

26:6-60

LEGISLATIVE HISTORY CHECKLIST

NJSA: 26:6-60 (Eyes-donation--allow enucleation
by medical students)

LAWS OF: 1989 CHAPTER: 187

Bill No: A4329

Sponsor(s): Hardwick, Kamin and Cooper

Date Introduced: February 27, 1989

Committee: Assembly: Health and Human Resources

Senate: Institutions, Health and Welfare

Amended during passage: No

Date of Passage: Assembly: June 19, 1989

Senate: August 14, 1989

Date of Approval: September 26, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

ASSEMBLY, No. 4329

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 27, 1969

By Assemblymen HARDWICK, KAMIN
and Assemblywoman Cooper

1 AN ACT concerning the enucleation of eyes and amending
P.L.1969, c.161.

3

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

7 1. Section 4 of P.L.1969, c.161 (C.26:6-60) is amended to read
as follows:

9 4. (a) A gift of all or part of the body under section 2(a) may
be made by will. The gift becomes effective upon the death of
the testator without waiting for probate. If the will is not
11 probated, or if it is declared invalid for testamentary purposes,
the gift, to the extent that it has been acted upon in good faith,
13 is nevertheless valid and effective.

15 (b) A gift of all or part of the body under section 2(a) may also
be made by document other than a will. The gift becomes
effective upon the death of the donor. The document, which may
17 be a card designed to be carried on the person, must be signed by
the donor in the presence of two witnesses who must sign the
19 document in his presence. If the donor cannot sign, the document
may be signed for him at his direction and in his presence in the
21 presence of two witnesses who must sign the document in his
presence. Delivery of the document of gift during the donor's
23 lifetime is not necessary to make the gift valid.

25 (c) The gift may be made to a specified donee or without
specifying a donee. If the latter, the gift may be accepted by the
attending physician as donee upon or following death. If the gift
27 is made to a specified donee who is not available at the time and
place of death, the attending physician upon or following death,
29 in the absence of any expressed indication that the donor desired
otherwise, may accept the gift as donee. The physician who
31 becomes a donee under this subsection shall not participate in the
procedures for removing or transplanting a part.

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 (d) Notwithstanding section 7(b), the donor may designate in
his will, card, or other document of gift the surgeon or physician
3 to carry out the appropriate procedures. In the absence of a
designation or if the designee is not available, the donee or other
5 person authorized to accept the gift may employ or authorize any
surgeon or physician for the purpose or, in the case of a gift of
7 eyes, he may employ or authorize a practitioner of mortuary
science licensed by the State Board of Mortuary Science of New
9 Jersey, an eye bank technician or a medical student who has
successfully completed a course in eye enucleation approved by
11 the State Board of Medical Examiners to enucleate eyes for the
gift after certification of death by a physician. A practitioner of
13 mortuary science, an eye bank technician or a medical student
acting in accordance with the provisions of this subsection shall
15 not have any liability, civil or criminal, for the eye enucleation.

(e) Any gift by a person designated in section 2(b) shall be
17 made by a document signed by him or made by his telegraphic,
recorded telephonic, or other recorded message.

19 (cf: P.L.1974, c.108, s.1)

2. This act shall take effect immediately.

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STATEMENT

25 This bill amends the "Uniform Anatomical Gift Act," P.L.1968,
c.161 (C.26:8-57 et seq.), to allow eye bank technicians and
27 medical students who have successfully completed a course in eye
enucleation approved by the State Board of Medical Examiners,
29 to perform eye enucleations. Under the present law, only
physicians and certain funeral directors are permitted to perform
31 the technique in the case of a gift of eyes.

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HEALTH

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Health Care Facilities and Providers

37 Allows eye bank technicians and other medical students to
enucleate eyes.

ASSEMBLY HEALTH AND HUMAN RESOURCES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4329

STATE OF NEW JERSEY

DATED: MAY 18, 1989

The Assembly Health and Human Resources Committee favorably reports Assembly Bill No. 4329.

This bill amends the "Uniform Anatomical Gift Act," P.L.1968, c.161 (C.26:6-57 et seq.), to allow eye bank technicians and medical students who have successfully completed a course in eye enucleation approved by the State Board of Medical Examiners, to perform eye enucleations. Under the present law, only physicians and certain funeral directors are permitted to perform the technique in the case of a gift of eyes.

SENATE INSTITUTIONS, HEALTH AND WELFARE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4329

STATE OF NEW JERSEY

DATED: JUNE 29, 1989

The Senate Institutions, Health and Welfare Committee favorably reports Assembly Bill No. 4329.

This bill amends the "Uniform Anatomical Gift Act," P.L.1968, c.161 (C.26:6-57 et seq.), to allow eye bank technicians and medical students who have successfully completed a course in eye enucleation approved by the State Board of Medical Examiners, to perform eye enucleations. Under the present law, only physicians and certain funeral directors are permitted to perform the technique in the case of a gift of eyes.

This bill is identical to Senate Bill No. 3700 (Codey), which the committee also reported favorably on this date.