

26:6-82 to 26:6-84

LEGISLATIVE HISTORY CHECKLIST

NJSA: 26:6-82 to 26:6-8.4

(Funeral
directors--notify
if death caused by
AIDS)

LAWS OF: 1988

CHAPTER: 125

Bill No: A1457

Sponsor(s): Kline and Cooper

Date Introduced: Pre-filed

Committee: Assembly: Judiciary

Senate: -----

Amended during passage: No Assembly committee substitute enacted

Date of Passage: Assembly: June 13, 1988

Senate: August 8, 1988

Date of Approval: September 15, 1988

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: No

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

P.L. 1988, CHAPTER 125, *approved September 15, 1988*
1988 Assembly No. 1457 ACS

1 **AN ACT** concerning certain notification in the case of death
related to acquired immune deficiency syndrome or to a
3 contagious, infectious or communicable disease and
supplementing chapter 6 of Title 26 of the Revised Statutes.

5

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

1. If the attending physician, registered professional nurse or
9 State or county medical examiner who makes the actual
determination and pronouncement of death determines or has
11 knowledge that the deceased person was infected with human
immunodeficiency virus (HIV) or hepatitis B virus or that the
13 deceased person suffered from acquired immune deficiency
syndrome (AIDS), AIDS related complex (ARC) or any of the
15 contagious, infectious or communicable diseases as shall be
determined by the Commissioner of the Department of Health,
17 the attending physician, registered professional nurse or State or
county medical examiner shall immediately place with the
19 remains written notification of the condition and shall provide
written notification of the condition to the funeral director who
21 is responsible for the handling and the disposition of the body.

2. Within 180 days of the effective date of this act, the
23 Commissioner of the Department of Health shall provide to all
county and local health departments, hospitals and long-term
25 care facilities in this State for distribution to appropriate
personnel a list of all diseases that the commissioner determines
27 are contagious, infectious or communicable diseases for the
purposes of this act. The commissioner shall periodically update
29 the list, as appropriate.

3. a. A person who violates the provisions of this act is
31 subject to a penalty of up to \$1,000.00 for each offense. These
penalties shall be recovered in a civil action in the name of the
33 Department of Health in a court of competent jurisdiction. The
action may be brought in a summary manner pursuant to "the
35 penalty enforcement law," N.J.S. 2A:58-1 et seq.

1 b. Any person who in good faith complies with the provisions
of this act shall be free from any civil or criminal liability for so
3 acting, provided the skill and care exercised are that ordinarily
required and exercised by others in the profession.

5 4. This act shall take effect immediately.

7

HEALTH

9

Hazardous Substance

11 Requires funeral directors to be notified of death related to
AIDS or any contagious, infectious or communicable diseases.

13

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1457

STATE OF NEW JERSEY

ADOPTED JUNE 2, 1988

Sponsored by Assemblyman KLINE and Assemblywoman COOPER

1 AN ACT concerning certain notification in the case of death
2 related to acquired immune deficiency syndrome or to a
3 contagious, infectious or communicable disease and
4 supplementing chapter 6 of Title 26 of the Revised Statutes.

5

6 BE IT ENACTED *by the Senate and General Assembly of the*
7 *State of New Jersey:*

8 1. If the attending physician, registered professional nurse or
9 State or county medical examiner who makes the actual
10 determination and pronouncement of death determines or has
11 knowledge that the deceased person was infected with human
12 immunodeficiency virus (HIV) or hepatitis B virus or that the
13 deceased person suffered from acquired immune deficiency
14 syndrome (AIDS), AIDS related complex (ARC) or any of the
15 contagious, infectious or communicable diseases as shall be
16 determined by the Commissioner of the Department of Health,
17 the attending physician, registered professional nurse or State or
18 county medical examiner shall immediately place with the
19 remains written notification of the condition and shall provide
20 written notification of the condition to the funeral director who
21 is responsible for the handling and the disposition of the body.

22 2. Within 180 days of the effective date of this act, the
23 Commissioner of the Department of Health shall provide to all
24 county and local health departments, hospitals and long-term
25 care facilities in this State for distribution to appropriate
26 personnel a list of all diseases that the commissioner determines
27 are contagious, infectious or communicable diseases for the
28 purposes of this act. The commissioner shall periodically update
29 the list, as appropriate.

30 3. a. A person who violates the provisions of this act is
31 subject to a penalty of up to \$1,000.00 for each offense. These
32 penalties shall be recovered in a civil action in the name of the
33 Department of Health in a court of competent jurisdiction. The
34 action may be brought in a summary manner pursuant to "the
35 penalty enforcement law," N.J.S. 2A:58-1 et seq.

1 b. Any person who in good faith complies with the provisions
of this act shall be free from any civil or criminal liability for so
3 acting, provided the skill and care exercised are that ordinarily
required and exercised by others in the profession.

5 4. This act shall take effect immediately.

7

HEALTH

9

Hazardous Substance

11 Requires funeral directors to be notified of death related to
AIDS or any contagious, infectious or communicable diseases.

13

ASSEMBLY, No. 1457
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblyman KLINE and Assemblywoman COOPER

1 AN ACT concerning certain notification in the case of death
2 related to acquired immune deficiency syndrome and
3 supplementing chapter 6 of Title 26 of the Revised Statutes.

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

7 1. a. If the attending physician or registered professional
8 nurse or county medical examiner shall determine [or have cause
9 to suspect that a person's death was related to the condition
10 known as] whether or not the person suffered from or was
11 suspected of suffering from acquired immune deficiency
12 syndrome (AIDS), or any of the contagious, infectious or
13 communicable diseases as provided in N.J.A.C. 8:57-1.2, the
14 physician, nurse or examiner shall immediately place with the
15 remains written notification of the condition and shall provide
16 written notification of the condition to the funeral director who
17 is responsible for the handling and disposition of the body, and
18 absent any of the aforementioned conditions shall state to the
19 best of his knowledge on the report that no such conditions exist.

20 b. Failure to comply with the provisions of this act shall
21 render the individual liable for compensatory and punitive
22 damages that result from the failure to so comply.

23 c. Any person who in good faith complies with the provisions
24 of this act shall be free from any civil or criminal liability for so
25 acting, provided the skill and care exercised is that ordinarily
26 required and exercised by others in the profession.

27 2. This act shall take effect immediately.

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

STATEMENT

3 This bill requires that if the attending physician, registered
professional nurse or county medical examiner who makes a
5 determination of death determines or has cause to suspect that
the deceased suffered from acquired immune deficiency
7 syndrome (AIDS) or any of the contagious, infectious or
communicable diseases that must be reported to the Department
9 of Health, the physician, nurse or examiner shall provide written
notification with the remains of the deceased and notify the
11 funeral director who will handle the body of the determination.

The bill further provides that any individual who fails to
13 comply with the notification requirement may be liable for
compensatory and punitive damages that result from the failure
15 to comply, and that any person who in good faith complies with
the notification requirement and exercises the skill and care
17 that is ordinarily required and exercised by others in the
person's profession, shall be immune from any civil or criminal
19 liability for his actions.

21

HEALTH

23

Hazardous Substances

25 Requires funeral directors to be notified of death related to
AIDS or any contagious, infectious or communicable diseases.

ASSEMBLY JUDICIARY COMMITTEE
STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1457

STATE OF NEW JERSEY

DATED: JUNE 2, 1988

The Assembly Judiciary Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 1457.

The committee substitute provides that an attending physician, registered nurse or State or county medical examiner who makes the actual determination and pronouncement of death and who determines or has knowledge that the deceased was infected with HIV, AIDS, ARC or hepatitis B, or any other disease determined by the Department of Health, must place written notice of the condition with the body and also provide written notice to the funeral director.

Within 180 days of the effective date of this committee substitute the Department of Health must provide to all county and local health departments, hospitals and long term care facilities in New Jersey a list of the diseases the Commissioner determines are contagious, infectious or communicable. This list will be periodically updated.

The committee substitute provides for a \$1,000 penalty for violations of its provisions, which will be recovered by the Department of Health in a civil action. The committee substitute also provides for immunity from civil or criminal liability for any person who complies with its provisions in good faith, provided the care and skill exercised are that ordinarily required by others in the profession.