>1</sup>; or  
2 documentation of a change to the gender marker on a birth  
3 certificate or a state or federally issued identification card.

4 c. If a document specified in subsection b. of this section is not  
5 present and <sup>1</sup>[the person appointed by the decedent to control the  
6 funeral and disposition of the human remains in accordance with  
7 section 22 of P.L.2003, c.261 (C.45:27-22), or]<sup>1</sup> the person named  
8 executor of the decedent's will <sup>1</sup>[,]<sup>1</sup> does not agree with the gender  
9 identity of the decedent as reported by the <sup>1</sup>[informant] person or  
10 persons with the rights to control the funeral and disposition<sup>1</sup>, <sup>1</sup>[any  
11 one of those persons] that person<sup>1</sup> may file a petition in the  
12 Superior Court naming as a party to the action <sup>1</sup>[interested parties]  
13 the person or persons with the rights to control the funeral and  
14 disposition<sup>1</sup> and seeking an order of the court determining, as  
15 appropriate, who among those parties shall determine the gender  
16 identity of the decedent.

17 <sup>1</sup>d. A person or persons with the right to control the funeral and  
18 disposition and the responsibility to provide the funeral director  
19 with the decedent's gender identity warrants the truth of the facts  
20 stated and of their authority to provide the funeral director with the  
21 necessary information to complete the death certificate. A funeral  
22 director shall not be liable for any damages or costs arising from a  
23 claim related to a decedent's gender identity or expression on the  
24 death certificate unless the funeral director had reasonable notice  
25 that the representations were untrue or notice that the person or  
26 persons providing the decedent's gender identity lacked the right to  
27 control disposition.<sup>1</sup>

28 (cf: P.L.2003, c.221, s.4)

29  
30 2. The Commissioner of Health shall adopt rules and  
31 regulations pursuant to the "Administrative Procedure Act,"  
32 P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of  
33 this act.

34  
35 3. This act shall take effect on the fourth day of July next after  
36 the date of enactment.

37  
38  
39 \_\_\_\_\_  
40  
41 Defines information to be included on death certificates,  
42 including gender identification.

# SENATE, No. 493

## STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator NIA H. GILL**

**District 34 (Essex and Passaic)**

**Co-Sponsored by:**

**Senator Codey**

**SYNOPSIS**

Defines information to be included on death certificates, including gender identification.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 1/23/2018)**

1 AN ACT concerning information included on death certificates and  
2 amending R.S.26:6-7.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. R.S.26:6-7 is amended to read as follows:

8 26:6-7. a. The certificate of death shall contain such items as  
9 shall be listed on death certificate forms or in the NJ-EDRS  
10 provided or approved by the department under the authority of  
11 subsection c. of R.S.26:8-24. The death certificate forms or the  
12 record in the NJ-EDRS shall include, but not be limited to, the  
13 following items:

14 (1) name of the decedent;

15 (2) county or municipality in which the death occurred;

16 (3) date of death;

17 (4) sex of decedent, as provided for in subsection b. of this  
18 section;

19 (5) date of birth; and

20 (6) date of issuance and manner of death, provided this  
21 information is available.

22 b. The sex of the decedent shall be recorded to reflect the  
23 decedent's gender identity, as reported by the next of kin or the best  
24 qualified person available, unless the person completing the death  
25 certificate is presented with a document that memorializes the  
26 decedent's gender transition. In the event that these sources  
27 provide conflicting information concerning the sex of the decedent,  
28 the death certificate shall be based on documentation that  
29 memorializes the decedent's gender transition. If documentation is  
30 not available, it shall be based on information from individuals  
31 most familiar with the decedent's gender identity at the time of  
32 death. Documents that may memorialize a gender transition may  
33 include, but shall not be limited to: written instructions from the  
34 decedent; a court order approving a name or gender change; an  
35 advance health care directive; documentation of an appropriate  
36 course of treatment for the purpose of gender transition; or  
37 documentation of a change to the gender marker on a birth  
38 certificate or a state or federally issued identification card.

39 c. If a document specified in subsection b. of this section is not  
40 present and the person appointed by the decedent to control the  
41 funeral and disposition of the human remains in accordance with  
42 section 22 of P.L.2003, c.261 (C.45:27-22), or the person named  
43 executor of the decedent's will, does not agree with the gender  
44 identity of the decedent as reported by the informant, any one of  
45 those persons may file a petition in the Superior Court naming as a

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 party to the action interested parties and seeking an order of the  
2 court determining, as appropriate, who among those parties shall  
3 determine the gender identity of the decedent.

4 (cf: P.L.2003, c.221, s.4)

5

6 2. The Commissioner of Health shall adopt rules and regulations  
7 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410  
8 (C.52:14B-1 et seq.), to effectuate the purposes of this act.

9

10

11

#### STATEMENT

12

13 This bill would provide for the inclusion of certain information  
14 in the certified copy of a death record. The information required to  
15 be included in a death certificate would include the: name of the  
16 decedent; county or municipality in which the death occurred; date  
17 of death; sex of decedent; date of birth; and date of issuance and  
18 manner of death, provided this information is available.

19 The bill further clarifies that the sex of the decedent is to be  
20 recorded to reflect the decedent’s gender identity, as reported by the  
21 next of kin or the best qualified person available, unless the person  
22 completing the death certificate is presented with a document that  
23 memorializes the decedent’s gender transition. If there is conflicting  
24 information regarding the gender of the decedent, the bill defines  
25 the specific documents which may be used to confirm the  
26 decedent’s gender. If there is still discord on the determination of  
27 the decedent’s gender, the bill details the legal steps to be taken to  
28 establish the decedent’s gender.

ASSEMBLY HUMAN SERVICES COMMITTEE

STATEMENT TO

[First Reprint]

**SENATE, No. 493**

**STATE OF NEW JERSEY**

DATED: MARCH 12, 2018

The Assembly Human Services Committee reports favorably Senate Bill No. 493 (1R).

This bill would provide for the inclusion of certain information in the certified copy of a death record. The information required to be included in a death certificate would include the: name of the decedent; county or municipality in which the death occurred; date of death; sex of the decedent; date of birth; and date of issuance and manner of death, provided this information is available.

The bill would further clarify that the sex of the decedent is to be recorded so as to reflect the decedent's gender identity, as reported by the person or persons with the right to control the funeral and disposition, unless the person completing the death certificate is presented with a document that memorializes the decedent's gender transition. If there is conflicting information regarding the gender of the decedent, the bill defines the specific documents which may be used to confirm the decedent's gender. If there is still discord on the determination of the decedent's gender, the bill details the legal steps to be taken to establish the decedent's gender.

As reported by the committee, this bill is identical to Assembly Bill No. 1726 (1R) (Vainieri Huttle/Eustace/Pinkin/Jasey), which the committee also reported on this date.

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

**SENATE, No. 493**

**STATE OF NEW JERSEY**

DATED: JANUARY 22, 2018

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 493.

This bill would provide for the inclusion of certain information in the certified copy of a death record. The information required to be included in a death certificate would include the: name of the decedent; county or municipality in which the death occurred; date of death; sex of the decedent; date of birth; and date of issuance and manner of death, provided this information is available.

The bill would further clarify that the sex of the decedent is to be recorded so as to reflect the decedent's gender identity, as reported by the next of kin or the best qualified person available, unless the person completing the death certificate is presented with a document that memorializes the decedent's gender transition. If there is conflicting information regarding the gender of the decedent, the bill defines the specific documents which may be used to confirm the decedent's gender. If there is still discord on the determination of the decedent's gender, the bill details the legal steps to be taken to establish the decedent's gender.

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

STATEMENT TO

**SENATE, No. 493**

with Senate Floor Amendments  
(Proposed by Senator VITALE)

ADOPTED: FEBRUARY 1, 2018

These Senate amendments clarify that the person with the right to control the funeral and disposition is responsible for reporting the decedent's gender identity in certain circumstances.

# ASSEMBLY, No. 1726

## STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblyman TIM EUSTACE**

**District 38 (Bergen and Passaic)**

**Assemblywoman NANCY J. PINKIN**

**District 18 (Middlesex)**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex and Morris)**

**SYNOPSIS**

Defines information to be included on death certificates, including gender identification.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



A1726 VAINIERI HUTTLE, EUSTACE

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30 not available, it shall be based on information from individuals  
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35 advance health care directive; documentation of an appropriate  
36 course of treatment for the purpose of gender transition; or  
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41 funeral and disposition of the human remains in accordance with  
42 section 22 of P.L.2003, c.261 (C.45:27-22), or the person named  
43 executor of the decedent's will, does not agree with the gender  
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2 court determining, as appropriate, who among those parties shall  
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4 (cf: P.L.2003, c.221, s.4)

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6 2. The Commissioner of Health shall adopt rules and  
7 regulations pursuant to the “Administrative Procedure Act,”  
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16 be included in a death certificate would include the: name of the  
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18 of death; sex of decedent; date of birth; and date of issuance and  
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20 The bill further clarifies that the sex of the decedent is to be  
21 recorded to reflect the decedent’s gender identity, as reported by the  
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25 information regarding the gender of the decedent, the bill defines  
26 the specific documents which may be used to confirm the  
27 decedent’s gender. If there is still discord on the determination of  
28 the decedent’s gender, the bill details the legal steps to be taken to  
29 establish the decedent’s gender.

# ASSEMBLY HUMAN SERVICES COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 1726

with committee amendments

# STATE OF NEW JERSEY

DATED: MARCH 12, 2018

The Assembly Human Services Committee reports favorably and with committee amendments Assembly Bill No. 1726.

As amended by the committee, this bill would provide for the inclusion of certain information in the certified copy of a death record. The information required to be included in a death certificate would include the: name of the decedent; county or municipality in which the death occurred; date of death; sex of decedent; date of birth; and date of issuance and manner of death, provided this information is available.

The bill further clarifies that the sex of the decedent is to be recorded to reflect the decedent's gender identity, as reported by the person or persons with the right to control the funeral and disposition, unless the person completing the death certificate is presented with a document that memorializes the decedent's gender transition. If there is conflicting information regarding the gender of the decedent, the bill defines the specific documents which may be used to confirm the decedent's gender. If there is still discord on the determination of the decedent's gender, the bill details the legal steps to be taken to establish the decedent's gender.

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

As reported by the committee, this bill is identical to Senate Bill No. 493 (1R) (Vitale/Gill), which the committee also reported on this date.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) clarify that the person with the right to control the funeral and disposition will be responsible for reporting the decedent's gender identity in certain circumstances;

(2) clarify that documentation providing proof of clinical treatment for gender transition may be used to memorialize a gender transition;

(3) specify that the person or persons with the right to control the funeral will warrant the truth of the facts stated in regard to the decedent's gender identity, and that a funeral director will not be liable

for any damages or costs arising from a claim related to the decedent's gender identity or expression on the death certificate, unless the funeral director had reasonable notice that the representations made were untrue, or that the person providing the decedent's gender identity lacked the right to control disposition.

## State of New Jersey

### Governor Phil Murphy

# Governor Murphy Signs Bills Expanding Rights and Protections for New Jersey's LGBTQ Community

07/3/2018

**TRENTON** – Governor Phil Murphy today signed three bills that will provide critical protections to New Jersey's LGBTQ community. Senate Bill No. 478 will allow for the issuance of amended birth certificates for people who have undergone a change in gender, Senate Bill No. 493 will allow gender identity to be reflected on death certificates, and Senate Bill No. 705 will establish a Transgender Equality Task force.

"Today is an important day for New Jersey as we continue to strive toward equality for all of our residents, regardless of sex or gender expression," said **Governor Murphy**. "Allowing vital records to match gender identity is an important step forward that will allow transgender individuals to control the disclosure of their transgender status. And by creating a Transgender Equality Task Force, New Jersey can ensure that all residents receive the protections they deserve. New Jersey will continue to stand with our LGBTQ residents in the continued pursuit of similar rights nationwide."

"I am immensely proud of Governor Murphy for not only standing with our community, but also seeing that equality reaches everyone in New Jersey. Transgender people have long stood in solidarity with LGB people and here at Garden State Equality we make sure nobody is left behind," said **Christian Fuscarino, Executive Director of Garden State Equality**.

S478 is designated as the Babs Siperstein Law, recognizing transgender advocate Babs Siperstein for her tireless advocacy efforts related to protecting transgender individuals and expanding rights for LGBTQ New Jerseyans.

S478 was sponsored by Senator Joe Vitale, Senate Majority Leader Loretta Weinberg, Assemblywoman Valerie Huttle, Assemblyman Reed Gusciora, Assemblyman Andrew Zwicker, and Assemblyman Nick Chiaravalloti.

S493 was sponsored by Senator Vitale, Senator Nia Gill, Assemblywoman Huttle, Assemblyman Tim Eustace, Assemblyman Nancy Pinkin, Assemblywoman Mila Jasey.

S705 was sponsored by Senator Teresa Ruiz, Senator Vitale, Assemblywoman Huttle, Assemblyman Eustace, Assemblywoman Pinkin, and Assemblywoman Jasey.

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# Governor Phil Murphy

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