

26:6-58.1 to 26:6-58.3 3/24/88

LEGISLATIVE HISTORY CHECKLIST

NJSA: 26:6-58.1 to 26:58.3 Anatomical gifts-- require hospitals to inform next of kin of their options)

LAWS OF: 1987

CHAPTER: 244

Bill No: A1034

Sponsor(s): Loveys

Date Introduced: Pre-filed

Committee: Assembly: Health and Human Resources

Senate: Institutions, Health and Welfare

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: November 13, 1987

Senate: June 18, 1986

Date of Approval: August 19, 1987

Following statements are attached if available:

Sponsor statement: Yes Attached: Assembly amendments, adopted 11-12-86 (with statement)

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: No

See newspaper clippings-- attached:

" Senate panel approves bill regulating organ donations," 4-28-87 Trenton Times.

" Senate panel to consider organ-donor measure," 4-27-87 Trenton Times.

24 81
[THIRD OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1034

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Assemblyman LOVEYS, Assemblywoman KALIK, Assemblymen ZECKER, ZIMMER, GENOVA, MARTIN, PALAIA, Assemblywoman OGDEN, Assemblymen KOSCO, ROCCO, HENDRICKSON, KAVANAUGH, HAYTAIAN, CHINNICI, MUZIANI, BENNETT, FELICE, Assemblywoman RANDALL, Assemblymen MORAN, SINGER, PENN, VILLANE, KLINE, Assemblywoman COOPER, Assemblymen KERN, MILLER, Assemblywoman DONOVAN, Assemblymen AZZOLINA, WEIDEL, Assemblywoman CRECCO, Assemblymen SCHUBER, RAFFERTY and SHINN

AN ACT assuring the option for anatomical gifts ***[and]*** *****, ***** supplementing P. L. 1969, c. 161 (C. 26:6-57 et seq.) **and making an appropriation therefor**.

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

1 1. a. ***[On or before the declaration of death]*** **When the deci-*
2 *sion has been made** in a hospital **to pronounce the death of a*
3 *person who, based on accepted medical standards, is a suitable*
4 *candidate for organ donation**, the person in charge of the hospital,
5 or that person's designated representative, other than a person
6 connected with the determination of death, shall ***[at the time of**
7 **the declaration of death,]*** make known to any of the following
8 persons, in order of priority stated, when persons in prior classes
9 are not available at the time of death and in the absence of actual
10 notice of contrary indications by the decedent or actual notice of
11 opposition by a member of the same or a prior class specified in
12 paragraph (1), (2), (3), (4), (5) or (6) of this subsection, or when

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted October 27, 1986.

**—Assembly amendments adopted November 10, 1986.

***—Senate committee amendments adopted April 27, 1987.

13 there is any other reason to believe that an anatomical gift is con-
 14 trary to the decedent's religious beliefs, that the person has the
 15 option to consent to the gift of all or any part of the decedent's
 15A body for any purpose specified in section 3 of P. L. 1969, c. 161
 15B (C. 26:6-59):

- 16 (1) the spouse,
- 17 (2) an adult son or daughter,
- 18 (3) either parent,
- 19 (4) an adult brother or sister,
- 20 (5) a guardian of the person of the decedent at the time of the
 21 decedent's death, or
- 22 (6) any other person authorized or under the obligation to
 23 dispose of the body.

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

26 b. The person in charge of the hospital or that person's desig-
 27 nated representative shall complete a certificate of organ dona-
 28 tion option for an anatomical gift, on a form supplied by the
 29 Commissioner of Health. The certificate shall include a state-
 30 ment that the option for consent to an anatomical gift has been
 31 made known, and shall further indicate thereupon whether or
 32 not consent was granted, the name of the person granting or re-
 33 fusing the consent, and that person's relationship to the dece-
 34 dent. ***[Upon completion of the organ donation option certificate,
 35 the person shall attach the certificate to the]*** *The**** death
 36 certificate required by R. S. 26:6-5.1 ****shall not be deemed com-*
 36A *plete unless a completed organ donation option certificate is at-*
 36B *tached thereto****.

37 c. A gift made pursuant to the request required by this act
 38 shall be executed pursuant to the applicable provisions of P. L.
 39 1969, c. 161 (C. 26:6-57 et seq.).

40 d. A person who acts in good faith in accordance with the pro-
 41 visions of this act is not liable for any damages in any civil action
 42 or subject to prosecution in any criminal proceeding for any act
 43 or omission of the person.

1 ***2. The Commissioner of Health shall establish a program to*
 2 *be administered by hospitals and other public and private agencies*
 3 *that are involved in the acquisition and distribution of human*
 4 *tissue and human organs to:*

5 *a. Increase public awareness of the provisions of this act regard-*
 6 *ing the acquisition and distribution of human tissue and human*
 7 *organs; and*

8 *b. Investigate the methods used by other states for the acquisi-*
 9 *tion and distribution of human tissue and human organs, reci-*
 10 *procity agreements established between other states, and the de-*
 11 *velopment of similar agreements between New Jersey and other*
 12 *states.***

1 ****[2.]**** ****3.**** In accordance with the "Administrative Proce-
 2 dure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.) the commissioner,
 3 in consultation with professionals involved in organ transplants,
 4 shall adopt such rules and regulations as are necessary to effectuate
 5 the purposes of this act including, but not limited to, regulations
 6 concerning the training of hospital employees who may be desig-
 7 nated to perform the request, the procedure to be employed in
 8 making the request, and where, based on medical criteria, the
 9 request would not yield a donation which would be suitable for
 10 use, the commissioner may, by regulation, authorize an exception
 11 to the request required by section 1 of this act.

1 ****[3.]**** ****4.**** *There is appropriated \$35,000.00 from the Gen-*
 2 *eral Fund to the Department of Health to implement the provisions*
 3 *of this act.**

1 ****[3.]**** ****[4.]**** ****5.**** This act shall take effect on the 90th
 2 day following enactment.

HEALTH—GENERAL

Requires hospital administrators to advise certain next-of-kin of
 their option to consent to anatomical gifts at the time of a relative's
 death; appropriates \$35,000.00.

STATEMENT

This bill would require hospital administrators to make known to relatives of patients, at the time of the patients' deaths, that they have the option to consent to anatomical gifts. This option would not be made known if the hospital administrators receive actual notice of contrary intentions by the decedents or actual notice of opposition by the decedents' relatives or other reason to believe that an anatomical gift is contrary to the decedent's religious beliefs. Hospital administrators would also be required to complete certificates of organ donation option for an anatomical gift which would be attached to the patient's death certificate.

The bill would authorize the Commissioner of the State Department of Health to make exceptions to the option requirement when medical criteria make it inappropriate. Additionally, the commissioner, in consultation with professionals involved in organ transplants, would be directed to adopt rules and regulations concerning the training of hospital employees who make known the organ donation option.

Although doctors now have the ability to successfully transplant a number of bodily organs, there is a nationwide problem of recovering the necessary anatomical gifts to help those who are in need of transplants. This bill would enable New Jersey to be in the forefront to solve this problem and encourage organ donations in this State by requiring hospital administrators to make known to relatives of decedents at the decedents' time of death that they have the option of donating all or any part of the decedents' bodies.

ASSEMBLY HEALTH AND HUMAN RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1034

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 27, 1986

The Assembly Health and Human Resources Committee reports favorably Assembly Bill No. 1034 with committee amendments.

As amended by the committee, this bill requires hospital administrators to make known to relatives of a patient, at the time of the patient's death, that they have the option to consent to an anatomical gift of all or any part of the patient's body. This option would not be made known if a hospital administrator receives actual notice of contrary intentions by the decedent or actual notice of opposition by the decedent's relatives or has other reason to believe that an anatomical gift is contrary to the decedent's religious beliefs. A hospital administrator would also be required to complete a certificate of organ donation option for an anatomical gift, to be attached to the patient's death certificate.

The bill authorizes the Commissioner of Health to make exceptions to the option for consent requirement when medical criteria make an anatomical gift inappropriate. The commissioner, in consultation with professionals involved in organ transplants, is directed to adopt rules and regulations concerning the training of hospital employees who make known the organ donation option.

The committee amended the bill at the sponsor's request to:

(1) Stipulate that the timing of the required request in a hospital shall follow the decision to pronounce the death of a person who, based on accepted medical standards, is a suitable candidate for organ donation;

(2) Change the last sentence of subsection b. of section 1 to read as follows: "The death certificate required by R. S. 26:6-5.1 shall not be deemed complete unless and until a completed organ donation option certificate is attached thereto;"

(3) Provide a \$35,000.00 appropriation to the Department of Health to cover the costs of its training activities as required by the bill.

This bill was introduced in the 1986-87 legislative session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

10/29/86dp

ADOPTED

NOV 1986

HS0058
SR HS0068
TR HS0068

ASSEMBLY FLOOR Amendments
proposed by Assemblyman Loveys

to

ASSEMBLY Bill No. 1034 ^{ACA} OCR
sponsored by Assemblyman Loveys

*Amended by
10/27/86*

Amend:

Page Sec. Line

2 After 1 -

Insert new section 2 as follows:

"2. The Commissioner of Health shall establish a program to be administered by hospitals and other public and private agencies that are involved in the acquisition and distribution of human tissue and human organs to:

a. Increase public awareness of the provisions of this act regarding the acquisition and distribution of human tissue and human organs; and

b. Investigate the methods used by other states for the acquisition and distribution of human tissue and human organs, reciprocity agreements established between other states, and the development of similar agreements between New Jersey and other states."

2 2-4 1

Renumber sections "2" and "3" as "3" and "4"

STATEMENT

Assembly Bill No. 1034 OCR requires the chief administrator of a hospital, or his designee, to ask relatives of a patient, at the time of a patient's death, to consent to anatomical gifts.

ASSEMBLY FLOOR Amendments
proposed by Assemblyman Loveys
to
ASSEMBLY Bill No. 1034 OCR
sponsored by Assemblyman Loveys

These amendments would require the Commissioner of Health to establish a program to be administered by hospitals and other public and private agencies involved in the acquisition and distribution of human tissue and human organs which would: increase awareness of the provisions of this bill regarding the acquisition and distribution of human tissue and human organs; and which would investigate the methods used by other states for the acquisition and distribution of human tissue and human organs, reciprocity agreements established between other states, and the development of similar agreements between New Jersey and other states.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1034

[SECOND OFFICIAL COPY REPRINT]
with Senate committee amendments

STATE OF NEW JERSEY

DATED: APRIL 27, 1987

The Senate Institutions, Health and Welfare Committee favorably reports Assembly Bill No. 1034 2OCR with committee amendments.

As amended by committee, this bill requires hospital administrators to make known to relatives of a patient, at the time that the decision to pronounce death has been made, that they have the option to consent to an anatomical gift of all or any part of the patient's body. However, if a hospital administrator receives actual notice of contrary intentions by the decedent or actual notice of opposition by the decedent's relatives or has other reason to believe that an anatomical gift is contrary to the decedent's religious beliefs, the administrator is not required to advise the patient's relatives of the option to consent to an anatomical gift. The bill also authorizes the Commissioner of Health, by regulation, to make exceptions to the option to consent requirement when medical criteria make an anatomical gift inappropriate.

The bill directs the Commissioner of Health to establish a program to increase public awareness of the provisions of the bill regarding the acquisition and distribution of human organs and tissues and to investigate methods and interstate agreements used by other states for the acquisition and distribution of human organs and tissues. The commissioner, in consultation with professionals involved in organ transplants, is also directed to adopt rules and regulations concerning the training of hospital employees who make known the organ donation option.

The committee amended the bill to change the provision regarding attachment of the donation option certificate to the death certificate by deleting the requirement that the person who completes the certificate is responsible for attaching it to the death certificate and providing, instead, that the death certificate is not complete unless the donation option certificate is attached thereto. This amendment was inadvertently omitted when the bill was amended in the General Assembly.

As amended, this bill is identical to Senate Bill No. 2259 SCA (Rand), which was also reported favorably by this committee on this date.

974.901
. 661



OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

Contact: CARL GOLDEN
609-292-8956 OR 292-6000 EXT. 207

TRENTON, N.J. 08625

Release: WED., AUG. 19, 1987

Governor Thomas H. Kean today signed legislation to require hospital administrators to inform relatives of patients who have been pronounced dead that they may consent to organ donation procedure.

The bill, A-1034, was sponsored by Assemblyman Ralph Loveys, R-Morris. An identical bill, S-2259, was sponsored in the Senate by Senator Walter Rand, D-Camden.

The legislation is designed to increase the efficiency of organ donation by requiring that the hospital administrator or a designated representative make known to the patient's family that such donation may be made.

The lack of clear guidelines concerning notification of organ donation has been identified as a major factor in the small number of such donations.

Other legislation signed today includes:

S-1773, sponsored by Senator Edward O'Connor, D-Hudson, to include persons who serve on veterinary societies or associations in the law which grants limited immunity from lawsuits to medical association members for actions taken during the course of their service.

S-2090, sponsored by Senator William Haines, R-Burlington, to permit the labeling of lawn and turf seeds of the noxious weed seed type as "Undesirable Grass Seeds."

S-2815, sponsored by Senator Frank Pallone, D-Monmouth, to authorize the Public Guardian for Elderly Adults to retain legal counsel to represent the office in all legal proceedings.

#####