

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/RWH

P.L.2013, CHAPTER 80, *approved July 17, 2013*
Senate, No. 1456

1 AN ACT concerning anatomical gifts and supplementing P.L.2008,
2 c.50 (C.26:6-77 et seq.).

3

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

6

7 1. The Legislature finds and declares that:

8 a. A mental or physical disability does not diminish a person's
9 right to health care;

10 b. The "Americans with Disabilities Act of 1990" prohibits
11 discrimination against persons with disabilities, yet many
12 individuals with disabilities still experience discrimination in
13 accessing critical health care services;

14 c. Individuals with mental and physical disabilities have been
15 denied life-saving organ transplants based on assumptions that their
16 lives are less worthy, that they are incapable of complying with
17 complex post-transplant medical regimens, or that they lack
18 adequate support systems to ensure such compliance;

19 d. Although organ transplant centers must consider medical
20 and psychosocial criteria when determining if a patient is suitable to
21 receive an organ transplant, transplant centers that participate in the
22 Medicare and Medicaid programs are required to use patient
23 selection criteria that result in a fair and non-discriminatory
24 distribution of organs; and

25 e. New Jersey residents in need of organ transplants are
26 entitled to assurances that they will not encounter discrimination on
27 the basis of a disability.

28

29 2. a. An individual who is a candidate to receive an anatomical
30 gift shall not be deemed ineligible to receive an anatomical gift
31 solely because of the individual's physical or mental disability,
32 except to the extent that the physical or mental disability has been
33 found by a physician or surgeon, following an individualized
34 evaluation of the potential recipient, to be medically significant to
35 the provision of the anatomical gift. If an individual has the
36 necessary support system to assist the individual in complying with
37 post-transplant medical requirements, an individual's inability to
38 independently comply with those requirements shall not be deemed
39 to be medically significant. The provisions of this subsection shall
40 apply to each part of the organ transplant process.

41 b. The court shall accord priority on its calendar and
42 expeditiously proceed with an action brought to seek any remedy

1 authorized by law for purposes of enforcing compliance with the
2 provisions of this section.

3 c. The provisions of this section shall not be deemed to require
4 referrals or recommendations for, or the performance of, medically
5 inappropriate organ transplants.

6 d. As used in this section, “disability” has the same meaning as
7 in the federal “Americans with Disabilities Act of 1990,” Pub.
8 L.101-336 (42 U.S.C. 12101 et seq.).

9

10 3. This act shall take effect immediately.

11

12

13

STATEMENT

14

15 This bill prohibits discrimination against a prospective organ
16 transplant recipient solely on the basis of a physical or mental
17 disability. Although the “Americans with Disabilities Act of 1990”
18 prohibits discrimination against persons with disabilities, many
19 individuals with disabilities still experience discrimination in
20 obtaining life-saving organ transplants because of assumptions
21 regarding their quality of life or their ability to comply with
22 complex post-transplant medical regimens, even when individuals
23 may have effective support systems that ensure such compliance.

24 The bill specifically provides that an individual who is a
25 candidate to receive an anatomical gift shall not be deemed
26 ineligible solely based on the individual’s physical or mental
27 disability, except to the extent that the physical or mental disability
28 has been found by a physician or surgeon to be medically
29 significant to the provision of the anatomical gift. If an individual
30 has the necessary support system to assist with complying with
31 post-transplant medical requirements, the individual’s inability to
32 independently comply with those requirements shall not be deemed
33 to be medically significant. The term “disability” has the same
34 meaning in the bill as in the federal “Americans with Disabilities
35 Act of 1990.”

36 The bill requires a court to accord priority on its calendar, and
37 handle expeditiously, an action brought to seek any remedy
38 authorized by law for purposes of enforcing compliance with the
39 bill. In addition, the provisions of the bill shall not be deemed to
40 require referrals or recommendations for, or the performance of,
41 medically inappropriate organ transplants.

42

43

44

45

46 Prohibits discrimination against potential organ transplant
47 recipient on basis of mental or physical disability.

SENATE, No. 1456

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED FEBRUARY 6, 2012

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator JAMES BEACH

District 6 (Burlington and Camden)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

Assemblyman TROY SINGLETON

District 7 (Burlington)

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

Co-Sponsored by:

**Senators Whelan, Madden, Allen, Assemblymen Benson, Wimberly and
Assemblywoman Riley**

SYNOPSIS

Prohibits discrimination against potential organ transplant recipient on basis of mental or physical disability.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/21/2013)

1 AN ACT concerning anatomical gifts and supplementing P.L.2008,
2 c.50 (C.26:6-77 et seq.).

3

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

6

7 1. The Legislature finds and declares that:

8 a. A mental or physical disability does not diminish a person's
9 right to health care;

10 b. The "Americans with Disabilities Act of 1990" prohibits
11 discrimination against persons with disabilities, yet many
12 individuals with disabilities still experience discrimination in
13 accessing critical health care services;

14 c. Individuals with mental and physical disabilities have been
15 denied life-saving organ transplants based on assumptions that their
16 lives are less worthy, that they are incapable of complying with
17 complex post-transplant medical regimens, or that they lack
18 adequate support systems to ensure such compliance;

19 d. Although organ transplant centers must consider medical
20 and psychosocial criteria when determining if a patient is suitable to
21 receive an organ transplant, transplant centers that participate in the
22 Medicare and Medicaid programs are required to use patient
23 selection criteria that result in a fair and non-discriminatory
24 distribution of organs; and

25 e. New Jersey residents in need of organ transplants are
26 entitled to assurances that they will not encounter discrimination on
27 the basis of a disability.

28

29 2. a. An individual who is a candidate to receive an anatomical
30 gift shall not be deemed ineligible to receive an anatomical gift
31 solely because of the individual's physical or mental disability,
32 except to the extent that the physical or mental disability has been
33 found by a physician or surgeon, following an individualized
34 evaluation of the potential recipient, to be medically significant to
35 the provision of the anatomical gift. If an individual has the
36 necessary support system to assist the individual in complying with
37 post-transplant medical requirements, an individual's inability to
38 independently comply with those requirements shall not be deemed
39 to be medically significant. The provisions of this subsection shall
40 apply to each part of the organ transplant process.

41 b. The court shall accord priority on its calendar and
42 expeditiously proceed with an action brought to seek any remedy
43 authorized by law for purposes of enforcing compliance with the
44 provisions of this section.

45 c. The provisions of this section shall not be deemed to require
46 referrals or recommendations for, or the performance of, medically
47 inappropriate organ transplants.

1 d. As used in this section, “disability” has the same meaning as
2 in the federal “Americans with Disabilities Act of 1990,” Pub.
3 L.101-336 (42 U.S.C. 12101 et seq.).

4
5 3. This act shall take effect immediately.
6
7

8 STATEMENT
9

10 This bill prohibits discrimination against a prospective organ
11 transplant recipient solely on the basis of a physical or mental
12 disability. Although the “Americans with Disabilities Act of 1990”
13 prohibits discrimination against persons with disabilities, many
14 individuals with disabilities still experience discrimination in
15 obtaining life-saving organ transplants because of assumptions
16 regarding their quality of life or their ability to comply with
17 complex post-transplant medical regimens, even when individuals
18 may have effective support systems that ensure such compliance.

19 The bill specifically provides that an individual who is a
20 candidate to receive an anatomical gift shall not be deemed
21 ineligible solely based on the individual’s physical or mental
22 disability, except to the extent that the physical or mental disability
23 has been found by a physician or surgeon to be medically
24 significant to the provision of the anatomical gift. If an individual
25 has the necessary support system to assist with complying with
26 post-transplant medical requirements, the individual’s inability to
27 independently comply with those requirements shall not be deemed
28 to be medically significant. The term “disability” has the same
29 meaning in the bill as in the federal “Americans with Disabilities
30 Act of 1990.”

31 The bill requires a court to accord priority on its calendar, and
32 handle expeditiously, an action brought to seek any remedy
33 authorized by law for purposes of enforcing compliance with the
34 bill. In addition, the provisions of the bill shall not be deemed to
35 require referrals or recommendations for, or the performance of,
36 medically inappropriate organ transplants.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 1456

STATE OF NEW JERSEY

DATED: MARCH 8, 2012

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 1456.

As reported, this bill prohibits discrimination against a prospective organ transplant recipient solely on the basis of a physical or mental disability, except to the extent that the disability has been found by a physician or surgeon to be medically significant to the provision of the anatomical gift. If an individual has the necessary support system to assist with complying with post-transplant medical requirements, the individual's inability to independently comply with those requirements shall not be deemed to be medically significant. The term "disability" has the same meaning in the bill as in the federal "Americans with Disabilities Act of 1990."

The bill also requires a court to accord priority on its calendar, and handle expeditiously, an action brought to seek any remedy authorized by law to enforce compliance with the bill.

ASSEMBLY HUMAN SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 1456

STATE OF NEW JERSEY

DATED: SEPTEMBER 27, 2012

The Assembly Human Services Committee reports favorably Senate Bill No. 1456.

This bill prohibits discrimination against a prospective organ transplant recipient solely on the basis of a physical or mental disability, except to the extent that the disability has been found by a physician or surgeon to be medically significant to the provision of the anatomical gift. If an individual has the necessary support system to assist with complying with post-transplant medical requirements, the individual's inability to independently comply with those requirements shall not be deemed to be medically significant. The term "disability" has the same meaning in the bill as in the federal "Americans with Disabilities Act of 1990."

The bill also requires a court to accord priority on its calendar, and handle expeditiously, an action brought to seek any remedy authorized by law to enforce compliance with the bill.

This bill is identical to Assembly Bill No. 2390 (Vainieri Huttle/Burzichelli/Singleton/Coughlin), which the committee also reported favorably on this date.

ASSEMBLY, No. 2390

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED FEBRUARY 6, 2012

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

Assemblyman TROY SINGLETON

District 7 (Burlington)

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

Co-Sponsored by:

Assemblymen Benson, Wimberly and Assemblywoman Riley

SYNOPSIS

Prohibits discrimination against potential organ transplant recipient on basis of mental or physical disability.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/4/2012)

1 AN ACT concerning anatomical gifts and supplementing P.L.2008,
2 c.50 (C.26:6-77 et seq.).

3

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

6

7 1. The Legislature finds and declares that:

8 a. A mental or physical disability does not diminish a person's
9 right to health care;

10 b. The "Americans with Disabilities Act of 1990" prohibits
11 discrimination against persons with disabilities, yet many
12 individuals with disabilities still experience discrimination in
13 accessing critical health care services;

14 c. Individuals with mental and physical disabilities have been
15 denied life-saving organ transplants based on assumptions that their
16 lives are less worthy, that they are incapable of complying with
17 complex post-transplant medical regimens, or that they lack
18 adequate support systems to ensure such compliance;

19 d. Although organ transplant centers must consider medical
20 and psychosocial criteria when determining if a patient is suitable to
21 receive an organ transplant, transplant centers that participate in the
22 Medicare and Medicaid programs are required to use patient
23 selection criteria that result in a fair and non-discriminatory
24 distribution of organs; and

25 e. New Jersey residents in need of organ transplants are
26 entitled to assurances that they will not encounter discrimination on
27 the basis of a disability.

28

29 2. a. An individual who is a candidate to receive an anatomical
30 gift shall not be deemed ineligible to receive an anatomical gift
31 solely because of the individual's physical or mental disability,
32 except to the extent that the physical or mental disability has been
33 found by a physician or surgeon, following an individualized
34 evaluation of the potential recipient, to be medically significant to
35 the provision of the anatomical gift. If an individual has the
36 necessary support system to assist the individual in complying with
37 post-transplant medical requirements, an individual's inability to
38 independently comply with those requirements shall not be deemed
39 to be medically significant. The provisions of this subsection shall
40 apply to each part of the organ transplant process.

41 b. The court shall accord priority on its calendar and
42 expeditiously proceed with an action brought to seek any remedy
43 authorized by law for purposes of enforcing compliance with the
44 provisions of this section.

45 c. The provisions of this section shall not be deemed to require
46 referrals or recommendations for, or the performance of, medically
47 inappropriate organ transplants.

1 d. As used in this section, “disability” has the same meaning as
2 in the federal “Americans with Disabilities Act of 1990,” Pub.
3 L.101-336 (42 U.S.C. 12101 et seq.).

4
5 3. This act shall take effect immediately.
6
7

8 STATEMENT
9

10 This bill prohibits discrimination against a prospective organ
11 transplant recipient solely on the basis of a physical or mental
12 disability. Although the “Americans with Disabilities Act of 1990”
13 prohibits discrimination against persons with disabilities, many
14 individuals with disabilities still experience discrimination in
15 obtaining life-saving organ transplants because of assumptions
16 regarding their quality of life or their ability to comply with
17 complex post-transplant medical regimens, even when individuals
18 may have effective support systems that ensure such compliance.

19 The bill specifically provides that an individual who is a
20 candidate to receive an anatomical gift shall not be deemed
21 ineligible solely based on the individual’s physical or mental
22 disability, except to the extent that the physical or mental disability
23 has been found by a physician or surgeon to be medically
24 significant to the provision of the anatomical gift. If an individual
25 has the necessary support system to assist with complying with
26 post-transplant medical requirements, the individual’s inability to
27 independently comply with those requirements shall not be deemed
28 to be medically significant. The term “disability” has the same
29 meaning in the bill as in the federal “Americans with Disabilities
30 Act of 1990.”

31 The bill requires a court to accord priority on its calendar, and
32 handle expeditiously, an action brought to seek any remedy
33 authorized by law for purposes of enforcing compliance with the
34 bill. In addition, the provisions of the bill shall not be deemed to
35 require referrals or recommendations for, or the performance of,
36 medically inappropriate organ transplants.

ASSEMBLY HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2390

STATE OF NEW JERSEY

DATED: SEPTEMBER 27, 2012

The Assembly Human Services Committee reports favorably Assembly Bill No. 2390.

This bill prohibits discrimination against a prospective organ transplant recipient solely on the basis of a physical or mental disability, except to the extent that the disability has been found by a physician or surgeon to be medically significant to the provision of the anatomical gift. If an individual has the necessary support system to assist with complying with post-transplant medical requirements, the individual's inability to independently comply with those requirements shall not be deemed to be medically significant. The term "disability" has the same meaning in the bill as in the federal "Americans with Disabilities Act of 1990."

The bill also requires a court to accord priority on its calendar, and handle expeditiously, an action brought to seek any remedy authorized by law to enforce compliance with the bill.

This bill is identical to Senate Bill No. 1456 (Sweeney/Vitale/Beach), which the committee also reported favorably on this date.