



LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 1998

CHAPTER:81

NJSA: 26:6-60

"Donating organs -- intent of decedent"

BILL NO: S543 (Substituted for A1628)

SPONSOR(S): Bark and Matheussen

DATE INTRODUCED: February 23, 1998

COMMITTEE:

ASSEMBLY: Health

SENATE: Health

AMENDED DURING PASSAGE:Yes

DATE OF PASSAGE:

ASSEMBLY: June 29, 1998

SENATE: March 19, 1998

DATE OF APPROVAL: August 24, 1998

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: 3rd Reprint Enacted
(Amendments during passage denoted by superscript numbers)

S543

SPONSORS STATEMENT: *Yes* (Begins on page 3 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY: *Yes*

SENATE: *Yes*

FLOOR AMENDMENT STATEMENTS: *Yes*

LEGISLATIVE FISCAL ESTIMATE: *No*

A1628

SPONSORS STATEMENT: *Yes* (Begins on page 3 of original bill)
(Bill and Sponsors Statement identical to S543)

COMMITTEE STATEMENT:

ASSEMBLY: *Yes*

(Identical to Senate Statement for S543)

SENATE: *No*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *Yes*

THE FOLLOWING WERE PRINTED:

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REPORTS: *No*

HEARINGS: *No*

NEWSPAPER ARTICLES: *No*

[Third Reprint]

SENATE, No. 543

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED FEBRUARY 23, 1998

Sponsored by:

Senator MARTHA W. BARK

District 8 (Atlantic, Burlington and Camden)

Senator JOHN J. MATHEUSSEN

District 4 (Camden and Gloucester)

Co-Sponsored by:

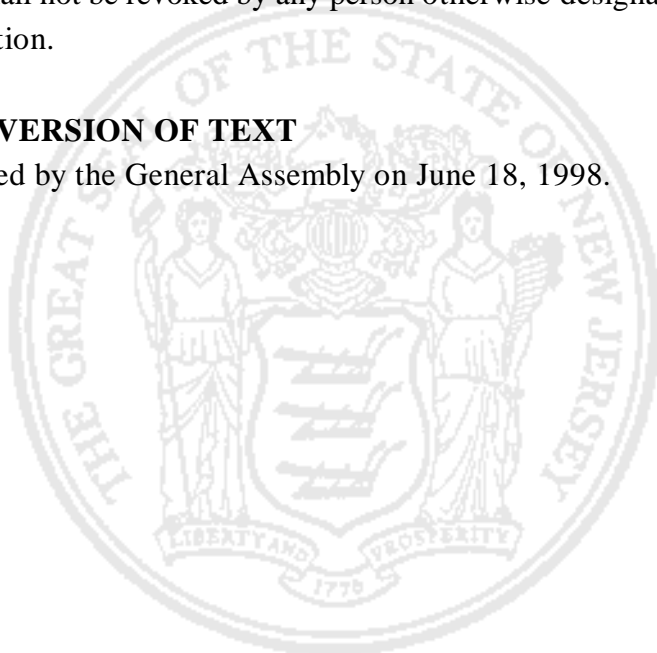
Senator McNamara, Assemblymen Bodine, Chatzidakis and Geist

SYNOPSIS

Provides that documented intent of decedent to donate organs or tissues upon death shall not be revoked by any person otherwise designated to consent to such donation.

CURRENT VERSION OF TEXT

As amended by the General Assembly on June 18, 1998.



(Sponsorship Updated As Of: 6/19/1998)

1 AN ACT concerning anatomical gifts and amending P.L.1969, c.161.

2

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

5

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

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

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

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

33 (d) Notwithstanding section 7(b), the donor may designate in his
34 will, card, or other document of gift the surgeon or physician to carry
35 out the appropriate procedures. In the absence of a designation or if
36 the designee is not available, the donee or other person authorized to
37 accept the gift may employ or authorize any surgeon or physician for
38 the purpose or, in the case of a gift of eyes, he may employ or
39 authorize a practitioner of mortuary science licensed by the State
40 Board of Mortuary Science of New Jersey, an eye bank technician or

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 SHH committee amendments adopted March 5, 1998.

² Assembly AHL committee amendments adopted June 1, 1998.

³ Assembly floor amendments adopted June 18, 1998.

1 a medical student who has successfully completed a course in eye
2 enucleation approved by the State Board of Medical Examiners to
3 enucleate eyes for the gift after certification of death by a physician.
4 A practitioner of mortuary science, an eye bank technician or a
5 medical student acting in accordance with the provisions of this
6 subsection shall not have any liability, civil or criminal, for the eye
7 enucleation.

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

11 (f) Notwithstanding any provision of law to the contrary, the intent
12 of a decedent to give all or any part of his body as a gift pursuant to
13 section 2(a) of P.L.1969, c.161 (C.26:6-58), as evidenced by the
14 possession of a donor card, donor ³designation on a³ driver's
15 license, advance directive pursuant to P.L.1991, c.201 (C.26:2H-53 et
16 seq.), ¹[durable power of attorney]¹ ³[or]³ other document of gift,
17 ²[¹or by registration with the Statewide organ and tissue donor
18 registry established by the New Jersey Organ and Tissue Sharing
19 Network,¹ ² ³or by registration with a Statewide organ and tissue
20 donor registry,³ shall not be revoked by any person designated in
21 section 2(b) of P.L.1969, c.161 (C.26:6-58), nor shall the consent of
22 any such person at the time of the donor's death or immediately
23 thereafter be necessary to render the gift valid and effective.

24 (cf: P.L.1989, c.187, s.1)

25

26 2. This act shall take effect immediately.

SENATE, No. 543

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED FEBRUARY 23, 1998

Sponsored by:

Senator MARTHA W. BARK

District 8 (Atlantic, Burlington and Camden)

Senator JOHN J. MATHEUSSEN

District 4 (Camden and Gloucester)

SYNOPSIS

Provides that documented intent of decedent to donate organs or tissues upon death shall not be revoked by any person otherwise designated to consent to such donation.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning anatomical gifts and amending P.L.1969, c.161.

2

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

5

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

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

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

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

33 (d) Notwithstanding section 7(b), the donor may designate in his
34 will, card, or other document of gift the surgeon or physician to carry
35 out the appropriate procedures. In the absence of a designation or if
36 the designee is not available, the donee or other person authorized to
37 accept the gift may employ or authorize any surgeon or physician for
38 the purpose or, in the case of a gift of eyes, he may employ or
39 authorize a practitioner of mortuary science licensed by the State
40 Board of Mortuary Science of New Jersey, an eye bank technician or
41 a medical student who has successfully completed a course in eye
42 enucleation approved by the State Board of Medical Examiners to
43 enucleate eyes for the gift after certification of death by a physician.

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 A practitioner of mortuary science, an eye bank technician or a
2 medical student acting in accordance with the provisions of this
3 subsection shall not have any liability, civil or criminal, for the eye
4 enucleation.

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

8 (f) Notwithstanding any provision of law to the contrary, the intent
9 of a decedent to give all or any part of his body as a gift pursuant to
10 section 2(a) of P.L.1969, c.161 (C.26:6-58), as evidenced by the
11 possession of a donor card, donor driver's license, advance directive
12 pursuant to P.L.1991, c.201 (C.26:2H-53 et seq.), durable power of
13 attorney or other document of gift, shall not be revoked by any person
14 designated in section 2(b) of P.L.1969, c.161 (C.26:6-58), nor shall
15 the consent of any such person at the time of the donor's death or
16 immediately thereafter be necessary to render the gift valid and
17 effective.

18 (cf: P.L.1989, c.187, s.1)

19

20 2. This act shall take effect immediately.

21

22

23

STATEMENT

24

25 This bill amends the "Uniform Anatomical Gift Act," P.L.1969,
26 c.161 (C.26:6-57 et seq.) to stipulate that, notwithstanding any
27 provision of law to the contrary, the intent of a decedent to donate one
28 or more organs or tissues upon his death pursuant to section 2(a) of
29 P.L.1969, c.161, as evidenced by the possession of a donor card,
30 donor driver's license, living will, durable power of attorney or other
31 document of gift, shall not be revoked by any person designated in
32 section 2(b) of that act (i.e., a spouse, adult son or daughter, parent,
33 adult sibling, guardian, or other person authorized to dispose of the
34 body), nor shall the consent of any such person at the time of the
35 donor's death or immediately thereafter be necessary to render the
36 donation valid and effective.

37 The purpose of this bill is to ensure compliance with the wishes of
38 persons who clearly indicate by a document of gift their intention to
39 donate organs or tissues upon their death, and thereby facilitate the
40 availability of organs and tissues which are necessary to save other
41 people's lives.

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 543

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 1, 1998

The Assembly Health Committee reports favorably and with committee amendments Senate Bill No. 543 (1R).

As amended by the committee, this bill amends the "Uniform Anatomical Gift Act," P.L.1969, c.161 (C.26:6-57 et seq.) to stipulate that, notwithstanding any provision of law to the contrary, the intent of a decedent to donate one or more organs or tissues upon his death pursuant to section 2(a) of P.L.1969, c.161, as evidenced by the possession of a donor card, donor driver's license, living will, or other document of gift, shall not be revoked by any person designated in section 2(b) of that act (i.e., a spouse, adult son or daughter, parent, adult sibling, guardian, or other person authorized to dispose of the body), nor shall the consent of any such person at the time of the donor's death or immediately thereafter be necessary to render the donation valid and effective.

The purpose of this bill is to ensure compliance with the wishes of persons who clearly indicate by a document of gift their intention to donate organs or tissues upon their death, and thereby facilitate the availability of organs and tissues which are necessary to save other people's lives.

The committee amended the bill at the request of the sponsor to delete registration with the Statewide organ and tissue donor registry established by the New Jersey Organ and Tissue Sharing Network as a means to indicate a decedent's intent.

As reported by the committee, this bill is identical to Assembly Bill No. 1628 Aca (Bodine/Chatzidakis), which the committee also reported on this date.

SENATE HEALTH COMMITTEE

STATEMENT TO

SENATE, No. 543

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 5, 1998

The Senate Health Committee reports favorably and with committee amendments Senate Bill No. 543.

As amended by committee, this bill amends the "Uniform Anatomical Gift Act," P.L.1969, c.161 (C.26:6-57 et seq.) to stipulate that, notwithstanding any provision of law to the contrary, the intent of a decedent to donate one or more organs or tissues upon his death pursuant to section 2(a) of P.L.1969, c.161, as evidenced by the possession of a donor card, donor driver's license, living will, or other document of gift, or by registration with the Statewide organ and tissue donor registry established by the New Jersey Organ and Tissue Sharing Network, shall not be revoked by any person designated in section 2(b) of that act (i.e., a spouse, adult son or daughter, parent, adult sibling, guardian, or other person authorized to dispose of the body), nor shall the consent of any such person at the time of the donor's death or immediately thereafter be necessary to render the donation valid and effective.

The purpose of this bill is to ensure compliance with the wishes of persons who clearly indicate by a document of gift their intention to donate organs or tissues upon their death, and thereby facilitate the availability of organs and tissues which are necessary to save other people's lives.

The committee amended the bill to delete "durable power of attorney" as one of the methods for indicating a decedent's intent to be an organ donor and to include registration with the Statewide organ and tissue donor registry established by the New Jersey Organ and Tissue Sharing Network as a means to indicate a decedent's intent.

This bill is similar to Assembly Bill No. 1628 (Bodine/Chatzidakis), which is pending before the Assembly Health Committee.

STATEMENT TO
[Second Reprint]
SENATE, No. 543

with Assembly Floor Amendments
(Proposed By Assemblyman BODINE)

ADOPTED: JUNE 18, 1998

These amendments clarify that donor designation on a driver's license is one of the methods for indicating a decedent's intent to be an organ donor and include registration with a Statewide organ and tissue donor registry as an additional means to indicate a decedent's intent to be a donor.

ASSEMBLY, No. 1628

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED FEBRUARY 10, 1998

Sponsored by:

Assemblyman FRANCIS L. BODINE

District 8 (Atlantic, Burlington and Camden)

Assemblyman LARRY CHATZIDAKIS

District 8 (Atlantic, Burlington and Camden)

SYNOPSIS

Provides that documented intent of decedent to donate organs or tissues upon death shall not be revoked by any person otherwise designated to consent to such donation.

CURRENT VERSION OF TEXT

As introduced.



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14 (b) A gift of all or part of the body under section 2(a) may also be
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18 presence of two witnesses who must sign the document in his
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20 him at his direction and in his presence in the presence of two
21 witnesses who must sign the document in his presence. Delivery of the
22 document of gift during the donor's lifetime is not necessary to make
23 the gift valid.

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25 specifying a donee. If the latter, the gift may be accepted by the
26 attending physician as donee upon or following death. If the gift is
27 made to a specified donee who is not available at the time and place of
28 death, the attending physician upon or following death, in the absence
29 of any expressed indication that the donor desired otherwise, may
30 accept the gift as donee. The physician who becomes a donee under
31 this subsection shall not participate in the procedures for removing or
32 transplanting a part.

33 (d) Notwithstanding section 7(b), the donor may designate in his
34 will, card, or other document of gift the surgeon or physician to carry
35 out the appropriate procedures. In the absence of a designation or if
36 the designee is not available, the donee or other person authorized to
37 accept the gift may employ or authorize any surgeon or physician for
38 the purpose or, in the case of a gift of eyes, he may employ or
39 authorize a practitioner of mortuary science licensed by the State
40 Board of Mortuary Science of New Jersey, an eye bank technician or
41 a medical student who has successfully completed a course in eye
42 enucleation approved by the State Board of Medical Examiners to
43 enucleate eyes for the gift after certification of death by a physician.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 A practitioner of mortuary science, an eye bank technician or a
2 medical student acting in accordance with the provisions of this
3 subsection shall not have any liability, civil or criminal, for the eye
4 enucleation.

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

8 (f) Notwithstanding any provision of law to the contrary, the intent
9 of a decedent to give all or any part of his body as a gift pursuant to
10 section 2(a) of P.L.1969, c.161 (C.26:6-58), as evidenced by the
11 possession of a donor card, donor driver's license, advance directive
12 pursuant to P.L.1991, c.201 (C.26:2H-53 et seq.), durable power of
13 attorney or other document of gift, shall not be revoked by any person
14 designated in section 2(b) of P.L.1969, c.161 (C.26:6-58), nor shall
15 the consent of any such person at the time of the donor's death or
16 immediately thereafter be necessary to render the gift valid and
17 effective.

18 (cf: P.L.1989, c.187, s.1)

19

20 2. This act shall take effect immediately.

21

22

23

STATEMENT

24

25 This bill amends the "Uniform Anatomical Gift Act," P.L.1969,
26 c.161 (C.26:6-57 et seq.) to stipulate that, notwithstanding any
27 provision of law to the contrary, the intent of a decedent to donate one
28 or more organs or tissues upon his death pursuant to section 2(a) of
29 P.L.1969, c.161, as evidenced by the possession of a donor card,
30 donor driver's license, living will, durable power of attorney or other
31 document of gift, shall not be revoked by any person designated in
32 section 2(b) of that act (i.e., a spouse, adult son or daughter, parent,
33 adult sibling, guardian, or other person authorized to dispose of the
34 body), nor shall the consent of any such person at the time of the
35 donor's death or immediately thereafter be necessary to render the
36 donation valid and effective.

37 The purpose of this bill is to ensure compliance with the wishes of
38 persons who clearly indicate by a document of gift their intention to
39 donate organs or tissues upon their death, and thereby facilitate the
40 availability of organs and tissues which are necessary to save other
41 people's lives.

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1628

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 1, 1998

The Assembly Health Committee reports favorably and with committee amendments Assembly Bill No. 1628.

As amended by the committee, this bill amends the "Uniform Anatomical Gift Act," P.L.1969, c.161 (C.26:6-57 et seq.) to stipulate that, notwithstanding any provision of law to the contrary, the intent of a decedent to donate one or more organs or tissues upon his death pursuant to section 2(a) of P.L.1969, c.161, as evidenced by the possession of a donor card, donor driver's license, living will, or other document of gift, shall not be revoked by any person designated in section 2(b) of that act (i.e., a spouse, adult son or daughter, parent, adult sibling, guardian, or other person authorized to dispose of the body), nor shall the consent of any such person at the time of the donor's death or immediately thereafter be necessary to render the donation valid and effective.

The purpose of this bill is to ensure compliance with the wishes of persons who clearly indicate by a document of gift their intention to donate organs or tissues upon their death, and thereby facilitate the availability of organs and tissues which are necessary to save other people's lives.

The committee amended the bill to delete "durable power of attorney" as one of the methods for indicating a decedent's intent to be an organ donor.

As reported by the committee, this bill is identical to Senate Bill No. 543 (1R) Aca (Bark/Matheussen), which the committee also reported on this date.

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Wendi Patella
609-777-2600

RELEASE: August 24, 1998

Governor Signs Slamming, Organ Donor Bills into Law

Gov. Christie Whitman today signed the following pieces of legislation:

S-1073, sponsored by Senators Gerald Cardinale (R- Bergen), Robert Singer (R- Burlington/Monmouth/Ocean) and Peter Inverso (R-Mercer/Middlesex) and Assembly Members Rose Heck (R-Bergen), Kevin O'Toole (R-Essex/Union), Claire Farragher (R-Monmouth) and Steve Corodemus (R-Monmouth), which establishes procedures for authorizing changes in telecommunications service providers. The bill is intended to prohibit the practice of "slamming," which involves the unauthorized switching of a customer's telecommunications provider without their customer's consent. Specifically, the legislation prohibits service providers from making any change in service on behalf of a client without complying with authorization and confirmation procedures established by the Board of Public Utilities or federal law. Violators of the provisions of this bill will be subject to a civil penalty of up to \$7,500 for a first offense and up to \$15,000 for a subsequent offense associated with a specific access line within the state.

S-543, sponsored by Senators Martha Bark (R- Atlantic/Burlington/Camden) and John Matheussen (R- Camden/Gloucester) and Assembly Members Francis Bodine (R- Atlantic/Burlington/Camden) and Larry Chatzidakis (R- Atlantic/Burlington/Camden), provides that a family member or other loved one cannot revoke the decision previously made by a now-deceased person who signed an organ or tissue donation card or directive. The purpose of the law is to ensure compliance with the wishes of persons who indicate their intention to donate organs or tissues upon death.