

26:6-8.1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2006 **CHAPTER:** 86

NJSA: 26:6-8.1 (Permits registered nurses to make determination and pronouncement of death in any setting where death occurs)

BILL NO: S535 (Substituted for A534)

SPONSOR(S) Buono and others

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:**

SENATE: Health, Human Services and Senior Citizens

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** July 8, 2006

SENATE: July 8, 2006

DATE OF APPROVAL: August 21, 2006

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (1st reprint enacted)

S535

[SPONSOR'S STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: [Yes](#)

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)

LEGISLATIVE FISCAL NOTE: No

A534

[SPONSOR'S STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

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

RWH 3/12/08

P.L. 2006, CHAPTER 86, *approved August 21, 2006*
Senate, No. 535 (*First Reprint*)

1 AN ACT concerning pronouncement of death and amending
2 P.L.1983, c.308.

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

6
7 1. Section 4 of P.L.1983, c.308 (C.26:6-8.1) is amended to read
8 as follows:

9 4. a. Where there has been an apparent death ¹that is not
10 governed by the provisions of section 4 of P.L.1991, c.90 (C.26:6A-
11 4)¹, a registered professional nurse licensed by the New Jersey
12 Board of Nursing under P.L.1947, c.262 (C.45:11-23 et seq.) may
13 make the actual determination and pronouncement of death and
14 shall attest to this pronouncement by: signing in the space
15 designated for this signature on the certificate of death under
16 R.S.26:6-7; or, for the purposes of the NJ-EDRS, transmitting orally
17 or in writing a report of the pronouncement to the attending,
18 covering or resident physician, or the county medical examiner.

19 b. **【**The provisions of subsection a. of this section shall only
20 apply in the case of a death which occurs in the home or place of
21 residence of the deceased, in a hospice, or in a long-term care
22 facility or nursing home.**】** ¹**【~~Deleted by amendment,~~**
23 **P.L. , c. (pending before the Legislature as this bill)~~【.】~~**¹
24 (cf: P.L.2003, c.221, s.6)

25
26 2. This act shall take effect on the 60th day after enactment.

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30

31 Permits registered nurses to make determination and
32 pronouncement of death in any setting where death occurs.

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:

¹Assembly floor amendments adopted June 8, 2006.

SENATE, No. 535

STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Senator BARBARA BUONO

District 18 (Middlesex)

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

Co-Sponsored by:

Senator Vitale

SYNOPSIS

Permits registered nurses to make determination and pronouncement of death in any setting where death occurs.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 1/27/2006)

1 AN ACT concerning pronouncement of death and amending
2 P.L.1983, c.308.

3

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

6

7 1. Section 4 of P.L.1983, c.308 (C.26:6-8.1) is amended to read
8 as follows:

9 4. a. Where there has been an apparent death, a registered
10 professional nurse licensed by the New Jersey Board of Nursing
11 under P.L.1947, c.262 (C.45:11-23 et seq.) may make the actual
12 determination and pronouncement of death and shall attest to this
13 pronouncement by: signing in the space designated for this
14 signature on the certificate of death under R.S.26:6-7; or, for the
15 purposes of the NJ-EDRS, transmitting orally or in writing a report
16 of the pronouncement to the attending, covering or resident
17 physician, or the county medical examiner.

18 b. [The provisions of subsection a. of this section shall only
19 apply in the case of a death which occurs in the home or place of
20 residence of the deceased, in a hospice, or in a long-term care
21 facility or nursing home.] Deleted by amendment,
22 P.L. , c. (pending before the Legislature as this bill).
23 (cf: P.L.2003, c.221, s.6)

24

25 2. This act shall take effect on the 60th day after enactment.

26

27

28

STATEMENT

29

30 This bill amends N.J.S.A.26:6-8.1 to delete the restriction on
31 which settings a registered professional nurse may make the actual
32 determination and pronouncement of death.

33 Under current law, a registered professional nurse may make a
34 determination and pronouncement of death if the death occurs in the
35 home or place of residence of the deceased, in a hospice, or in a
36 long-term care facility or nursing home. The provisions of this bill
37 would remove those restrictions and allow a registered professional
38 nurse to make a determination or pronouncement of death,
39 regardless of where the death occurred.

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.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 535

STATE OF NEW JERSEY

DATED: JANUARY 26, 2006

This bill amends N.J.S.A.26:6-8.1 to delete the restriction on which settings a registered professional nurse may make the actual determination and pronouncement of death.

Under current law, a registered professional nurse may make a determination and pronouncement of death if the death occurs in the home or place of residence of the deceased, in a hospice, or in a long-term care facility or nursing home. The provisions of this bill would remove those restrictions and allow a registered professional nurse to make a determination or pronouncement of death, regardless of where the death occurred.

STATEMENT TO

SENATE, No. 535

with Assembly Floor Amendments
(Proposed By Assemblyman PANTER)

ADOPTED: JUNE 8, 2006

These amendments clarify that the authority of a registered professional nurse to make the actual determination and pronouncement of death is circumscribed by the provisions of the “New Jersey Declaration of Death Act” (N.J.S.A.26:6A-1 et seq.). That law stipulates that a declaration of death upon the basis of neurological criteria (i.e., when a person has sustained irreversible cessation of all functions of the entire brain, including the brain stem) must be made by a licensed physician who is professionally qualified by specialty or expertise.

ASSEMBLY, No. 534

STATE OF NEW JERSEY

212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Assemblyman MICHAEL J. PANTER

District 12 (Mercer and Monmouth)

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington and Camden)

SYNOPSIS

Permits registered nurses to make determination and pronouncement of death in any setting where death occurs.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 2/24/2006)

1 AN ACT concerning pronouncement of death and amending
2 P.L.1983, c.308.

3

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

6

7 1. Section 4 of P.L.1983, c.308 (C.26:6-8.1) is amended to read
8 as follows:

9 4. a. Where there has been an apparent death, a registered
10 professional nurse licensed by the New Jersey Board of Nursing
11 under P.L.1947, c.262 (C.45:11-23 et seq.) may make the actual
12 determination and pronouncement of death and shall attest to this
13 pronouncement by: signing in the space designated for this
14 signature on the certificate of death under R.S.26:6-7; or, for the
15 purposes of the NJ-EDRS, transmitting orally or in writing a report
16 of the pronouncement to the attending, covering or resident
17 physician, or the county medical examiner.

18 b. [The provisions of subsection a. of this section shall only
19 apply in the case of a death which occurs in the home or place of
20 residence of the deceased, in a hospice, or in a long-term care
21 facility or nursing home.] Deleted by amendment, P.L. , c.
22 (pending before the Legislature as this bill)
23 (cf: P.L.2003, c.221, s.6)

24

25 2. This act shall take effect on the 60th day after enactment.

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STATEMENT

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30 This bill amends N.J.S.A.26:6-8.1 to delete the restriction on
31 which settings a registered professional nurse may make the actual
32 determination and pronouncement of death.

33 Under current law, a registered professional nurse may make a
34 determination and pronouncement of death if the death occurs in the
35 home or place of residence of the deceased, in a hospice, or in a
36 long-term care facility or nursing home. The provisions of this bill
37 would remove those restrictions and allow a registered professional
38 nurse to make a determination or pronouncement of death,
39 regardless of where the death occurred.

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.

ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 534

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 2006

The Assembly Health and Senior Services Committee reports favorably Assembly Bill No. 534.

This bill amends N.J.S.A.26:6-8.1 to delete the restrictions on the settings in which a registered professional nurse may make a determination and pronouncement of death.

Under the current statute, a registered professional nurse may make the actual determination and pronouncement of death if the death occurs in the home or place of residence of the deceased, in a hospice, or in a long-term care facility or nursing home. The provisions of this bill would remove those restrictions and allow a registered professional nurse to make the actual determination and pronouncement of death, regardless of where the death occurred.

This bill is identical to Senate Bill No. 535 (Buono/Madden), which is currently pending before the Senate.

This bill was pre-filed for introduction in the 2006-2007 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.