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RH/CL

P.L. 2017, CHAPTER 377, *approved January 16, 2018*
Assembly, No. 4219 (*First Reprint*)

1 AN ACT concerning organ donation and amending ¹**and P.L.1978,**
2 c.181, P.L.2008, c.48, and P.L.2008, c.50 **various parts of the**
3 statutory law¹.
4

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

8 1. Section 4 of P.L.2008, c.50 (C.26:6-80) is amended to read
9 as follows:

10 4. Subject to the provisions of section 8 of ¹**[this act]**
11 P.L.2008, c.50 (C.26:6-84)¹, an anatomical gift of a donor's body or
12 part may be made during the life of the donor for the purpose of
13 transplantation, therapy, research, or education in the manner
14 provided in section 5 of ¹**[this act]** P.L.2008, c.50 (C.26:6-81)¹ by:

15 a. the donor, if the donor is an adult, or if the donor is a minor
16 **[and is emancipated or is authorized under the laws of this State to**
17 **apply for a driver's license]** 14 years of age or older, whether or not
18 the minor is emancipated;

19 b. an agent of the donor, unless the advance directive for health
20 care or other record prohibits the agent from making an anatomical
21 gift;

22 c. a parent of the donor, if the donor is an unemancipated
23 minor; or

24 d. the donor's guardian.

25 An anatomical gift made by a minor donor shall remain valid
26 when the minor reaches 18 years of age.

27 (cf: P.L.2008, c.50, s.4)
28

29 2. Section 1 of P.L.1978, c.181 (C.39:3-12.2) is amended to
30 read as follows:

31 1. a. The Chief Administrator of the New Jersey Motor
32 Vehicle Commission shall provide with every examination permit,
33 special learner's permit, motorcycle-only examination permit,
34 ¹**[moped]** motorized bicycle¹ license, new license, renewal license,
35 identification card, or renewal identification card the opportunity
36 for each person pursuant to the provisions of the "Revised Uniform
37 Anatomical Gift Act," P.L.2008, c.50 (C.26:6-77 et seq.), to
38 designate that the person shall donate all or any organs or tissues
39 for the purposes of transplantation or therapy.

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:

¹Senate STR committee amendments adopted December 4, 2017.

1 b. The designation indicating that a person is a donor pursuant
2 to subsection a. of this section shall be done in accordance with
3 procedures prescribed by the chief administrator. The designation
4 shall be displayed in print in a conspicuous form and manner on the
5 permit, license, or identification card, and electronically, by
6 substantially the following statement: "ORGAN DONOR" and
7 shall constitute sufficient legal authority for the removal of organs
8 or tissues for the purposes of transplantation or therapy upon the
9 death of the permit holder, licensee, or identification cardholder.
10 The designation shall be removed in accordance with procedures
11 prescribed by the chief administrator.

12 c. (Deleted by amendment, P.L.1999, c.28)¹**[.]**¹

13 d. (Deleted by amendment, P.L.2007, c.80)¹**[.]**¹

14 e. The chief administrator, in consultation with those organ
15 procurement organizations designated pursuant to ¹**[42**
16 **U.S.C.s.1320b-8]** 42 U.S.C. s.1320b-8¹ to serve in the State of New
17 Jersey, shall establish and provide an annual education program for
18 ¹**[agency]** commission¹ employees and personnel. The program
19 shall focus on the benefits associated with organ and tissue
20 donations, the scope and operation of New Jersey's donor program,
21 and how the ¹**[agency's]** commission's¹ employees and personnel
22 can effectively inform the public about the donor program and can
23 best assist those wishing to participate in the donor program,
24 including use of the Donate Life NJ Registry, established pursuant
25 to P.L.2008, c.48 (C.26:6-66 et al.).

26 f. The chief administrator shall electronically record and store
27 all organ donor designations and identification information, and
28 shall provide the organ procurement organizations designated
29 pursuant to ¹**[42 U.S.C.s.1320b-8]** 42 U.S.C. s.1320b-8¹ to serve in
30 the State of New Jersey with real-time electronic access to the organ
31 donor designation information collected pursuant to subsection a. of
32 this section. An organ procurement organization designated
33 pursuant to ¹**[42 U.S.C.s.1320b-8]** 42 U.S.C. s.1320b-8¹ to serve in
34 the State of New Jersey, or any donor registry established by any
35 such organization, shall have real-time electronic access to those
36 organ donor designations and identification at all times, without
37 exception, for the purposes of verifying organ and tissue donation
38 status and identity. For these purposes, the federally designated
39 organ procurement organization shall have electronic access to each
40 recorded donor's name, address, date of birth, gender, color of eyes,
41 height, **[and]** driver's license number, date of donor registration,
42 and date of removal from the registry if applicable. Upon request,
43 the chief administrator shall provide a copy of the donor's original
44 driver's license application.

45 g. Those organ procurement organizations designated pursuant
46 to ¹**[42 U.S.C.s.1320b-8]** 42 U.S.C. s.1320b-8¹ to serve in the State
47 of New Jersey may contract with a third party, in consultation with

1 the chief administrator, to assess, develop, and implement any
2 system set-up necessary to support the initial and ongoing
3 electronic access by those organizations to the donor designation
4 and identification information required to be made available in
5 accordance with the provisions of this section; however, the organ
6 procurement organizations shall not be required to incur an
7 aggregate cost in excess of \$50,000 for the purposes of this
8 subsection.

9 (cf: P.L.2008, c.50, s.25)

10

11 3. Section 7 of P.L.2008, c.48 (C.39:3-12.3) is amended to read
12 as follows:

13 7. a. (1) Within nine months after the effective date of
14 P.L.2008, c.48 (C.26:6-66 et al.) and pursuant to P.L. c. (pending
15 before the Legislature as this bill), the Chief Administrator of the
16 New Jersey Motor Vehicle Commission shall **[insure]** ensure
17 access by residents to an Internet-based interface that promotes
18 organ and tissue donation and enables residents **[18]** 14 years of
19 age or older to register as donors and have their decisions
20 immediately integrated into the current database maintained by the
21 commission. The database shall include only affirmative donation
22 decisions.

23 (2) Within one year of the effective date of P.L.2008, c.48
24 (C.26:6-66 et al.) and pursuant to P.L. c. (pending before the
25 Legislature as this bill), the commission shall establish a system
26 which allows New Jersey holders of examination permits, special
27 learner's permits, motorcycle-only examination permits, driver's
28 licenses, motorcycle licenses, ¹**[moped]** motorized bicycle¹
29 licenses, or personal identification cards who do not have access to
30 the Internet-based interface to add their donor designation to the
31 Donate Life NJ Registry by submitting a paper form to the
32 commission.

33 Registration shall be provided at no cost to the registrant.

34 b. The database and Internet-based interface established in this
35 section shall be known as the Donate Life NJ Registry.

36 c. The form and content of the Internet-based interface shall be
37 designed in collaboration with the organ procurement organizations
38 designated pursuant to ¹**[42 U.S.C.s.1320b-8]** 42 U.S.C. s.1320b-8¹
39 to serve in the State of New Jersey.

40 d. Donor information entered into the registry shall supersede
41 any prior conflicting information provided to the registry or on the
42 individual's examination permit, special learner's permit,
43 motorcycle-only examination permit, driver's license, motorcycle
44 license, ¹**[moped]** motorized bicycle¹ license, or identification
45 card, and pursuant to ¹**[section 2 of P.L.1969, c.161 (C.26:6-58)**
46 **and section 1 of P.L.1987, c.244 (C.26:6-58.1)]** P.L.2008, c.50
47 (C.26:6-77 et seq.¹ or any subsequent statute adopted pursuant
48 thereto, registration by a donor shall constitute sufficient

1 authorization to donate organ and tissues for transplantation and
2 therapy and authorization of another person shall not be necessary
3 to effectuate the gift.

4 e. Within one year of the effective date of P.L.2008, c.48
5 (C.26:6-66 et al.), the Donate Life NJ Registry and the official
6 website of the commission shall provide links through which
7 individuals may make voluntary contributions of **[\$1.00]** \$1 or
8 more to the Organ and Tissue Donor Awareness Education Fund
9 established by P.L.1999, c.386 (C.54A:9-25.17 et seq.). Such
10 opportunities shall include both electronic and paper contributions.
11 The links shall be provided in connection with the issuance of
12 'permits,' licenses, personal identification cards, and the
13 registration of motor vehicles.
14 (cf: P.L.2008, c.48, s.7)

15
16 4. Section 8 of P.L.2008, c.48 (C.39:3-12.4) is amended to read
17 as follows:

18 8. a. Beginning five years after the effective date of P.L.2008,
19 c.48 (C.26:6-66 et al.) and pursuant to P.L. c. (pending before the
20 Legislature as this bill), **'[no] an'** examination permit, special
21 learner's '[permits] permit', motorcycle-only examination permit,
22 driver's license, motorcycle license, '[moped] motorized bicycle'
23 license, or personal identification card shall **'not'** be issued or
24 renewed unless the applicant first addresses the issue of donation
25 through an on-line portal connected to the Donate Life NJ Registry
26 or at New Jersey Motor Vehicle Commission agencies and regional
27 service centers. **[This section shall not apply to applicants for**
28 **provisional licenses or personal identification cards who are under**
29 **the age of 18.]**

30 b. The portal shall be accessible to applicants seven days per
31 week, 24 hours per day, and shall provide for adequate security to
32 protect an individual's privacy. The form and content of the portal
33 shall be designed in collaboration with the organ procurement
34 organizations designated pursuant to **'[42 U.S.C.s.1320b-8]** 42
35 U.S.C. s.1320b-8' to serve in the State of New Jersey.

36 c. The portal shall require a resident who has not registered as
37 an organ donor, and who seeks **[a]** an examination permit, special
38 learner's '[permits] permit', motorcycle-only examination permit,
39 driver's license, motorcycle license, '[moped] motorized bicycle'
40 license, or identification card or seeks renewal thereof, to either: (1)
41 register as an organ donor through the Donate Life NJ Registry; or
42 (2) review information about the life-saving potential of organ and
43 tissue donation, and the consequences when an individual does not
44 make a decision to become an organ donor and does not register or
45 otherwise record a designated decision-maker.

1 In addition to promoting organ and tissue donation, the portal
2 shall provide information about the procedure for designating a
3 decision-maker.

4 d. Any information technology system adopted by the
5 commission after the effective date of P.L.2008, c.48 (C.26:6-66 et
6 al.) shall accommodate the inclusion of donor information into the
7 database and the on-going operation of the Donate Life NJ Registry.
8 (cf: P.L.2008, c.48, s.8)

9
10 5. This act shall take effect on the first day of seventh month
11 next following enactment, except the chief administrator may take
12 any anticipatory administrative action in advance as shall be
13 necessary for the implementation of this act.

14

15

16

17

18 Allows minors 14 years of age or older to authorize organ
19 donation; requires MVC to provide organ donation registration to
20 certain minors.

ASSEMBLY, No. 4219

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED OCTOBER 6, 2016

Sponsored by:

Assemblyman DECLAN J. O'SCANLON, JR.

District 13 (Monmouth)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

Assemblyman Conaway

SYNOPSIS

Allows minors 14 years of age or older to authorize organ donation; requires MVC to provide organ donation registration to certain minors.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/24/2017)

1 AN ACT concerning organ donation and amending and P.L.1978,
2 c.181, P.L.2008, c.48, and P.L.2008, c.50.

3

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

6

7 1. Section 4 of P.L.2008, c.50 (C.26:6-80) is amended to read as
8 follows:

9 4. Subject to the provisions of section 8 of this act, an
10 anatomical gift of a donor's body or part may be made during the
11 life of the donor for the purpose of transplantation, therapy,
12 research, or education in the manner provided in section 5 of this
13 act by:

14 a. the donor, if the donor is an adult, or if the donor is a minor
15 **[and is emancipated or is authorized under the laws of this State to**
16 **apply for a driver's license]** 14 years of age or older, whether or not
17 the minor is emancipated;

18 b. an agent of the donor, unless the advance directive for health
19 care or other record prohibits the agent from making an anatomical
20 gift;

21 c. a parent of the donor, if the donor is an unemancipated
22 minor; or

23 d. the donor's guardian.

24 An anatomical gift made by a minor donor shall remain valid
25 when the minor reaches 18 years of age.

26 (cf: P.L.2008, c.50, s.4)

27

28 2. Section 1 of P.L.1978, c.181 (C.39:3-12.2) is amended to
29 read as follows:

30 1. a. The Chief Administrator of the New Jersey Motor
31 Vehicle Commission shall provide with every examination permit,
32 special learner's permit, motorcycle-only examination permit,
33 moped license, new license, renewal license, identification card, or
34 renewal identification card the opportunity for each person pursuant
35 to the provisions of the "Revised Uniform Anatomical Gift Act,"
36 P.L.2008, c.50 (C.26:6-77 et seq.), to designate that the person shall
37 donate all or any organs or tissues for the purposes of
38 transplantation or therapy.

39 b. The designation indicating that a person is a donor pursuant
40 to subsection a. of this section shall be done in accordance with
41 procedures prescribed by the chief administrator. The designation
42 shall be displayed in print in a conspicuous form and manner on the
43 permit, license, or identification card, and electronically, by
44 substantially the following statement: "ORGAN DONOR" and
45 shall constitute sufficient legal authority for the removal of organs

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 or tissues for the purposes of transplantation or therapy upon the
2 death of the permit holder, licensee, or identification cardholder.
3 The designation shall be removed in accordance with procedures
4 prescribed by the chief administrator.

5 c. (Deleted by amendment, P.L.1999, c.28).

6 d. (Deleted by amendment, P.L.2007, c.80).

7 e. The chief administrator, in consultation with those organ
8 procurement organizations designated pursuant to 42
9 U.S.C.s.1320b-8 to serve in the State of New Jersey, shall establish
10 and provide an annual education program for agency employees and
11 personnel. The program shall focus on the benefits associated with
12 organ and tissue donations, the scope and operation of New Jersey's
13 donor program, and how the agency's employees and personnel can
14 effectively inform the public about the donor program and can best
15 assist those wishing to participate in the donor program, including
16 use of the Donate Life NJ Registry, established pursuant to
17 P.L.2008, c.48 (C.26:6-66 et al.).

18 f. The chief administrator shall electronically record and store
19 all organ donor designations and identification information, and
20 shall provide the organ procurement organizations designated
21 pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey
22 with real-time electronic access to the organ donor designation
23 information collected pursuant to subsection a. of this section. An
24 organ procurement organization designated pursuant to 42
25 U.S.C.s.1320b-8 to serve in the State of New Jersey, or any donor
26 registry established by any such organization, shall have real-time
27 electronic access to those organ donor designations and
28 identification at all times, without exception, for the purposes of
29 verifying organ and tissue donation status and identity. For these
30 purposes, the federally designated organ procurement organization
31 shall have electronic access to each recorded donor's name, address,
32 date of birth, gender, color of eyes, height, **[and]** driver's license
33 number, date of donor registration, and date of removal from the
34 registry if applicable. Upon request, the chief administrator shall
35 provide a copy of the donor's original driver's license application.

36 g. Those organ procurement organizations designated pursuant
37 to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey may
38 contract with a third party, in consultation with the chief
39 administrator, to assess, develop, and implement any system set-up
40 necessary to support the initial and ongoing electronic access by
41 those organizations to the donor designation and identification
42 information required to be made available in accordance with the
43 provisions of this section; however, the organ procurement
44 organizations shall not be required to incur an aggregate cost in
45 excess of \$50,000 for the purposes of this subsection.
46 (cf: P.L.2008, c.50, s.25)

1 3. Section 7 of P.L.2008, c.48 (C.39:3-12.3) is amended to read
2 as follows:

3 7. a. (1) Within nine months after the effective date of
4 P.L.2008, c.48 (C.26:6-66 et al.) and pursuant to P.L. c. (pending
5 before the Legislature as this bill), the Chief Administrator of the
6 New Jersey Motor Vehicle Commission shall ~~insure~~ ensure
7 access by residents to an Internet-based interface that promotes
8 organ and tissue donation and enables residents ~~18~~ 14 years of
9 age or older to register as donors and have their decisions
10 immediately integrated into the current database maintained by the
11 commission. The database shall include only affirmative donation
12 decisions.

13 (2) Within one year of the effective date of P.L.2008, c.48
14 (C.26:6-66 et al.) and pursuant to P.L. c. (pending before the
15 Legislature as this bill), the commission shall establish a system
16 which allows New Jersey holders of examination permits, special
17 learner's permits, motorcycle-only examination permits, driver's
18 licenses, motorcycle licenses, moped licenses, or personal
19 identification cards who do not have access to the Internet-based
20 interface to add their donor designation to the Donate Life NJ
21 Registry by submitting a paper form to the commission.

22 Registration shall be provided at no cost to the registrant.

23 b. The database and Internet-based interface established in this
24 section shall be known as the Donate Life NJ Registry.

25 c. The form and content of the Internet-based interface shall be
26 designed in collaboration with the organ procurement organizations
27 designated pursuant to 42 U.S.C.s.1320b-8 to serve in the State of
28 New Jersey.

29 d. Donor information entered into the registry shall supersede
30 any prior conflicting information provided to the registry or on the
31 individual's examination permit, special learner's permit,
32 motorcycle-only examination permit, driver's license, motorcycle
33 license, moped license, or identification card, and pursuant to
34 section 2 of P.L.1969, c.161 (C.26:6-58) and section 1 of P.L.1987,
35 c.244 (C.26:6-58.1) or any subsequent statute adopted pursuant
36 thereto, registration by a donor shall constitute sufficient
37 authorization to donate organ and tissues for transplantation and
38 therapy and authorization of another person shall not be necessary
39 to effectuate the gift.

40 e. Within one year of the effective date of P.L.2008, c.48
41 (C.26:6-66 et al.), the Donate Life NJ Registry and the official
42 website of the commission shall provide links through which
43 individuals may make voluntary contributions of \$1.00 or more to
44 the Organ and Tissue Donor Awareness Education Fund established
45 by P.L.1999, c.386 (C.54A:9-25.17 et seq.). Such opportunities
46 shall include both electronic and paper contributions. The links
47 shall be provided in connection with the issuance of licenses,

1 personal identification cards, and the registration of motor vehicles.
2 (cf: P.L.2008, c.48, s.7)

3

4 4. Section 8 of P.L.2008, c.48 (C.39:3-12.4) is amended to read
5 as follows:

6 8. a. Beginning five years after the effective date of P.L.2008,
7 c.48 (C.26:6-66 et al.) and pursuant to P.L. c. (pending before the
8 Legislature as this bill), no examination permit, special learner's
9 permits, motorcycle-only examination permit, driver's license,
10 motorcycle license, moped license, or personal identification card
11 shall be issued or renewed unless the applicant first addresses the
12 issue of donation through an on-line portal connected to the Donate
13 Life NJ Registry or at New Jersey Motor Vehicle Commission
14 agencies and regional service centers. **【This section shall not apply**
15 **to applicants for provisional licenses or personal identification**
16 **cards who are under the age of 18.】**

17 b. The portal shall be accessible to applicants seven days per
18 week, 24 hours per day, and shall provide for adequate security to
19 protect an individual's privacy. The form and content of the portal
20 shall be designed in collaboration with the organ procurement
21 organizations designated pursuant to 42 U.S.C.s.1320b-8 to serve in
22 the State of New Jersey.

23 c. The portal shall require a resident who has not registered as
24 an organ donor, and who seeks **【a】** an examination permit, special
25 learner's permits, motorcycle-only examination permit, driver's
26 license, motorcycle license, moped license, or identification card or
27 seeks renewal thereof, to either: (1) register as an organ donor
28 through the Donate Life NJ Registry; or (2) review information
29 about the life-saving potential of organ and tissue donation, and the
30 consequences when an individual does not make a decision to
31 become an organ donor and does not register or otherwise record a
32 designated decision-maker.

33 In addition to promoting organ and tissue donation, the portal
34 shall provide information about the procedure for designating a
35 decision-maker.

36 d. Any information technology system adopted by the
37 commission after the effective date of P.L.2008, c.48 (C.26:6-66 et
38 al.) shall accommodate the inclusion of donor information into the
39 database and the on-going operation of the Donate Life NJ Registry.
40 (cf: P.L.2008, c.48, s.8)

41

42 5. This act shall take effect on the first day of seventh month
43 next following enactment, except the chief administrator may take
44 any anticipatory administrative action in advance as shall be
45 necessary for the implementation of this act.

STATEMENT

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This bill establishes the age of 14 as the age at which a person may make an anatomical gift in New Jersey. An anatomical gift made by a minor would remain valid when the minor reaches 18 years of age.

Current law requires the New Jersey Motor Vehicle Commission (MVC) to provide every adult applicant of a new or renewal driver's license or non-driver photo identification card the opportunity to designate that the person will donate all or any organs or tissues for the purposes of transplantation or therapy. In order to extend the ability to designate organ donor status to younger state residents, this bill requires the MVC to also provide the opportunity to donate to:

- (1) the holder of an examination permit or a motorcycle-only examination permit, who may be as young as 17 years old;
- (2) the holder of a special learner's permit, who may be as young as 16 years old;
- (3) the holder of a moped license, who may be as young as 15 years old; and
- (4) all holders of non-driver photo identification cards, who may be as young as 14 years old.

Under the provisions of the "Revised Uniform Anatomical Gift Act," in the event of the death of an unemancipated minor, a parent is authorized to revoke the anatomical gift of her or his child. This bill does not alter the rights currently afforded to parents under current law.

Additionally, the chief administrator of the MVC is currently authorized to provide certain organ procurement organizations with access to donor information, such as each recorded donor's name, address, date of birth, gender, color of eyes, height, and driver's license number. The bill expands the list of accessible information to also include the date a person registered as a donor, and date of removal from the registry, if applicable.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4219

STATE OF NEW JERSEY

DATED: JANUARY 12, 2017

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 4219.

Assembly Bill No. 4219 establishes the age of 14 as the age at which a person may make an anatomical gift in New Jersey. An anatomical gift made by a minor would remain valid when the minor reaches 18 years of age.

All adult residents of this State are currently able to register as organ donors through the Donate Life NJ website. This bill requires the New Jersey Motor Vehicle Commission (MVC) to enable residents 14 years of age or older to access the website and register as donors.

Current law requires the MVC to provide every adult applicant of a new or renewal driver's license or non-driver photo identification card the opportunity to designate that the person will donate all or any organs or tissues for the purposes of transplantation or therapy. In order to extend the ability to designate organ donor status to younger State residents, this bill requires the MVC also to provide the opportunity to donate to:

- (1) the holder of an examination permit or a motorcycle-only examination permit, who may be as young as 17 years old;
- (2) the holder of a special learner's permit, who may be as young as 16 years old;
- (3) the holder of a moped license, who may be as young as 15 years old; and
- (4) the holder of a non-driver photo identification card, who may be as young as 14 years old.

Under the provisions of the "Revised Uniform Anatomical Gift Act," in the event of the death of an unemancipated minor, a parent is authorized to revoke the anatomical gift of her or his child. This bill does not alter the rights afforded to parents under current law.

Additionally, the Chief Administrator of the MVC is currently authorized to provide certain organ procurement organizations with access to donor information, such as each recorded donor's name, address, date of birth, gender, color of eyes, height, and driver's license number. The bill expands the list of accessible information also to include the date a person registered as a donor, and the date of removal from the registry, if applicable.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO ASSEMBLY, No. 4219

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 4, 2017

The Senate Transportation Committee reports favorably and with committee amendments Assembly Bill No. 4219.

As amended and reported, this bill establishes 14 years of age as the age at which a person may make an anatomical gift in New Jersey. Under the bill, an anatomical gift made by a minor is to remain valid when the minor reaches 18 years of age.

Currently, all adult residents of this State are able to register as organ donors through the Donate Life NJ website. Current law also requires the New Jersey Motor Vehicle Commission (MVC) to provide every adult applicant of a new or renewal driver's license or non-driver photo identification card the opportunity to designate the donation of all or any of the applicant's organs or tissues for the purposes of transplantation or therapy.

In order to extend the ability to designate organ donor status to younger State residents, the bill requires the MVC to permit residents 14 years of age or older to access the Donate Life NJ website to register as donors. The bill also requires the MVC also to provide the opportunity to donate to:

- (1) the holder of an examination permit or a motorcycle-only examination permit, who may be as young as 17 years of age;
- (2) the holder of a special learner's permit, who may be as young as 16 years of age;
- (3) the holder of a motorized bicycle (moped) license, who may be as young as 15 years of age; and
- (4) the holder of a non-driver photo identification card, who may be as young as 14 years of age.

Currently, the Chief Administrator of the MVC is authorized to provide certain organ procurement organizations with access to donor information, such as each recorded donor's name, address, date of birth, gender, color of eyes, height, and driver's license number. The bill expands the list of accessible information to also include the date a person registered as a donor and the date of removal from the registry, if applicable.

Under the provisions of the "Revised Uniform Anatomical Gift Act," in the event of the death of an unemancipated minor, a parent is

authorized to revoke the anatomical gift of her or his child. The bill does not alter the rights afforded to parents under current law.

The committee amended the bill to make proper reference to “motorized bicycle,” which is commonly referred to as “moped.” The amendments correct statutory citations and make other grammatical corrections, including to the title of the bill.

As amended and reported, Assembly Bill No. 4219 is identical to Senate Bill No. 3282, which was also amended and reported by the committee on this date.

SENATE, No. 3282

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED JUNE 1, 2017

Sponsored by:

Senator JOSEPH M. KYRILLOS, JR.

District 13 (Monmouth)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Co-Sponsored by:

Senator Diegnan

SYNOPSIS

Allows minors 14 years of age or older to authorize organ donation; requires MVC to provide organ donation registration to certain minors.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/16/2017)

1 AN ACT concerning organ donation and amending and P.L.1978,
2 c.181, P.L.2008, c.48, and P.L.2008, c.50.

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

6
7 1. Section 4 of P.L.2008, c.50 (C.26:6-80) is amended to read
8 as follows:

9 4. Subject to the provisions of section 8 of this act, an
10 anatomical gift of a donor's body or part may be made during the
11 life of the donor for the purpose of transplantation, therapy,
12 research, or education in the manner provided in section 5 of this
13 act by:

14 a. the donor, if the donor is an adult, or if the donor is a minor
15 **[and is emancipated or is authorized under the laws of this State to**
16 **apply for a driver's license]** 14 years of age or older, whether or not
17 the minor is emancipated;

18 b. an agent of the donor, unless the advance directive for health
19 care or other record prohibits the agent from making an anatomical
20 gift;

21 c. a parent of the donor, if the donor is an unemancipated
22 minor; or

23 d. the donor's guardian.

24 An anatomical gift made by a minor donor shall remain valid
25 when the minor reaches 18 years of age.

26 (cf: P.L.2008, c.50, s.4)

27
28 2. Section 1 of P.L.1978, c.181 (C.39:3-12.2) is amended to
29 read as follows:

30 1. a. The Chief Administrator of the New Jersey Motor
31 Vehicle Commission shall provide with every examination permit,
32 special learner's permit, motorcycle-only examination permit,
33 moped license, new license, renewal license, identification card, or
34 renewal identification card the opportunity for each person pursuant
35 to the provisions of the "Revised Uniform Anatomical Gift Act,"
36 P.L.2008, c.50 (C.26:6-77 et seq.), to designate that the person shall
37 donate all or any organs or tissues for the purposes of
38 transplantation or therapy.

39 b. The designation indicating that a person is a donor pursuant
40 to subsection a. of this section shall be done in accordance with
41 procedures prescribed by the chief administrator. The designation
42 shall be displayed in print in a conspicuous form and manner on the
43 permit, license, or identification card, and electronically, by
44 substantially the following statement: "ORGAN DONOR" and
45 shall constitute sufficient legal authority for the removal of organs

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 or tissues for the purposes of transplantation or therapy upon the
2 death of the permit holder, licensee, or identification cardholder.
3 The designation shall be removed in accordance with procedures
4 prescribed by the chief administrator.

5 c. (Deleted by amendment, P.L.1999, c.28).

6 d. (Deleted by amendment, P.L.2007, c.80).

7 e. The chief administrator, in consultation with those organ
8 procurement organizations designated pursuant to 42
9 U.S.C.s.1320b-8 to serve in the State of New Jersey, shall establish
10 and provide an annual education program for agency employees and
11 personnel. The program shall focus on the benefits associated with
12 organ and tissue donations, the scope and operation of New Jersey's
13 donor program, and how the agency's employees and personnel can
14 effectively inform the public about the donor program and can best
15 assist those wishing to participate in the donor program, including
16 use of the Donate Life NJ Registry, established pursuant to
17 P.L.2008, c.48 (C.26:6-66 et al.).

18 f. The chief administrator shall electronically record and store
19 all organ donor designations and identification information, and
20 shall provide the organ procurement organizations designated
21 pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey
22 with real-time electronic access to the organ donor designation
23 information collected pursuant to subsection a. of this section. An
24 organ procurement organization designated pursuant to 42
25 U.S.C.s.1320b-8 to serve in the State of New Jersey, or any donor
26 registry established by any such organization, shall have real-time
27 electronic access to those organ donor designations and
28 identification at all times, without exception, for the purposes of
29 verifying organ and tissue donation status and identity. For these
30 purposes, the federally designated organ procurement organization
31 shall have electronic access to each recorded donor's name, address,
32 date of birth, gender, color of eyes, height, **[and]** driver's license
33 number, date of donor registration, and date of removal from the
34 registry if applicable. Upon request, the chief administrator shall
35 provide a copy of the donor's original driver's license application.

36 g. Those organ procurement organizations designated pursuant
37 to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey may
38 contract with a third party, in consultation with the chief
39 administrator, to assess, develop, and implement any system set-up
40 necessary to support the initial and ongoing electronic access by
41 those organizations to the donor designation and identification
42 information required to be made available in accordance with the
43 provisions of this section; however, the organ procurement
44 organizations shall not be required to incur an aggregate cost in
45 excess of \$50,000 for the purposes of this subsection.

46 (cf: P.L.2008, c.50, s.25)

1 3. Section 7 of P.L.2008, c.48 (C.39:3-12.3) is amended to read
2 as follows:

3 7. a. (1) Within nine months after the effective date of
4 P.L.2008, c.48 (C.26:6-66 et al.) and pursuant to P.L. c. (pending
5 before the Legislature as this bill), the Chief Administrator of the
6 New Jersey Motor Vehicle Commission shall ~~insure~~ ensure
7 access by residents to an Internet-based interface that promotes
8 organ and tissue donation and enables residents ~~18~~ 14 years of
9 age or older to register as donors and have their decisions
10 immediately integrated into the current database maintained by the
11 commission. The database shall include only affirmative donation
12 decisions.

13 (2) Within one year of the effective date of P.L.2008, c.48
14 (C.26:6-66 et al.) and pursuant to P.L. c. (pending before the
15 Legislature as this bill), the commission shall establish a system
16 which allows New Jersey holders of examination permits, special
17 learner's permits, motorcycle-only examination permits, driver's
18 licenses, motorcycle licenses, moped licenses, or personal
19 identification cards who do not have access to the Internet-based
20 interface to add their donor designation to the Donate Life NJ
21 Registry by submitting a paper form to the commission.

22 Registration shall be provided at no cost to the registrant.

23 b. The database and Internet-based interface established in this
24 section shall be known as the Donate Life NJ Registry.

25 c. The form and content of the Internet-based interface shall be
26 designed in collaboration with the organ procurement organizations
27 designated pursuant to 42 U.S.C.s.1320b-8 to serve in the State of
28 New Jersey.

29 d. Donor information entered into the registry shall supersede
30 any prior conflicting information provided to the registry or on the
31 individual's examination permit, special learner's permit,
32 motorcycle-only examination permit, driver's license, motorcycle
33 license, moped license, or identification card, and pursuant to
34 section 2 of P.L.1969, c.161 (C.26:6-58) and section 1 of P.L.1987,
35 c.244 (C.26:6-58.1) or any subsequent statute adopted pursuant
36 thereto, registration by a donor shall constitute sufficient
37 authorization to donate organ and tissues for transplantation and
38 therapy and authorization of another person shall not be necessary
39 to effectuate the gift.

40 e. Within one year of the effective date of P.L.2008, c.48
41 (C.26:6-66 et al.), the Donate Life NJ Registry and the official
42 website of the commission shall provide links through which
43 individuals may make voluntary contributions of \$1.00 or more to
44 the Organ and Tissue Donor Awareness Education Fund established
45 by P.L.1999, c.386 (C.54A:9-25.17 et seq.). Such opportunities
46 shall include both electronic and paper contributions. The links
47 shall be provided in connection with the issuance of licenses,

1 personal identification cards, and the registration of motor vehicles.
2 (cf: P.L.2008, c.48, s.7)

3

4 4. Section 8 of P.L.2008, c.48 (C.39:3-12.4) is amended to read
5 as follows:

6 8. a. Beginning five years after the effective date of P.L.2008,
7 c.48 (C.26:6-66 et al.) and pursuant to P.L. c. (pending before the
8 Legislature as this bill), no examination permit, special learner's
9 permits, motorcycle-only examination permit, driver's license,
10 motorcycle license, moped license, or personal identification card
11 shall be issued or renewed unless the applicant first addresses the
12 issue of donation through an on-line portal connected to the Donate
13 Life NJ Registry or at New Jersey Motor Vehicle Commission
14 agencies and regional service centers. **【This section shall not apply**
15 **to applicants for provisional licenses or personal identification**
16 **cards who are under the age of 18.】**

17 b. The portal shall be accessible to applicants seven days per
18 week, 24 hours per day, and shall provide for adequate security to
19 protect an individual's privacy. The form and content of the portal
20 shall be designed in collaboration with the organ procurement
21 organizations designated pursuant to 42 U.S.C.s.1320b-8 to serve in
22 the State of New Jersey.

23 c. The portal shall require a resident who has not registered as
24 an organ donor, and who seeks **【a】** an examination permit, special
25 learner's permits, motorcycle-only examination permit, driver's
26 license, motorcycle license, moped license, or identification card or
27 seeks renewal thereof, to either: (1) register as an organ donor
28 through the Donate Life NJ Registry; or (2) review information
29 about the life-saving potential of organ and tissue donation, and the
30 consequences when an individual does not make a decision to
31 become an organ donor and does not register or otherwise record a
32 designated decision-maker.

33 In addition to promoting organ and tissue donation, the portal
34 shall provide information about the procedure for designating a
35 decision-maker.

36 d. Any information technology system adopted by the
37 commission after the effective date of P.L.2008, c.48 (C.26:6-66 et
38 al.) shall accommodate the inclusion of donor information into the
39 database and the on-going operation of the Donate Life NJ Registry.
40 (cf: P.L.2008, c.48, s.8)

41

42 5. This act shall take effect on the first day of seventh month
43 next following enactment, except the chief administrator may take
44 any anticipatory administrative action in advance as shall be
45 necessary for the implementation of this act.

STATEMENT

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This bill establishes the age of 14 as the age at which a person may make an anatomical gift in New Jersey. An anatomical gift made by a minor would remain valid when the minor reaches 18 years of age.

All adult residents of this State are currently able to register as organ donors through the Donate Life NJ website. This bill requires the New Jersey Motor Vehicle Commission (MVC) to enable residents 14 years of age or older to access the website and register as donors.

Current law requires the MVC to provide every adult applicant of a new or renewal driver's license or non-driver photo identification card the opportunity to designate that the person will donate all or any organs or tissues for the purposes of transplantation or therapy. In order to extend the ability to designate organ donor status to younger State residents, this bill requires the MVC also to provide the opportunity to donate to:

- (1) the holder of an examination permit or a motorcycle-only examination permit, who may be as young as 17 years old;
- (2) the holder of a special learner's permit, who may be as young as 16 years old;
- (3) the holder of a moped license, who may be as young as 15 years old; and
- (4) the holder of a non-driver photo identification card, who may be as young as 14 years old.

Under the provisions of the "Revised Uniform Anatomical Gift Act," in the event of the death of an unemancipated minor, a parent is authorized to revoke the anatomical gift of her or his child. This bill does not alter the rights afforded to parents under current law.

Additionally, the Chief Administrator of the MVC is currently authorized to provide certain organ procurement organizations with access to donor information, such as each recorded donor's name, address, date of birth, gender, color of eyes, height, and driver's license number. The bill expands the list of accessible information also to include the date a person registered as a donor, and the date of removal from the registry, if applicable.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 3282

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 4, 2017

The Senate Transportation Committee reports favorably and with committee amendments Senate Bill No. 3282.

As amended and reported, this bill establishes 14 years of age as the age at which a person may make an anatomical gift in New Jersey. Under the bill, an anatomical gift made by a minor is to remain valid when the minor reaches 18 years of age.

Currently, all adult residents of this State are able to register as organ donors through the Donate Life NJ website. Current law also requires the New Jersey Motor Vehicle Commission (MVC) to provide every adult applicant of a new or renewal driver's license or non-driver photo identification card the opportunity to designate the donation of all or any of the applicant's organs or tissues for the purposes of transplantation or therapy.

In order to extend the ability to designate organ donor status to younger State residents, the bill requires the MVC to permit residents 14 years of age or older to access the Donate Life NJ website to register as donors. The bill also requires the MVC also to provide the opportunity to donate to:

(1) the holder of an examination permit or a motorcycle-only examination permit, who may be as young as 17 years of age;

(2) the holder of a special learner's permit, who may be as young as 16 years of age;

(3) the holder of a motorized bicycle (moped) license, who may be as young as 15 years of age; and

(4) the holder of a non-driver photo identification card, who may be as young as 14 years of age.

Currently, the Chief Administrator of the MVC is authorized to provide certain organ procurement organizations with access to donor information, such as each recorded donor's name, address, date of birth, gender, color of eyes, height, and driver's license number. The bill expands the list of accessible information to also include the date a person registered as a donor and the date of removal from the registry, if applicable.

Under the provisions of the "Revised Uniform Anatomical Gift Act," in the event of the death of an unemancipated minor, a parent is

authorized to revoke the anatomical gift of her or his child. The bill does not alter the rights afforded to parents under current law.

The committee amended the bill to make proper reference to “motorized bicycle,” which is commonly referred to as “moped.” The amendments correct statutory citations and make other grammatical corrections, including to the title of the bill.

As amended and reported, Senate Bill No. 3282 is identical to Assembly Bill No. 4219, which was also amended and reported by the committee on this date.