

26 : 6-58.1

LEGISLATIVE HISTORY CHECKLIST

NJSA: 26:6-58.1

(Organ donation
certificate--delete
requirement of
attaching to
death certificate

LAWS OF: 1989

CHAPTER: 57

Bill No: S1984

Sponsor(s): McManimon

Date Introduced: January 28, 1988

Committee: Assembly: Health & Human Resources

Senate: Institutions, Health & Welfare

Amended during passage: Yes Amendments during
denoted by asterisks.

Date of Passage: Assembly: March 2, 1989

Senate: August 4, 1988

Date of Approval: April 14, 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

[FIRST REPRINT]
SENATE, No. 1984

STATE OF NEW JERSEY

INTRODUCED JANUARY 28, 1988

By Senator McMANIMON

1 AN ACT concerning organ donations and amending P.L. 1987, c.
244.

3

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

1. Section 1 of P.L. 1987, c. 244 (C. 26:6-58.1) is amended to
7 read as follows:

1. a. When the decision has been made in a hospital to
9 pronounce the death of a person who, based on accepted medical
standards, is a suitable candidate for organ donation, the person
11 in charge of the hospital, or that person's designated
representative, other than a person connected with the
13 determination of death, shall make known to any of the following
persons, in order of priority stated, when persons in prior classes
15 are not available at the time of death and in the absence of
actual notice of contrary indications by the decedent or actual
17 notice of opposition by a member of the same or a prior class
specified in paragraph (1), (2), (3), (4), (5) or (6) of this subsection,
19 or when there is any other reason to believe that an anatomical
gift is contrary to the decedent's religious beliefs, that the
21 person has the option to consent to the gift of all or any part of
the decedent's body for any purpose specified in section 3 of P.L.
23 1969, c. 161 (C. 26:6-59):

- (1) the spouse,
- 25 (2) an adult son or daughter,
- (3) either parent,
- 27 (4) an adult brother or sister,
- (5) a guardian of the person of the decedent at the time of the
29 decedent's death, or
- (6) any other person authorized or under the obligation to
31 dispose of the body.

33 Consent or refusal need only be obtained from a person in the
highest priority class available.

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:
1 Senate SIH committee amendments adopted June 23, 1988.

1 b. The person in charge of the hospital or that person's
3 designated representative shall complete a certificate of organ
5 donation option for an anatomical gift, on a form supplied by the
7 Commissioner of Health. The certificate shall include a
9 statement that the option for consent to an anatomical gift has
11 been made known, and shall further indicate thereupon whether
13 or not consent was granted, the name of the person granting or
15 refusing the consent, and that person's relationship to the
17 decedent. [The death certificate required by R.S. 26:6-5.1 shall
19 not be deemed complete unless a completed organ donation
21 option certificate is attached thereto.] ¹The death certificate
23 required by R.S. 26:6-5.1 shall not be deemed complete unless a
completed organ donation option certificate is attached thereto;
except that, if the person who presents the death certificate to
the registrar attests in writing on a form provided by the
Department of Health, that a good faith effort has been made to
obtain the organ donation certificate from the hospital, the
registrar shall accept that form, if it is properly completed, in
lieu of the completed organ donation option certificate, and shall
forward a copy of the form to the Department of Health. The
information on the form shall not be available for public
inspection pursuant to P.L. 1963, c. 73 (C. 47:1A-1 et seq.), but
may be used by the Department of Health to carry out the
purposes of P.L. 1987, c. 244 (C. 26:6-58.1 et seq.).¹

25 c. A gift made pursuant to the request required by this act
27 shall be executed pursuant to the applicable provisions of P.L.
1969, c. 161 (C. 26:6-57 et seq.).

29 d. A person who acts in good faith in accordance with the
31 provisions of this act is not liable for any damages in any civil
action or subject to prosecution in any criminal proceeding for
any act or omission of the person.

(cf: P.L. 1987, c. 244, s. 1)

33 2. This act shall take effect immediately.

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HEALTH

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Health Care Facilities and Providers

39 Provides an exception to the requirement that an organ donation
option certificate be attached to a death certificate.

1 b. The person in charge of the hospital or that person's
 3 designated representative shall complete a certificate of organ
 5 donation option for an anatomical gift, on a form supplied by the
 7 Commissioner of Health. The certificate shall include a
 9 statement that the option for consent to an anatomical gift has
 11 been made known, and shall further indicate thereupon whether
 or not consent was granted, the name of the person granting or
 refusing the consent, and that person's relationship to the
 decedent. [The death certificate required by R.S. 26:6-5.1 shall
 not be deemed complete unless a completed organ donation
 option certificate is attached thereto.]

13 c. A gift made pursuant to the request required by this act
 shall be executed pursuant to the applicable provisions of P.L.
 1969, c. 161 (C. 26:6-57 et seq.).

15 d. A person who acts in good faith in accordance with the
 provisions of this act is not liable for any damages in any civil
 17 action or subject to prosecution in any criminal proceeding for
 any act or omission of the person.

19 (cf: P.L. 1987, c. 244, s. 1)

2. This act shall take effect immediately.

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STATEMENT

25 This bill deletes the requirement in the law that a completed
 organ donation option certificate be attached to a death
 27 certificate in order for the death certificate to be deemed
 complete. This bill is necessary in order to ensure the prompt
 29 handling of the deceased once a death certificate is prepared.

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HEALTH

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Health Care Facilities and Providers

35 Deletes the requirement that a completed organ donation option
 certificate be attached to a death certificate.

ASSEMBLY HEALTH AND HUMAN RESOURCES COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 1984

STATE OF NEW JERSEY

DATED: FEBRUARY 16, 1989

The Assembly Health and Human Resources Committee favorably reports Senate Bill No. 1984 (1R).

This bill amends P.L.1987, c.244 (C.26:6-58.1 et seq.), which requires that a hospital representative inform the next of kin of a deceased person that the next of kin has the option to consent, on behalf of the deceased person, to a donation of the deceased person's organs.

This bill requires that the certificate of organ donation option (which states that the organ donation request was made and the results of that request) be attached to the death certificate in order for the death certificate to be deemed complete. The bill provides, however, that if the person who submits the death certificate is unable to obtain the organ donation option certificate, that person may attest in writing on a form provided by the Department of Health that a good faith effort was made to obtain the required organ donation option certificate from the hospital. The person is required to submit that form with the death certificate, and the registrar of vital statistics is directed to accept the form in lieu of the organ donation option certificate and to forward a copy of the form to the Department of Health.

This bill is identical to Assembly Bill No. 4179 (Felice), which the committee also reported on this date.

SENATE INSTITUTIONS, HEALTH AND WELFARE COMMITTEE

STATEMENT TO

SENATE, No. 1984

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 23, 1988

The Senate Institutions, Health and Welfare Committee favorably reports Senate Bill No. 1984 with committee amendments.

This bill amends P.L. 1987, c. 244 (C. 26:6-58.1 et seq.), which requires a hospital representative to inform the next of kin of a deceased person that the next of kin has the option to consent, on behalf of the deceased person, to a donation of the deceased person's organs.

As amended by committee, this bill requires that the certificate of organ donation option (which states that the organ donation request was made and the results of that request) must be attached to the death certificate in order for the death certificate to be deemed complete. The amended bill also provides, however, that if the person who submits the death certificate is unable to obtain the organ donation option certificate, that person may attest in writing on a form provided by the Department of Health that a good faith effort was made to obtain the required organ donation option certificate from the hospital. The person is required to submit that form with the death certificate and the registrar of vital statistics is directed to accept the form in lieu of the organ donation option certificate and forward a copy of the form to the Department of Health.

The committee amended the bill to restore the requirement of attaching the completed organ donation option certificate to the death certificate, but in order to ensure that the burial of a deceased person is not delayed because the funeral director or other person who is preparing the deceased for burial cannot obtain the required certificate from the hospital, the bill also provides that the person may submit a form to the registrar attesting that the organ donation option certificate is not available.