

26:6-60

LEGISLATIVE HISTORY CHECKLIST

NJSA 26:6-60

Laws of 1974 Chapter 108

Bill No. A 80

Sponsor(s) Bornheimer

Date Introduced Pre-filed

Committee: Assembly Institutions, Health & Welfare

Senate Institutions, Health & Welfare

Amended during passage Yes No

Date of passage: Assembly Jan. 24

Senate May 16

Date of approval Sept. 20

Following statements are attached if available:

Sponsor statement	<u>Yes</u>	No
Committee Statement: Assembly	<u>Yes</u>	No
Senate	<u>Yes</u>	<u>Yes</u>
Fiscal Note	<u>Yes</u>	No
Veto message	<u>Yes</u>	No
Message on signing	<u>Yes</u>	No
Following were printed:		
Reports	<u>Yes</u>	No
Hearings	<u>Yes</u>	No

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ASSEMBLY, No. 80

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1974 SESSION

By Assemblyman BORNHEIMER

AN ACT to amend the "Uniform Anatomical Gift Act," approved
September 9, 1969 (P. L. 1969, c. 161).

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

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

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

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

19 (c) The gift may be made to a specified donee or without speci-
20 fying a donee. If the latter, the gift may be accepted by the attend-
21 ing physician as donee upon or following death. If the gift is made
22 to a specified donee who is not available at the time and place of
23 death, the attending physician upon or following death, in the
24 absence of any expressed indication that the donor desired other-
25 wise, may accept the gift as donee. The physician who becomes a
26 donee under this subsection shall not participate in the procedures
27 for removing or transplanting a part.

28 (d) Notwithstanding section 7 (b), the donor may designate in
29 his will, card, or other document of gift the surgeon or physician to
30 carry out the appropriate procedures. In the absence of a designa-
31 tion or if the designee is not available, the donee or other person
32 authorized to accept the gift may employ or authorize any surgeon
33 or physician for the purpose *or, in the case of a gift of eyes, he*
34 *may employ or authorize a practitioner of mortuary science licensed*
35 *by the State Board of Mortuary Science of New Jersey who has*
36 *successfully completed a course in eye enucleation approved by the*
37 *State Board of Medical Examiners to enucleate eyes for the gift*
38 *after certification of death by a physician. A practitioner of*
39 *mortuary science acting in accordance with the provisions of this*
40 *subsection shall not have any liability, civil or criminal, for the eye*
41 *enucleation.*

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

1 2. This act shall take effect immediately.

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SENATE INSTITUTIONS, HEALTH AND
WELFARE COMMITTEE

STATEMENT TO
ASSEMBLY, No. 80

STATE OF NEW JERSEY

DATED: MAY 13, 1974

This bill would extend to specially trained morticians the right to remove eyes under provisions of the "Uniform Anatomical Gift Act," approved on September 9, 1969. That law currently empowers only surgeons or physicians to remove the eyes of persons who have chosen to donate them. The law also provides that the deceased's family may authorize donations of eyes or other parts of the body if a person has not specifically stated otherwise (C. 26:6-58). The amendment extending this authority to morticians is conditional upon their successful completion of a course in eye enucleation approved by the State Board of Medical Examiners. Involvement of morticians is essential, medical authorities say, because eyes should be removed 3 to 6 hours after death and bodies are generally received by funeral homes within that period, and often before a time when a doctor is available to remove them.