

# 26:6-66

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2008                      **CHAPTER:** 48

**NJSA:** 26:6-66 ("New Jersey Hero Act"; concerns organ and tissue donation)

**BILL NO:** S755 (Substituted for A2083)

**SPONSOR(S)** Codey and others

**DATE INTRODUCED:** January 8, 2008

**COMMITTEE:**                      **ASSEMBLY:** ---

**SENATE:** Health, Human Services and Senior Citizens

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                      **ASSEMBLY:** June 16, 2008

**SENATE:** March 17, 2008

**DATE OF APPROVAL:** July 22, 2008

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Second reprint enacted)

**S755**

**SPONSOR'S STATEMENT:** (Begins on page 15 of original bill) Yes

**COMMITTEE STATEMENT:**                      **ASSEMBLY:** No

**SENATE:** Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** Yes

**LEGISLATIVE FISCAL ESTIMATE:** No

**A2083**

**SPONSOR'S STATEMENT:** (Begins on page 15 of original bill) Yes

**COMMITTEE STATEMENT:**                      **ASSEMBLY:** Yes

**SENATE:** No

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

(continued)

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**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:** Yes

- "N.J. to require organ donation decision," Courier News, 7-23-08, p.A3
- "NJ drivers must choose: donate organs or don't," The Trentonian, 7-23-08, p.4
- "Organ donor? Answer now," Asbury Park Press, 7-23-08, p.A3
- "New law requires license applicants to state if they want to donate organs," Burlington County Times, 7-23-08, p.B1
- "New focus on organ donation," The Philadelphia Inquirer, 7-23-08, p.B3
- "NJ to require organ donation decision," Home News Tribune, 7-23-08, p.A3
- "New law boosts organ donation," The Star-Ledger, 7-23-08, p.18
- "New law boosts organ donation," The Times, 7-23-08, p.A6
- "Advocates hope state law boosts organ donations," The Press, 7-23-08, p.A1

LAW

Title 26.  
Chapter 6.  
Article 11 (New)  
Organ and Tissue  
Donation  
Initiatives  
§§1,2 -  
C.26:6-66 &  
26:6-67  
§3 - C.18A:7F-4.3  
§§5,14 -  
C.45:9-7.5 &  
45:9-7.6  
§6 - C.45:11-26.1  
§§7-9 -  
C.39:3-12.3 to  
39:3-12.5  
§10 - Expired  
§15 - Note to  
§§7-9  
§16 - Note to §10

P.L. 2008, CHAPTER 48, *approved July 22, 2008*  
Senate, No. 755 (*Second Reprint*)

1 AN ACT concerning organ donation<sup>1</sup>**[, ]** and<sup>1</sup> revising parts of the  
2 statutory law <sup>1</sup>**[, and making an appropriation]**<sup>1</sup>.  
3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:  
6

7 1. (New section) This act shall be known and may be cited as  
8 the “New Jersey Hero Act,” referring to individuals who donate  
9 life-saving and life-enhancing organs and tissues.  
10

11 2. (New section) The Legislature finds and declares that:

12 a. For over three decades, the State of New Jersey has  
13 supported organ and tissue donation as a public policy, because one  
14 individual can save up to eight lives by donating his or her vital  
15 organs and enhance more than 50 lives by donating tissue;

16 b. Although 95% of the national population indicates support  
17 for donation, a far smaller percentage have actually made a legally  
18 binding decision to be organ and tissue donors, the result of which  
19 has been the deaths of over 74,186 people nationally and 2,470 New

**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:

<sup>1</sup>Senate SHH committee amendments adopted February 14, 2008.

<sup>2</sup>Senate floor amendments adopted March 3, 2008.

- 1 Jersey residents since 1997 because life-saving organs were not  
2 available to them for transplant;
- 3 c. A public policy supporting organ donation is no longer  
4 adequate, given the health crisis faced by more than 98,000 people  
5 awaiting life saving organ transplants nationally, of whom more  
6 than 4,000 are New Jersey residents;
- 7 d. A new public policy of advocacy which encourages positive  
8 donation decisions is now imperative in order to save more lives;
- 9 e. The health and welfare of New Jersey's residents requires a  
10 more dynamic, comprehensive framework regarding organ  
11 donation, one with mandated educational and decisional  
12 components;
- 13 f. This comprehensive framework must incorporate the federal  
14 government's charge to organ procurement organizations to work  
15 with states in educating the public so that more individuals make  
16 positive donation decisions and document those decisions;
- 17 g. In order to insure that more New Jersey residents become  
18 donors, it is necessary to provide curriculum in both secondary  
19 schools and institutions of higher education, as well as establish  
20 educational requirements for physicians and nurses, to dispel myths  
21 associated with organ donation, provide accurate information about  
22 the donation and recovery process, and emphasize the fundamental  
23 responsibility of individuals to take appropriate action, when able to  
24 do so, to help save another person's life;
- 25 h. It is further necessary to provide residents with an  
26 accessible, secure means using the Internet, to register as organ  
27 donors in a way that ties the donation decision to a routine but  
28 necessary function, such as the receipt of a driver's license or  
29 personal identification card, so that an interaction on the issue of  
30 organ donation occurs at or around the time New Jersey residents  
31 reach the age of majority; and
- 32 i. The combined initiatives provided for in this act will  
33 effectively achieve the State's public policy goal to increase the  
34 number of organ and tissue donors in the State so that more lives  
35 can be saved or enhanced.
- 36
- 37 3. (New section) a. <sup>1</sup>【Beginning with the 2008-2009 school  
38 year, each board of education that operates an educational program  
39 for】 The State Board of Education, in consultation with the organ  
40 procurement organizations designated pursuant to 42  
41 U.S.C.s.1320b-8 to serve in the State of New Jersey, shall review  
42 the Core Curriculum Content Standards for Comprehensive Health  
43 and Physical Education to ensure that information about organ  
44 donation is included therein to<sup>1</sup> students in grades 9 through 12  
45 <sup>1</sup>【shall provide instruction on State policy which advocates that  
46 adults designate themselves as organ and tissue donors in the  
47 Donate Life NJ Registry established pursuant to section 7 of P.L. ,

1 c. (C. ) (pending before the Legislature as this bill). The  
 2 instruction shall take place as part of the district's implementation  
 3 of the Core Curriculum Content Standards in Comprehensive  
 4 Health and Physical Education, and the comprehensive health and  
 5 physical education curriculum framework shall provide school  
 6 districts with sample activities that may be used to support  
 7 implementation of the instructional requirement. ] , beginning with  
 8 the <sup>2</sup>[2008-2009] 2009-2010<sup>2</sup> school year<sup>1</sup>.

9 (1) The goals of the instruction shall be:

10 (a) to emphasize the benefits of organ and tissue donation to the  
 11 health and well-being of society generally, and to individuals whose  
 12 lives are saved by organ and tissue donations, so that students will  
 13 be motivated to make an affirmative decision to register as a donor  
 14 when they become adults;

15 (b) to fully address myths and misunderstandings regarding  
 16 organ and tissue donation;

17 (c) to explain the options available to adults, including the  
 18 option of designating a decision-maker to make the donation  
 19 decision on one's behalf; and

20 (d) to instill an understanding of the consequences when an  
 21 individual does not make a decision to become an organ donor and  
 22 does not register or otherwise record a designated decision-maker;

23 (2) The instruction shall inform students that beginning five  
 24 years from the date of enactment of P.L. , c. (C. ) (pending  
 25 before the Legislature as this bill), the <sup>1</sup>New Jersey<sup>1</sup> Motor Vehicle  
 26 Commission will not issue or renew a New Jersey driver's license  
 27 or personal identification card unless a prospective or renewing  
 28 licensee or card holder makes an acknowledgement regarding the  
 29 donor decision pursuant to section 8 of P.L. , c. (C. )(pending  
 30 before the Legislature as this bill).

31 b. The Commissioner of Education<sup>2</sup>, through the non-public  
 32 school liaison in the Department of Education,<sup>2</sup> shall <sup>1</sup>[also]<sup>1</sup> make  
 33 <sup>1</sup>[the] any related<sup>1</sup> instructional materials available to private  
 34 schools educating students in grades 9 through 12, or any  
 35 combination thereof. Such schools are encouraged to use the  
 36 instructional materials at the school; however, nothing in this  
 37 subsection shall be construed to require such schools to use the  
 38 materials.

39 <sup>1</sup>[c. All instructional materials and content, and modifications  
 40 made thereto, shall be designed in collaboration with the organ  
 41 procurement organizations designated pursuant to 42  
 42 U.S.C.s.1320b-8 to serve in the State of New Jersey.]<sup>1</sup>

43

44 4. Section 1 of P.L.2007, c.121 (C.18A:62-45) is amended to  
 45 read as follows:

46 1. **[A]** a. Beginning with the <sup>2</sup>[2008-2009] 2009-2010<sup>2</sup>  
 47 school year, each public institution of higher education in the State

1 shall ~~make available on each campus information and materials~~  
2 ~~regarding organ donation in accordance with the provisions of the~~  
3 ~~"Uniform Anatomical Gift Act," P.L.1969, c.161 (C.26:6-57 et~~  
4 ~~seq.). The institution shall place the information and materials in an~~  
5 ~~accessible location and shall make students and staff aware of its~~  
6 ~~availability] provide information to its students, either through~~  
7 ~~student health services or as part of the curriculum, that emphasizes~~  
8 ~~the benefits to the health and well-being of society and the lives that~~  
9 ~~are saved through organ donations, and that instills knowledge~~  
10 ~~<sup>2</sup>[and values]<sup>2</sup> that will enable young adults to make an informed~~  
11 ~~decision about registering to become an organ donor or designating~~  
12 ~~a decision-maker to make the decision on behalf of the young adult.~~  
13 ~~The information shall also instill an understanding of the outcome if~~  
14 ~~no decision about becoming an organ donor or designating a~~  
15 ~~decision-maker is registered or otherwise recorded. The~~  
16 ~~information provided shall be prepared in collaboration with the~~  
17 ~~organ procurement organizations designated pursuant to 42~~  
18 ~~U.S.C.s.1320b-8 to serve in the State of New Jersey.~~

19 ~~b. Beginning with the <sup>2</sup>[2008-2009] 2009-2010<sup>2</sup> school year,~~  
20 ~~each independent institution of higher education in the State is~~  
21 ~~encouraged to provide information to its students, either through~~  
22 ~~student health services or as part of the curriculum, that emphasizes~~  
23 ~~the benefits to the health and well-being of society and the lives that~~  
24 ~~are saved through organ donations, and that instills knowledge~~  
25 ~~<sup>2</sup>[and values]<sup>2</sup> that will enable young adults to make an informed~~  
26 ~~decision about registering to become an organ donor or designating~~  
27 ~~a decision-maker to make the decision on behalf of the young adult.~~  
28 ~~The information shall also instill an understanding of the outcome~~  
29 ~~if no decision about becoming an organ donor or designating~~  
30 ~~a decision-maker is registered or otherwise recorded. The~~  
31 ~~information provided shall be prepared in collaboration with the~~  
32 ~~organ procurement organizations designated pursuant to 42~~  
33 ~~U.S.C.s.1320b-8 to serve in the State of New Jersey.~~

34  
35 5. (New section) The State Board of Medical Examiners, in  
36 collaboration with the organ procurement organizations designated  
37 pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey,  
38 shall prescribe by regulation the following requirements for  
39 physician training:

40 a. The curriculum in each college of medicine in this State  
41 shall include instruction in organ and tissue donation and recovery  
42 designed to address clinical aspects of the donation and recovery  
43 process.

44 b. Completion of organ and tissue donation and recovery  
45 instruction as provided in subsection a. of this section shall be  
46 required as a condition of receiving a diploma from a college of  
47 medicine in this State.

1 c. A college of medicine which includes instruction in organ  
2 and tissue donation and recovery as provided in subsection a. of this  
3 section in its curricula shall offer such training for continuing  
4 education credit.

5 d. ~~'(1)'~~ A physician licensed to practice medicine in this  
6 State prior to the effective date of this act, who was not required to  
7 receive and did not receive instruction in organ and tissue donation  
8 and recovery as part of a medical school curriculum, ~~'[shall be~~  
9 ~~required, as a condition of relicensure, to document completion of]~~  
10 is encouraged to complete' such training ~~'[to the satisfaction of the~~  
11 ~~board]'~~ no later than three years after the effective date of this act.  
12 The training may be completed through an on-line, ~~'[one credit~~  
13 ~~hour]~~ credit-based' course developed by or for the organ  
14 procurement organizations ~~'[and approved by the board.~~

15 The training required pursuant to this subsection shall be in  
16 addition to any continuing medical education required pursuant to  
17 section 10 of P.L.2001, c.307 (C.45:9-7.1 et seq.).

18 (2) The board may waive the requirement in this subsection if an  
19 applicant for relicensure demonstrates to the satisfaction of the  
20 board that the applicant has attained the substantial equivalent of  
21 this requirement through completion of a similar course in his post-  
22 secondary education which meets criteria established by regulation  
23 of the board], in collaboration with <sup>2</sup>[the Medical Society of New  
24 Jersey and the New Jersey Academy of Family Physicians<sup>1</sup>]  
25 professional medical organizations in the State<sup>2</sup>.

26  
27 6. (New section) The New Jersey Board of Nursing, in  
28 collaboration with the organ procurement organizations designated  
29 pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey,  
30 shall prescribe by regulation the following requirements for  
31 professional nurse training:

32 a. The curriculum in each educational program of professional  
33 nursing in this State shall include instruction in organ and tissue  
34 donation and recovery designed to address clinical aspects of the  
35 donation and recovery process.

36 b. Completion of organ and tissue donation and recovery  
37 instruction as provided in subsection a. of this section shall be  
38 required as a condition of receiving a degree or diploma, as  
39 applicable, in professional nursing from a nursing program in this  
40 State.

41 c. A nursing program which includes instruction in organ and  
42 tissue donation and recovery as provided in subsection a. of this  
43 section in its curricula shall offer such training for continuing  
44 education credit.

45 d. (1) A licensed professional nurse licensed to practice nursing  
46 in this State prior to the effective date of this act, who was not

1 required to receive and did not receive instruction in organ and  
2 tissue donation and recovery as part of his nursing program  
3 curriculum, shall be required, as a condition of relicensure, to  
4 document completion of such training to the satisfaction of the  
5 board no later than three years after the effective date of this act.  
6 The training may be completed through an on-line, one credit hour  
7 course developed by or for the organ procurement organizations and  
8 approved by the board.

9 <sup>1</sup>【The training required pursuant to this subsection shall be in  
10 addition to any continuing education required by the board.】<sup>1</sup>

11 (2) The board may waive the requirement in this subsection if an  
12 applicant for relicensure demonstrates to the satisfaction of the  
13 board that the applicant has attained the substantial equivalent of  
14 this requirement through completion of a similar course in his post-  
15 secondary education which meets criteria established by regulation  
16 of the board.

17  
18 7. (New section) a. (1) Within <sup>2</sup>【six】 nine<sup>2</sup> months after the  
19 effective date of P.L. , c. (C. ) (pending before the Legislature  
20 as this bill), the Chief Administrator of the New Jersey Motor  
21 Vehicle Commission shall insure access by residents to an Internet-  
22 based interface that promotes organ and tissue donation and enables  
23 residents 18 years of age or older to register as donors and have  
24 their decisions immediately integrated into the current database  
25 maintained by the commission. The database shall include only  
26 affirmative donation decisions.

27 (2) Within one year of the effective date of P.L. , c. (C. )  
28 (pending before the Legislature as this bill), the commission shall  
29 establish a system which allows New Jersey holders of driver's  
30 licenses or personal identification cards who do not have access to  
31 the Internet-based interface to add their donor designation to the  
32 Donate Life NJ Registry by submitting a paper form to the  
33 commission.

34 Registration shall be provided at no cost to the registrant.

35 b. The database and Internet-based interface established in this  
36 section shall be known as the Donate Life NJ Registry.

37 c. The form and content of the Internet-based interface shall be  
38 designed in collaboration with the organ procurement organizations  
39 designated pursuant to 42 U.S.C.s.1320b-8 to serve in the State of  
40 New Jersey.

41 d. Donor information entered into the registry shall supersede  
42 any prior conflicting information provided to the registry or on the  
43 individual's driver's license or identification card, and pursuant to  
44 section 2 of P.L.1969, c.161 (C.26:6-58) and section 1 of P.L.1987,  
45 c.244 (C.26:6-58.1) or any subsequent statute adopted pursuant  
46 thereto, registration by a donor shall constitute sufficient  
47 authorization to donate organ and tissues for transplantation and



1 therapy and authorization of another person shall not be necessary  
2 to effectuate the gift.

3 e. Within one year of the effective date of P.L. , c. (C. )  
4 (pending before the Legislature as this bill), the Donate Life NJ  
5 Registry and the official website of the commission shall provide  
6 links through which individuals may make voluntary contributions  
7 of \$1.00 or more to the Organ and Tissue Donor Awareness  
8 Education Fund established by P.L.1999, c.386 (C.54A:9-25.17 et  
9 seq.). Such opportunities shall include both electronic and paper  
10 contributions. The links shall be provided in connection with the  
11 issuance of licenses, personal identification cards, and the  
12 registration of motor vehicles.

13

14 8. (New Section) a. Beginning five years after the effective  
15 date of <sup>2</sup>[of]<sup>2</sup> P.L. , c. (C. ) (pending before the Legislature as  
16 this bill), no driver's license or personal identification card shall be  
17 issued or renewed unless the applicant first addresses the issue of  
18 donation through an on-line portal connected to the Donate Life NJ  
19 Registry or at New Jersey Motor Vehicle Commission agencies and  
20 regional service centers. This section shall not apply to applicants  
21 for provisional licenses or personal identification cards who are  
22 under the age of 18.

23 b. The portal shall be accessible to applicants seven days per  
24 week, 24 hours per day, and shall provide for adequate security to  
25 protect an individual's privacy. The form and content of the portal  
26 shall be designed in collaboration with the organ procurement  
27 organizations designated pursuant to 42 U.S.C.s.1320b-8 to serve in  
28 the State of New Jersey.

29 c. The portal shall require a resident who has not registered as  
30 an organ donor, and who seeks a driver's license or identification  
31 card or seeks renewal thereof, to either: (1) register as an organ  
32 donor through the Donate Life NJ Registry; or (2) <sup>2</sup>[acknowledge  
33 an understanding of] review information about<sup>2</sup> the life-saving  
34 potential of organ and tissue donation, and <sup>2</sup>[an understanding of]<sup>2</sup>  
35 the consequences when an individual does not make a decision to  
36 become an organ donor and does not register or otherwise record a  
37 designated decision-maker.

38 In addition to promoting organ and tissue donation, the portal  
39 shall provide information about the procedure for designating a  
40 decision-maker.

41 d. Any information technology system adopted by the  
42 commission after the effective date of P.L. , c. (C. ) (pending  
43 before the Legislature as this bill) shall accommodate the inclusion  
44 of donor information into the database and the on-going operation  
45 of the Donate Life NJ Registry.

1 9. (New section) a. For purposes of the development and  
2 implementation of the Donate Life NJ Registry, the New Jersey  
3 Motor Vehicle Commission shall collaborate with the organ  
4 procurement organizations designated pursuant to 42  
5 U.S.C.s.1320b-8 to serve in the State of New Jersey in applying for  
6 any federal or private grants recommended by the organ  
7 procurement organizations.

8 b. The Chief Administrator of the commission shall collaborate  
9 with the organ procurement organizations designated pursuant to 42  
10 U.S.C.s.1320b-8 to serve in the State of New Jersey to identify, and  
11 if appropriate, apply for and accept on behalf of the State any  
12 relevant grants from the federal government or any agency thereof,  
13 or from any foundation, corporation, association or individual. Any  
14 money so received may be expended by the commission, subject to  
15 any limitations imposed in such grants to effect any of the purposes  
16 of the commission upon warrant of the Director of the Division of  
17 Budget and Accounting of the Department of the Treasury on  
18 vouchers certified and approved by the director. The power herein  
19 granted shall be in addition to and shall in no way limit the  
20 authority granted to the chief administrator by other existing law.

21 c. The commission, and the Departments of Human Services,  
22 Health and Senior Services, and Law and Public Safety may  
23 collaborate with the organ procurement organizations designated to  
24 serve in the State of New Jersey in applying for any federal or  
25 private grants recommended by the organ procurement  
26 organizations.

27  
28 10. (New section) Notwithstanding 'section 1 of' P.L.1987,  
29 c.244 (C.26:6-58.1) to the contrary, a designated decision-maker or  
30 agent of the decedent at the time of the decedent's death who could  
31 have made an anatomical gift immediately before the decedent's  
32 death '[pursuant to section 7 of P.L. , c. (C. ) (pending before  
33 the Legislature as this bill)]' shall be given first priority for making  
34 a gift of a decedent's body or part.

35  
36 11. Section 4 of P.L.1969, c.161 (C.26:6-60) is amended to read  
37 as follows:

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

44 (b) A gift of all or part of the body under section 2(a) may also  
45 be made through the Donate Life NJ Registry, established pursuant  
46 to section 7 of P.L. , c. (C. ) (pending before the Legislature  
47 as this bill) or by document other than a will. The gift becomes

1 effective upon the death of the donor. The document, which may be  
2 a card designed to be carried on the person, must be signed by the  
3 donor. If the donor cannot sign, the document may be signed for  
4 him at his direction and in his presence in the presence of two  
5 witnesses who must sign the document in his presence. Delivery of  
6 the document of gift during the donor's lifetime is not necessary to  
7 make the gift valid.

8 (c) The gift may be made to a specified donee or without  
9 specifying a donee. If the latter, the gift may be accepted by the  
10 attending physician as donee upon or following death. If the gift is  
11 made to a specified donee who is not available at the time and place  
12 of death, the attending physician upon or following death, in the  
13 absence of any expressed indication that the donor desired  
14 otherwise, may accept the gift as donee. The physician who  
15 becomes a donee under this subsection shall not participate in the  
16 procedures for removing or transplanting a part.

17 (d) Notwithstanding section 7(b), the donor may designate in his  
18 will, card, or other document of gift the surgeon or physician to  
19 carry out the appropriate procedures. In the absence of a  
20 designation or if the designee is not available, the donee or other  
21 person authorized to accept the gift may employ or authorize any  
22 surgeon or physician for the purpose or, in the case of a gift of eyes,  
23 he may employ or authorize a practitioner of mortuary science  
24 licensed by the State Board of Mortuary Science of New Jersey, an  
25 eye bank technician or a medical student who has successfully  
26 completed a course in eye enucleation approved by the State Board  
27 of Medical Examiners to enucleate eyes for the gift after  
28 certification of death by a physician. A practitioner of mortuary  
29 science, an eye bank technician or a medical student acting in  
30 accordance with the provisions of this subsection shall not have any  
31 liability, civil or criminal, for the eye enucleation.

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

35 (f) Notwithstanding any provision of law to the contrary, the  
36 intent of a decedent to give all or any part of his body as a gift  
37 pursuant to section 2(a) of P.L.1969, c.161 (C.26:6-58), as  
38 evidenced by the possession of a donor card, donor designation on a  
39 driver's license, advance directive pursuant to P.L.1991, c.201  
40 (C.26:2H-53 et al.), other document of gift, or by registration with a  
41 Statewide organ and tissue donor registry, shall not be revoked by  
42 any person designated in section 2(b) of P.L.1969, c.161 (C.26:6-  
43 58), nor shall the consent of any such person at the time of the  
44 donor's death or immediately thereafter be necessary to render the  
45 gift valid and effective.

46 (cf: P.L.2007, c.80, s.3)

1       12. Section 2 of P.L.1997, c.188 (C.39:2-3.4) is amended to read  
2 as follows:

3       2. a. Notwithstanding the provisions of P.L.1963, c.73  
4 (C.47:1A-1 et seq.) or any other law to the contrary, except as  
5 provided in this act, the Motor Vehicle Commission and any officer,  
6 employee or contractor thereof shall not knowingly disclose or  
7 otherwise make available to any person personal information about  
8 any individual obtained by the commission in connection with a  
9 motor vehicle record.

10       b. A person requesting a motor vehicle record including  
11 personal information shall produce proper identification and shall  
12 complete and submit a written request form provided by the chief  
13 administrator for the commission's approval. The written request  
14 form shall bear notice that the making of false statements therein is  
15 punishable and shall include, but not be limited to, the requestor's  
16 name and address; the requestor's driver's license number or  
17 corporate identification number; the requestor's reason for  
18 requesting the record; the driver's license number or the name,  
19 address and birth date of the person whose driver record is  
20 requested; the license plate number or VIN number of the vehicle  
21 for which a record is requested; any additional information  
22 determined by the chief administrator to be appropriate and the  
23 requestor's certification as to the truth of the foregoing statements.  
24 Prior to the approval of the written request form, the commission  
25 may also require the requestor to submit documentary evidence  
26 supporting the reason for the request.

27       In lieu of completing a written request form for each record  
28 requested, the commission may permit a person to complete and  
29 submit for approval of the chief administrator or the chief  
30 administrator's designee, on a case by case basis, a written  
31 application form for participation in a public information program  
32 on an ongoing basis. The written application form shall bear notice  
33 that the making of false statements therein is punishable and shall  
34 include, but not be limited to, the applicant's name, address and  
35 telephone number; the nature of the applicant's business activity; a  
36 description of each of the applicant's intended uses of the  
37 information contained in the motor vehicle records to be requested;  
38 the number of employees with access to the information; the name,  
39 title and signature of the authorized company representative; and  
40 any additional information determined by the chief administrator to  
41 be appropriate. The chief administrator may also require the  
42 applicant to submit a copy of its business credentials, such as  
43 license to do business or certificate of incorporation. Prior to  
44 approval by the chief administrator or the chief administrator's  
45 designee, the applicant shall certify in writing as to the truth of all  
46 statements contained in the completed application form.

1 c. Personal information shall be disclosed for use in connection  
2 with matters of motor vehicle or driver safety and theft; motor  
3 vehicle emissions; motor vehicle product alterations, recalls or  
4 advisories; performance monitoring of motor vehicles and dealers  
5 by motor vehicle manufacturers; and removal of non-owner records  
6 from the original owner records of motor vehicle manufacturers to  
7 carry out the purposes of the Automobile Information Disclosure  
8 Act, Pub.L.85-506, the Motor Vehicle Information and Cost Saving  
9 Act, Pub.L.92-513, the National Traffic and Motor Vehicle Safety  
10 Act of 1966, Pub.L.89-563, the Anti-Car Theft Act of 1992,  
11 Pub.L.102-519, and the Clean Air Act, Pub.L.88-206, and may be  
12 disclosed as follows:

13 (1) For use by any government agency, including any court or  
14 law enforcement agency in carrying out its functions, or any private  
15 person or entity acting on behalf of a federal, State or local agency  
16 in carrying out its functions.

17 (2) For use in connection with matters of motor vehicle or driver  
18 safety and theft; motor vehicle emissions; motor vehicle product  
19 alterations, recalls, or advisories; performance monitoring of motor  
20 vehicles, motor vehicle parts and dealers; motor vehicle market  
21 research activities, including survey research; and the removal of  
22 non-owner records from the original owner records of motor vehicle  
23 manufacturers.

24 (3) For use in the normal course of business by a legitimate  
25 business or its agents, employees or contractors, but only:

26 (a) to verify the accuracy of personal information submitted by  
27 the individual to the business or its agents, employees, or  
28 contractors; and

29 (b) if such information as so submitted is not correct or is no  
30 longer correct, to obtain the correct information, but only for the  
31 purposes of preventing fraud by, pursuing legal remedies against, or  
32 recovering on a debt or security interest against the individual.

33 (4) For use in connection with any civil, criminal, administrative  
34 or arbitral proceeding in any federal, State or local court or agency  
35 or before any self-regulatory body, including service of process,  
36 investigation in anticipation of litigation, and the execution or  
37 enforcement of judgments and orders, or pursuant to an order of a  
38 federal, State or local court.

39 (5) For use in educational initiatives, research activities, and for  
40 use in producing statistical reports, so long as the personal  
41 information is not published, redisclosed, or used to contact  
42 individuals and, in the case of educational initiatives, only to organ  
43 procurement organizations as aggregated, non-identifying  
44 information.

45 (6) For use by any insurer or insurance support organization, or  
46 by a self-insured entity, or its agents, employees, or contractors, in

1 connection with claims investigation activities, antifraud activities,  
2 rating or underwriting.

3 (7) For use in providing notice to the owners of towed or  
4 impounded vehicles.

5 (8) For use by an employer or its agent or insurer to obtain or  
6 verify information relating to a holder of a commercial driver's  
7 license that is required under the "Commercial Motor Vehicle  
8 Safety Act," 49 U.S.C.App.s.2710 et seq.

9 (9) For use in connection with the operation of private toll  
10 transportation facilities.

11 (10) For use by any requestor, if the requestor demonstrates it  
12 has obtained the notarized written consent of the individual to  
13 whom the information pertains.

14 (11) For product and service mail communications from  
15 automotive-related manufacturers, dealers and businesses, if the  
16 commission has implemented methods and procedures to ensure  
17 that:

18 (a) individuals are provided an opportunity, in a clear and  
19 conspicuous manner, to prohibit such uses; and

20 (b) product and service mail communications from automotive-  
21 related manufacturers, dealers and businesses will not be directed at  
22 individuals who exercise their option under subparagraph (a) of this  
23 paragraph.

24 (12) For use by an organ procurement organization designated  
25 pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey,  
26 or any donor registry established by any such organization,  
27 exclusively for the purposes of determining, verifying, and  
28 recording organ and tissue donor designation and identity. For  
29 these purposes, an organ procurement organization shall have  
30 electronic access at all times, without exception, to real-time organ  
31 donor designation and identification information. An organ  
32 procurement organization may also have information for research  
33 activities, pursuant to paragraph (5) of subsection c. of this section.

34 d. As provided by the federal "Drivers' Privacy Protection Act  
35 of 1994," Pub.L.103-322, a person authorized to receive personal  
36 information under paragraphs (1) through (10) of subsection c. of  
37 this section may resell or redisclose the personal information only  
38 for a use permitted by paragraphs (1) through (10) of subsection c.  
39 of this section subject to regulation by the commission. A person  
40 authorized to receive personal information under paragraph (11) of  
41 subsection c. of this section may resell or redisclose the personal  
42 information pursuant to paragraph (11) of subsection c. of this  
43 section subject to regulation by the commission. An organization  
44 authorized to receive personal information under paragraph (12) of  
45 subsection c. of this section may redisclose the personal information  
46 only for the purposes set forth in that paragraph.

1 e. As provided by the federal “Drivers' Privacy Protection Act  
2 of 1994,” Pub.L.103-322, a person authorized to receive personal  
3 information under this section who resells or rediscloses personal  
4 information covered by the provisions of this act shall keep for a  
5 period of five years records identifying each person or entity that  
6 receives information and the permitted purpose for which the  
7 information will be used and shall make such records available to  
8 the commission upon request. Any person who receives, from any  
9 source, personal information from a motor vehicle record shall  
10 release or disclose that information only in accordance with this act.

11 f. The release of personal information under this section shall  
12 not include an individual's social security number except in  
13 accordance with applicable State or federal law.

14 (cf: P.L.2007, c.80, s.2)

15

16 13. Section 1 of P.L.1978, c.181 (C.39:3-12.2) is amended to  
17 read as follows:

18 1. a. The Chief Administrator of the New Jersey Motor  
19 Vehicle Commission shall provide with every new license, renewal  
20 license, identification card or renewal identification card the  
21 opportunity for each person pursuant to the provisions of the  
22 “Uniform Anatomical Gift Act,” P.L.1969, c.161 (C.26:6-57 et al.)  
23 or any superseding or corresponding statute, to designate that the  
24 person shall donate his organs and tissues for purposes of  
25 transplantation and therapy upon his death.

26 b. The designation indicating that a person is a donor pursuant  
27 to subsection a. of this section shall be done in accordance with  
28 procedures prescribed by the chief administrator. The designation  
29 shall be displayed in print in a conspicuous form and manner on the  
30 license or identification card, and electronically, by substantially  
31 the following statement: “ORGAN DONOR” and shall constitute  
32 sufficient legal authority for the removal of a body organ or part  
33 upon the death of the licensee or identification cardholder. The  
34 designation shall be removed in accordance with procedures  
35 prescribed by the chief administrator.

36 c. (Deleted by amendment, P.L.1999, c.28).

37 d. (Deleted by amendment, P.L.2007, c.80).

38 e. The chief administrator, in consultation with those organ  
39 procurement organizations designated pursuant to 42  
40 U.S.C.s.1320b-8 to serve in the State of New Jersey, shall establish  
41 and provide an annual education program for agency employees and  
42 personnel. The program shall focus on the benefits associated with  
43 organ and tissue donations, the scope and operation of New Jersey's  
44 donor program, and how the agency's employees and personnel can  
45 effectively inform the public about the donor program and can best  
46 assist those wishing to participate in the donor program, including

1 use of the Donate Life NJ Registry, established pursuant to P.L. ,  
2 c. (C. ) (pending before the Legislature as this bill).

3 f. The chief administrator shall electronically record and store  
4 all organ donor designations and identification information, and  
5 shall provide the organ procurement organizations designated  
6 pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey  
7 with real-time electronic access to the organ donor designation  
8 information collected pursuant to subsection a. of this section. An  
9 organ procurement organization designated pursuant to 42  
10 U.S.C.s.1320b-8 to serve in the State of New Jersey, or any donor  
11 registry established by any such organization, shall have real-time  
12 electronic access to those organ donor designations and  
13 identification at all times, without exception, for the purposes of  
14 verifying organ and tissue donation status and identity. For these  
15 purposes, the federally designated organ procurement organization  
16 shall have electronic access to each recorded donor's name, address,  
17 date of birth, gender, color of eyes, height, and driver's license  
18 number. Upon request, the chief administrator shall provide a copy  
19 of the donor's original driver's license application.

20 g. Those organ procurement organizations designated pursuant  
21 to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey may  
22 contract with a third party, in consultation with the chief  
23 administrator, to assess, develop, and implement any system set-up  
24 necessary to support the initial and ongoing electronic access by  
25 those organizations to the donor designation and identification  
26 information required to be made available in accordance with the  
27 provisions of this section; however, the organ procurement  
28 organizations shall not be required to incur an aggregate cost in  
29 excess of \$50,000 for the purposes of this subsection.

30 (cf: P.L.2007, c.80, s.1)

31  
32 <sup>1</sup>[14. There is appropriated \$80,000 to the Motor Vehicle  
33 Commission from the General Fund to be used for carrying out the  
34 purposes of section 7 of this act. ]<sup>1</sup>

35  
36 <sup>1</sup>14. (New section) The organ procurement organizations  
37 designated pursuant to 42 U.S.C.s.1320b-8 to serve in the State of  
38 New Jersey shall collaborate with the Medical Society of New  
39 Jersey and the Institute of Medicine and Public Health of New  
40 Jersey to establish and conduct an ongoing Statewide organ and  
41 tissue donation awareness campaign targeted at physicians in this  
42 State.<sup>1</sup>

43  
44 15. The Chief Administrator of the New Jersey Motor Vehicle  
45 Commission shall, in accordance with the "Administrative  
46 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt such



1 rules and regulations as may be necessary for the implementation of  
2 this act.

3

4 16. This act shall take effect immediately, and section 10 shall  
5 expire upon the enactment of Senate Bill No. 754 of 2008-2009  
6 (pending before the Legislature).

7

8

9

10

11 \_\_\_\_\_  
“New Jersey Hero Act”; concerns organ and tissue donation.

# SENATE, No. 755

## STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

**Sponsored by:**

**Senator RICHARD J. CODEY**

**District 27 (Essex)**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Co-Sponsored by:**

**Senators Adler, Baroni, Gordon, T.Kean, Singer, Redd, Weinberg and Whelan**

**SYNOPSIS**

“New Jersey Hero Act”; appropriates \$80,000 to MVC from General Fund.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 2/15/2008)**

1 AN ACT concerning organ donation, revising parts of the statutory  
2 law, and making an appropriation.

3

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

6

7 1. (New section) This act shall be known and may be cited as  
8 the “New Jersey Hero Act,” referring to individuals who donate  
9 life-saving and life-enhancing organs and tissues.

10

11 2. (New section) The Legislature finds and declares that:

12 a. For over three decades, the State of New Jersey has supported  
13 organ and tissue donation as a public policy, because one individual  
14 can save up to eight lives by donating his or her vital organs and  
15 enhance more than 50 lives by donating tissue;

16 b. Although 95% of the national population indicates support for  
17 donation, a far smaller percentage have actually made a legally  
18 binding decision to be organ and tissue donors, the result of which  
19 has been the deaths of over 74,186 people nationally and 2,470 New  
20 Jersey residents since 1997 because life-saving organs were not  
21 available to them for transplant;

22 c. A public policy supporting organ donation is no longer  
23 adequate, given the health crisis faced by more than 98,000 people  
24 awaiting life saving organ transplants nationally, of whom more  
25 than 4,000 are New Jersey residents;

26 d. A new public policy of advocacy which encourages positive  
27 donation decisions is now imperative in order to save more lives;

28 e. The health and welfare of New Jersey’s residents requires a  
29 more dynamic, comprehensive framework regarding organ  
30 donation, one with mandated educational and decisional  
31 components;

32 f. This comprehensive framework must incorporate the federal  
33 government’s charge to organ procurement organizations to work  
34 with states in educating the public so that more individuals make  
35 positive donation decisions and document those decisions;

36 g. In order to insure that more New Jersey residents become  
37 donors, it is necessary to provide curriculum in both secondary  
38 schools and institutions of higher education, as well as establish  
39 educational requirements for physicians and nurses, to dispel myths  
40 associated with organ donation, provide accurate information about  
41 the donation and recovery process, and emphasize the fundamental  
42 responsibility of individuals to take appropriate action, when able to  
43 do so, to help save another person’s life;

44 h. It is further necessary to provide residents with an accessible,  
45 secure means using the Internet, to register as organ donors in a

**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 way that ties the donation decision to a routine but necessary  
2 function, such as the receipt of a driver's license or personal  
3 identification card, so that an interaction on the issue of organ  
4 donation occurs at or around the time New Jersey residents reach  
5 the age of majority; and

6 i. The combined initiatives provided for in this act will  
7 effectively achieve the State's public policy goal to increase the  
8 number of organ and tissue donors in the State so that more lives  
9 can be saved or enhanced.

10

11 3. (New section) a. Beginning with the 2008-2009 school  
12 year, each board of education that operates an educational program  
13 for students in grades 9 through 12 shall provide instruction on  
14 State policy which advocates that adults designate themselves as  
15 organ and tissue donors in the Donate Life NJ Registry established  
16 pursuant to section 7 of P.L. , c. (C. )(pending before the  
17 Legislature as this bill). The instruction shall take place as part of  
18 the district's implementation of the Core Curriculum Content  
19 Standards in Comprehensive Health and Physical Education, and  
20 the comprehensive health and physical education curriculum  
21 framework shall provide school districts with sample activities that  
22 may be used to support implementation of the instructional  
23 requirement.

24 (1) The goals of the instruction shall be:

25 (a) to emphasize the benefits of organ and tissue donation to the  
26 health and well-being of society generally, and to individuals whose  
27 lives are saved by organ and tissue donations, so that students will  
28 be motivated to make an affirmative decision to register as a donor  
29 when they become adults;

30 (b) to fully address myths and misunderstandings regarding  
31 organ and tissue donation;

32 (c) to explain the options available to adults, including the option  
33 of designating a decision-maker to make the donation decision on  
34 one's behalf; and

35 (d) to instill an understanding of the consequences when an  
36 individual does not make a decision to become an organ donor and  
37 does not register or otherwise record a designated decision-maker;

38 (2) The instruction shall inform students that beginning five  
39 years from the date of enactment of P.L. , c. (C. )(pending  
40 before the Legislature as this bill), the Motor Vehicle Commission  
41 will not issue or renew a New Jersey driver's license or personal  
42 identification card unless a prospective or renewing licensee or card  
43 holder makes an acknowledgement regarding the donor decision  
44 pursuant to section 8 of P.L. , c. (C. )(pending before the  
45 Legislature as this bill).

46 b. The Commissioner of Education shall also make the  
47 instructional materials available to private schools educating

1 students in grades 9 through 12, or any combination thereof. Such  
2 schools are encouraged to use the instructional materials at the  
3 school; however, nothing in this subsection shall be construed to  
4 require such schools to use the materials.

5 c. All instructional materials and content, and modifications  
6 made thereto, shall be designed in collaboration with the organ  
7 procurement organizations designated pursuant to 42  
8 U.S.C.s.1320b-8 to serve in the State of New Jersey.

9  
10 4. Section 1 of P.L.2007, c.121 (C.18A:62-45) is amended to  
11 read as follows:

12 1. **[A]** a. Beginning with the 2008-2009 school year, each  
13 public institution of higher education in the State shall [make  
14 available on each campus information and materials regarding  
15 organ donation in accordance with the provisions of the "Uniform  
16 Anatomical Gift Act," P.L.1969, c.161 (C.26:6-57 et seq.). The  
17 institution shall place the information and materials in an accessible  
18 location and shall make students and staff aware of its availability]  
19 provide information to its students, either through student health  
20 services or as part of the curriculum, that emphasizes the benefits to  
21 the health and well-being of society and the lives that are saved  
22 through organ donations, and that instills knowledge and values that  
23 will enable young adults to make an informed decision about  
24 registering to become an organ donor or designating a decision-  
25 maker to make the decision on behalf of the young adult. The  
26 information shall also instill an understanding of the outcome if no  
27 decision about becoming an organ donor or designating a decision-  
28 maker is registered or otherwise recorded. The information  
29 provided shall be prepared in collaboration with the organ  
30 procurement organizations designated pursuant to 42  
31 U.S.C.s.1320b-8 to serve in the State of New Jersey.

32 b. Beginning with the 2008-2009 school year, each independent  
33 institution of higher education in the State is encouraged to provide  
34 information to its students, either through student health services or  
35 as part of the curriculum, that emphasizes the benefits to the health  
36 and well-being of society and the lives that are saved through organ  
37 donations, and that instills knowledge and values that will enable  
38 young adults to make an informed decision about registering to  
39 become an organ donor or designating a decision-maker to make the  
40 decision on behalf of the young adult. The information shall also  
41 instill an understanding of the outcome if no decision about  
42 becoming an organ donor or designating a decision-maker is  
43 registered or otherwise recorded. The information provided shall be  
44 prepared in collaboration with the organ procurement organizations  
45 designated pursuant to 42 U.S.C.s.1320b-8 to serve in the State of  
46 New Jersey.

47 (cf: P.L.2007, c.121, s.1)

1       5. (New section) The State Board of Medical Examiners, in  
2 collaboration with the organ procurement organizations designated  
3 pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey,  
4 shall prescribe by regulation the following requirements for  
5 physician training:

6       a. The curriculum in each college of medicine in this State shall  
7 include instruction in organ and tissue donation and recovery  
8 designed to address clinical aspects of the donation and recovery  
9 process.

10       b. Completion of organ and tissue donation and recovery  
11 instruction as provided in subsection a. of this section shall be  
12 required as a condition of receiving a diploma from a college of  
13 medicine in this State.

14       c. A college of medicine which includes instruction in organ and  
15 tissue donation and recovery as provided in subsection a. of this  
16 section in its curricula shall offer such training for continuing  
17 education credit.

18       d. (1) A physician licensed to practice medicine in this State  
19 prior to the effective date of this act, who was not required to  
20 receive and did not receive instruction in organ and tissue donation  
21 and recovery as part of a medical school curriculum, shall be  
22 required, as a condition of relicensure, to document completion of  
23 such training to the satisfaction of the board no later than three  
24 years after the effective date of this act. The training may be  
25 completed through an on-line, one credit hour course developed by  
26 or for the organ procurement organizations and approved by the  
27 board.

28       The training required pursuant to this subsection shall be in  
29 addition to any continuing medical education required pursuant to  
30 section 10 of P.L.2001, c.307 (C.45:9-7.1 et seq.).

31       (2) The board may waive the requirement in this subsection if an  
32 applicant for relicensure demonstrates to the satisfaction of the  
33 board that the applicant has attained the substantial equivalent of  
34 this requirement through completion of a similar course in his post-  
35 secondary education which meets criteria established by regulation  
36 of the board.

37

38       6. (New section) The New Jersey Board of Nursing, in  
39 collaboration with the organ procurement organizations designated  
40 pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey,  
41 shall prescribe by regulation the following requirements for  
42 professional nurse training:

43       a. The curriculum in each educational program of professional  
44 nursing in this State shall include instruction in organ and tissue  
45 donation and recovery designed to address clinical aspects of the  
46 donation and recovery process.

1       b. Completion of organ and tissue donation and recovery  
2 instruction as provided in subsection a. of this section shall be  
3 required as a condition of receiving a degree or diploma, as  
4 applicable, in professional nursing from a nursing program in this  
5 State.

6       c. A nursing program which includes instruction in organ and  
7 tissue donation and recovery as provided in subsection a. of this  
8 section in its curricula shall offer such training for continuing  
9 education credit.

10       d. (1) A licensed professional nurse licensed to practice nursing  
11 in this State prior to the effective date of this act, who was not  
12 required to receive and did not receive instruction in organ and  
13 tissue donation and recovery as part of his nursing program  
14 curriculum, shall be required, as a condition of relicensure, to  
15 document completion of such training to the satisfaction of the  
16 board no later than three years after the effective date of this act.  
17 The training may be completed through an on-line, one credit hour  
18 course developed by or for the organ procurement organizations and  
19 approved by the board.

20       The training required pursuant to this subsection shall be in  
21 addition to any continuing education required by the board.

22       (2) The board may waive the requirement in this subsection if an  
23 applicant for relicensure demonstrates to the satisfaction of the  
24 board that the applicant has attained the substantial equivalent of  
25 this requirement through completion of a similar course in his post-  
26 secondary education which meets criteria established by regulation  
27 of the board.

28  
29       7. (New section) a. (1) Within six months after the effective  
30 date of P.L. , c. (C. )(pending before the Legislature as this bill),  
31 the Chief Administrator of the Motor Vehicle Commission shall  
32 insure access by residents to an Internet-based interface that  
33 promotes organ and tissue donation and enables residents 18 years  
34 of age or older to register as donors and have their decisions  
35 immediately integrated into the current database maintained by the  
36 commission. The database shall include only affirmative donation  
37 decisions.

38       (2) Within one year of the effective date of P.L. , c. (C. )  
39 (pending before the Legislature as this bill), the commission shall  
40 establish a system which allows New Jersey holders of driver's  
41 licenses or personal identification cards who do not have access to  
42 the Internet-based interface to add their donor designation to the  
43 Donate Life NJ Registry by submitting a paper form to the  
44 commission.

45       Registration shall be provided at no cost to the registrant.

46       b. The database and Internet-based interface established in this  
47 section shall be known as the Donate Life NJ Registry.

1 c. The form and content of the Internet-based interface shall be  
2 designed in collaboration with the organ procurement organizations  
3 designated pursuant to 42 U.S.C s.1320b-8 to serve in the State of  
4 New Jersey.

5 d. Donor information entered into the registry shall supersede  
6 any prior conflicting information provided to the registry or on the  
7 individual's driver's license or identification card, and pursuant to  
8 section 2 of P.L.1969, c.161 (C.26:6-58) and section 1 of P.L.1987,  
9 c.244 (C.26:6-58.1) or any subsequent statute adopted pursuant  
10 thereto, registration by a donor shall constitute sufficient  
11 authorization to donate organ and tissues for transplantation and  
12 therapy and authorization of another person shall not be necessary  
13 to effectuate the gift.

14 e. Within one year of the effective date of P.L. , c. (C. )  
15 (pending before the Legislature as this bill), the Donate Life NJ  
16 Registry and the official website of the commission shall provide  
17 links through which individuals may make voluntary contributions  
18 of \$1.00 or more to the Organ and Tissue Donor Awareness  
19 Education Fund established by P.L.1999, c.386 (C.54A:9-25.17 et  
20 seq.). Such opportunities shall include both electronic and paper  
21 contributions. The links shall be provided in connection with the  
22 issuance of licenses, personal identification cards, and the  
23 registration of motor vehicles.  
24

25 8. (New Section) a. Beginning five years after the effective  
26 date of of P.L. , c. (C. ) (pending before the Legislature as this  
27 bill), no driver's license or personal identification card shall be  
28 issued or renewed unless the applicant first addresses the issue of  
29 donation through an on-line portal connected to the Donate Life NJ  
30 Registry or at Motor Vehicle Commission agencies and regional  
31 service centers. This section shall not apply to applicants for  
32 provisional licenses or personal identification cards who are under  
33 the age of 18.

34 b. The portal shall be accessible to applicants seven days per  
35 week, 24 hours per day, and shall provide for adequate security to  
36 protect an individual's privacy. The form and content of the portal  
37 shall be designed in collaboration with the organ procurement  
38 organizations designated pursuant to 42 U.S.C.s.1320b-8 to serve in  
39 the State of New Jersey.

40 c. The portal shall require a resident who has not registered as  
41 an organ donor, and who seeks a driver's license or identification  
42 card or seeks renewal thereof, to either: (1) register as an organ  
43 donor through the Donate Life NJ Registry; or (2) acknowledge an  
44 understanding of the life-saving potential of organ and tissue  
45 donation, and an understanding of the consequences when an  
46 individual does not make a decision to become an organ donor and  
47 does not register or otherwise record a designated decision-maker.



1 In addition to promoting organ and tissue donation, the portal  
2 shall provide information about the procedure for designating a  
3 decision-maker.

4 d. Any information technology system adopted by the  
5 commission after the effective date of P.L. , c. (C. ) (pending  
6 before the Legislature as this bill) shall accommodate the inclusion  
7 of donor information into the database and the on-going operation  
8 of the Donate Life NJ Registry.

9  
10 9. (New section) a. For purposes of the development and  
11 implementation of the Donate Life NJ Registry, the Motor Vehicle  
12 Commission shall collaborate with the organ procurement  
13 organizations designated pursuant to 42 U.S.C.s.1320b-8 to serve in  
14 the State of New Jersey in applying for any federal or private grants  
15 recommended by the organ procurement organizations.

16 b. The Chief Administrator of the commission shall collaborate  
17 with the organ procurement organizations designated pursuant to 42  
18 U.S.C.s.1320b-8 to serve in the State of New Jersey to identify, and  
19 if appropriate, apply for and accept on behalf of the State any  
20 relevant grants from the federal government or any agency thereof,  
21 or from any foundation, corporation, association or individual. Any  
22 money so received may be expended by the commission, subject to  
23 any limitations imposed in such grants to effect any of the purposes  
24 of the commission upon warrant of the Director of the Division of  
25 Budget and Accounting of the Department of the Treasury on  
26 vouchers certified and approved by the director. The power herein  
27 granted shall be in addition to and shall in no way limit the  
28 authority granted to the chief administrator by other existing law.

29 c. The commission, and the Departments of Human Services,  
30 Health and Senior Services, and Law and Public Safety may  
31 collaborate with the organ procurement organizations designated to  
32 serve in the State of New Jersey in applying for any federal or  
33 private grants recommended by the organ procurement  
34 organizations.

35  
36 10. (New section) Notwithstanding P.L.1987, c.244 (C.26:6-  
37 58.1) to the contrary, a designated decision-maker or agent of the  
38 decedent at the time of the decedent's death who could have made  
39 an anatomical gift immediately before the decedent's death pursuant  
40 to section 7 of P.L. , c. (C. ) (pending before the Legislature as  
41 this bill) shall be given first priority for making a gift of a  
42 decedent's body or part.

43  
44 11. Section 4 of P.L.1969, c.161 (C.26:6-60) is amended to read  
45 as follows:

46 4. (a) A gift of all or part of the body under section 2(a) may be  
47 made by will. The gift becomes effective upon the death of the

1 testator without waiting for probate. If the will is not probated, or if  
2 it is declared invalid for testamentary purposes, the gift, to the  
3 extent that it has been acted upon in good faith, is nevertheless valid  
4 and effective.

5 (b) A gift of all or part of the body under section 2(a) may also  
6 be made through the Donate Life NJ Registry, established pursuant  
7 to section 7 of P.L. , c. (C. ) (pending before the Legislature as  
8 this bill) or by document other than a will. The gift becomes  
9 effective upon the death of the donor. The document, which may be  
10 a card designed to be carried on the person, must be signed by the  
11 donor. If the donor cannot sign, the document may be signed for  
12 him at his direction and in his presence in the presence of two  
13 witnesses who must sign the document in his presence. Delivery of  
14 the document of gift during the donor's lifetime is not necessary to  
15 make the gift valid.

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

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

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

43 (f) Notwithstanding any provision of law to the contrary, the  
44 intent of a decedent to give all or any part of his body as a gift  
45 pursuant to section 2(a) of P.L.1969, c.161 (C.26:6-58), as  
46 evidenced by the possession of a donor card, donor designation on a  
47 driver's license, advance directive pursuant to P.L.1991, c.201

1 (C.26:2H-53 et al.), other document of gift, or by registration with a  
2 Statewide organ and tissue donor registry, shall not be revoked by  
3 any person designated in section 2(b) of P.L.1969, c.161 (C.26:6-  
4 58), nor shall the consent of any such person at the time of the  
5 donor's death or immediately thereafter be necessary to render the  
6 gift valid and effective.  
7 (cf: P.L.2007, c.80, s.3)

8  
9 12. Section 2 of P.L.1997, c.188 (C.39:2-3.4) is amended to read  
10 as follows:

11 2. a. Notwithstanding the provisions of P.L.1963, c.73 (C.47:1A-  
12 1 et seq.) or any other law to the contrary, except as provided in this  
13 act, the Motor Vehicle Commission and any officer, employee or  
14 contractor thereof shall not knowingly disclose or otherwise make  
15 available to any person personal information about any individual  
16 obtained by the commission in connection with a motor vehicle  
17 record.

18 b. A person requesting a motor vehicle record including  
19 personal information shall produce proper identification and shall  
20 complete and submit a written request form provided by the chief  
21 administrator for the commission's approval. The written request  
22 form shall bear notice that the making of false statements therein is  
23 punishable and shall include, but not be limited to, the requestor's  
24 name and address; the requestor's driver's license number or  
25 corporate identification number; the requestor's reason for  
26 requesting the record; the driver's license number or the name,  
27 address and birth date of the person whose driver record is  
28 requested; the license plate number or VIN number of the vehicle  
29 for which a record is requested; any additional information  
30 determined by the chief administrator to be appropriate and the  
31 requestor's certification as to the truth of the foregoing statements.  
32 Prior to the approval of the written request form, the commission  
33 may also require the requestor to submit documentary evidence  
34 supporting the reason for the request.

35 In lieu of completing a written request form for each record  
36 requested, the commission may permit a person to complete and  
37 submit for approval of the chief administrator or the chief  
38 administrator's designee, on a case by case basis, a written  
39 application form for participation in a public information program  
40 on an ongoing basis. The written application form shall bear notice  
41 that the making of false statements therein is punishable and shall  
42 include, but not be limited to, the applicant's name, address and  
43 telephone number; the nature of the applicant's business activity; a  
44 description of each of the applicant's intended uses of the  
45 information contained in the motor vehicle records to be requested;  
46 the number of employees with access to the information; the name,  
47 title and signature of the authorized company representative; and

1 any additional information determined by the chief administrator to  
2 be appropriate. The chief administrator may also require the  
3 applicant to submit a copy of its business credentials, such as  
4 license to do business or certificate of incorporation. Prior to  
5 approval by the chief administrator or the chief administrator's  
6 designee, the applicant shall certify in writing as to the truth of all  
7 statements contained in the completed application form.

8 c. Personal information shall be disclosed for use in connection  
9 with matters of motor vehicle or driver safety and theft; motor  
10 vehicle emissions; motor vehicle product alterations, recalls or  
11 advisories; performance monitoring of motor vehicles and dealers  
12 by motor vehicle manufacturers; and removal of non-owner records  
13 from the original owner records of motor vehicle manufacturers to  
14 carry out the purposes of the Automobile Information Disclosure  
15 Act, Pub.L.85-506, the Motor Vehicle Information and Cost Saving  
16 Act, Pub.L.92-513, the National Traffic and Motor Vehicle Safety  
17 Act of 1966, Pub.L.89-563, the Anti-Car Theft Act of 1992,  
18 Pub.L.102-519, and the Clean Air Act, Pub.L.88-206, and may be  
19 disclosed as follows:

20 (1) For use by any government agency, including any court or  
21 law enforcement agency in carrying out its functions, or any private  
22 person or entity acting on behalf of a federal, State or local agency  
23 in carrying out its functions.

24 (2) For use in connection with matters of motor vehicle or driver  
25 safety and theft; motor vehicle emissions; motor vehicle product  
26 alterations, recalls, or advisories; performance monitoring of motor  
27 vehicles, motor vehicle parts and dealers; motor vehicle market  
28 research activities, including survey research; and the removal of  
29 non-owner records from the original owner records of motor vehicle  
30 manufacturers.

31 (3) For use in the normal course of business by a legitimate  
32 business or its agents, employees or contractors, but only:

33 (a) to verify the accuracy of personal information submitted by  
34 the individual to the business or its agents, employees, or  
35 contractors; and

36 (b) if such information as so submitted is not correct or is no  
37 longer correct, to obtain the correct information, but only for the  
38 purposes of preventing fraud by, pursuing legal remedies against, or  
39 recovering on a debt or security interest against the individual.

40 (4) For use in connection with any civil, criminal, administrative  
41 or arbitral proceeding in any federal, State or local court or agency  
42 or before any self-regulatory body, including service of process,  
43 investigation in anticipation of litigation, and the execution or  
44 enforcement of judgments and orders, or pursuant to an order of a  
45 federal, State or local court.

46 (5) For use in educational initiatives, research activities, and for  
47 use in producing statistical reports, so long as the personal

1 information is not published, redisclosed, or used to contact  
2 individuals and, in the case of educational initiatives, only to organ  
3 procurement organizations as aggregated, non-identifying  
4 information.

5 (6) For use by any insurer or insurance support organization, or  
6 by a self-insured entity, or its agents, employees, or contractors, in  
7 connection with claims investigation activities, antifraud activities,  
8 rating or underwriting.

9 (7) For use in providing notice to the owners of towed or  
10 impounded vehicles.

11 (8) For use by an employer or its agent or insurer to obtain or  
12 verify information relating to a holder of a commercial driver's  
13 license that is required under the "Commercial Motor Vehicle  
14 Safety Act," 49 U.S.C.App.s.2710 et seq.

15 (9) For use in connection with the operation of private toll  
16 transportation facilities.

17 (10) For use by any requestor, if the requestor demonstrates it  
18 has obtained the notarized written consent of the individual to  
19 whom the information pertains.

20 (11) For product and service mail communications from  
21 automotive-related manufacturers, dealers and businesses, if the  
22 commission has implemented methods and procedures to ensure  
23 that:

24 (a) individuals are provided an opportunity, in a clear and  
25 conspicuous manner, to prohibit such uses; and

26 (b) product and service mail communications from automotive-  
27 related manufacturers, dealers and businesses will not be directed at  
28 individuals who exercise their option under subparagraph (a) of this  
29 paragraph.

30 (12) For use by an organ procurement organization designated  
31 pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey,  
32 or any donor registry established by any such organization,  
33 exclusively for the purposes of determining, verifying, and  
34 recording organ and tissue donor designation and identity. For  
35 these purposes, an organ procurement organization shall have  
36 electronic access at all times, without exception, to real-time organ  
37 donor designation and identification information. An organ  
38 procurement organization may also have information for research  
39 activities, pursuant to paragraph (5) of subsection c. of this section.

40 d. As provided by the federal "Drivers' Privacy Protection Act  
41 of 1994," Pub.L.103-322, a person authorized to receive personal  
42 information under paragraphs (1) through (10) of subsection c. of  
43 this section may resell or redisclose the personal information only  
44 for a use permitted by paragraphs (1) through (10) of subsection c.  
45 of this section subject to regulation by the commission. A person  
46 authorized to receive personal information under paragraph (11) of  
47 subsection c. of this section may resell or redisclose the personal

1 information pursuant to paragraph (11) of subsection c. of this  
2 section subject to regulation by the commission. An organization  
3 authorized to receive personal information under paragraph (12) of  
4 subsection c. of this section may redisclose the personal information  
5 only for the purposes set forth in that paragraph.

6 e. As provided by the federal "Drivers' Privacy Protection Act  
7 of 1994," Pub.L.103-322, a person authorized to receive personal  
8 information under this section who resells or rediscloses personal  
9 information covered by the provisions of this act shall keep for a  
10 period of five years records identifying each person or entity that  
11 receives information and the permitted purpose for which the  
12 information will be used and shall make such records available to  
13 the commission upon request. Any person who receives, from any  
14 source, personal information from a motor vehicle record shall  
15 release or disclose that information only in accordance with this act.

16 f. The release of personal information under this section shall  
17 not include an individual's social security number except in  
18 accordance with applicable State or federal law.

19 (cf: P.L.2007, c.80, s.2)

20

21 13. Section 1 of P.L.1978, c.181 (C.39:3-12.2) is amended to  
22 read as follows:

23 1. a. The Chief Administrator of the New Jersey Motor Vehicle  
24 Commission shall provide with every new license, renewal license,  
25 identification card or renewal identification card the opportunity for  
26 each person pursuant to the provisions of the "Uniform Anatomical  
27 Gift Act," P.L.1969, c.161 (C.26:6-57 et al.) or any superseding or  
28 corresponding statute, to designate that the person shall donate his  
29 organs and tissues for purposes of transplantation and therapy upon  
30 his death.

31 b. The designation indicating that a person is a donor pursuant  
32 to subsection a. of this section shall be done in accordance with  
33 procedures prescribed by the chief administrator. The designation  
34 shall be displayed in print in a conspicuous form and manner on the  
35 license or identification card, and electronically, by substantially  
36 the following statement: "ORGAN DONOR" and shall constitute  
37 sufficient legal authority for the removal of a body organ or part  
38 upon the death of the licensee or identification cardholder. The  
39 designation shall be removed in accordance with procedures  
40 prescribed by the chief administrator.

41 c. (Deleted by amendment, P.L.1999, c.28).

42 d. (Deleted by amendment, P.L.2007, c.80).

43 e. The chief administrator, in consultation with those organ  
44 procurement organizations designated pursuant to 42  
45 U.S.C.s.1320b-8 to serve in the State of New Jersey, shall establish  
46 and provide an annual education program for agency employees and  
47 personnel. The program shall focus on the benefits associated with

1 organ and tissue donations, the scope and operation of New Jersey's  
2 donor program, and how the agency's employees and personnel can  
3 effectively inform the public about the donor program and can best  
4 assist those wishing to participate in the donor program, including  
5 use of the Donate Life NJ Registry, established pursuant to P.L. ,  
6 c. (C. ) (pending before the Legislature as this bill).

7 f. The chief administrator shall electronically record and store  
8 all organ donor designations and identification information, and  
9 shall provide the organ procurement organizations designated  
10 pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey  
11 with real-time electronic access to the organ donor designation  
12 information collected pursuant to subsection a. of this section. An  
13 organ procurement organization designated pursuant to 42  
14 U.S.C.s.1320b-8 to serve in the State of New Jersey, or any donor  
15 registry established by any such organization, shall have real-time  
16 electronic access to those organ donor designations and  
17 identification at all times, without exception, for the purposes of  
18 verifying organ and tissue donation status and identity. For these  
19 purposes, the federally designated organ procurement organization  
20 shall have electronic access to each recorded donor's name, address,  
21 date of birth, gender, color of eyes, height, and driver's license  
22 number. Upon request, the chief administrator shall provide a copy  
23 of the donor's original driver's license application.

24 g. Those organ procurement organizations designated pursuant  
25 to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey may  
26 contract with a third party, in consultation with the chief  
27 administrator, to assess, develop, and implement any system set-up  
28 necessary to support the initial and ongoing electronic access by  
29 those organizations to the donor designation and identification  
30 information required to be made available in accordance with the  
31 provisions of this section; however, the organ procurement  
32 organizations shall not be required to incur an aggregate cost in  
33 excess of \$50,000 for the purposes of this subsection.  
34 (cf: P.L.2007, c.80, s.1)

35  
36 14. There is appropriated \$80,000 to the Motor Vehicle  
37 Commission from the General Fund to be used for carrying out the  
38 purposes of section 7 of this act.

39  
40 15. The Chief Administrator of the Motor Vehicle Commission  
41 shall, in accordance with the "Administrative Procedure Act,"  
42 P.L.1968, c.410 (C.52:14B-1 et seq.), adopt such rules and  
43 regulations as may be necessary for the implementation of this act.  
44

45 16. This act shall take effect immediately, and section 10 shall  
46 expire upon the enactment of Assembly Bill No. 3909 (pending  
47 before the Legislature).

STATEMENT

1  
2  
3 This bill establishes the “New Jersey Hero Act,” so named to  
4 highlight the heroic act of donating one’s organs and tissues to save  
5 and enhance the lives of others.

6 2,470 New Jersey residents have died since 1997 because life-  
7 saving organs were not available to them for transplant, although  
8 the State has supported organ and tissue donation as a public policy  
9 for several decades. Given this public health crisis, a new State  
10 policy that more vigorously promotes positive donation decisions is  
11 now imperative. To that end, this bill contains two major  
12 initiatives. First, the bill mandates education for public high school  
13 and higher education, and medical school and nursing school  
14 students to dispel myths associated with organ donation, provide  
15 accurate information about organ donation, and emphasize the  
16 fundamental responsibility of individuals to take appropriate action,  
17 when able, to help save another person’s life. Second, the bill ties  
18 organ donation decision making to certain routine functions  
19 connected to the Motor Vehicle Commission (MVC). The MVC is  
20 to build upon the recently-developed Donate Life Registry so that  
21 individuals over the age of 18 will, in five years, be required to  
22 address the decision of organ donation through an Internet-based  
23 interface as a prerequisite to obtaining or renewing a driver’s  
24 license or personal identification card.

25 Both initiatives will fully involve the organ procurement  
26 organizations (OPOs) designated by the federal government to serve  
27 the State. The expectation is that these measures will effectively  
28 achieve the State’s public policy goal to significantly increase the  
29 number of organ donors in the State so that more lives can be saved  
30 and enhanced.

31 Specifically the bill provides as follows:

32  
33 **EDUCATION**

34 **High School** Beginning with the 2008-2009 school year, each  
35 board of education that operates an educational program for  
36 students in grades 9 through 12 shall provide instruction on State  
37 policy, which advocates that adults designate themselves as organ  
38 and tissue donors. The instruction is to be part of the district’s  
39 implementation of the Core Curriculum Content Standards in  
40 Comprehensive Health and Physical Education. The goals of the  
41 instruction are to emphasize the benefits of organ and tissue  
42 donation to the health and well-being of society generally, and to  
43 individuals whose lives are saved by organ and tissue donations, so  
44 that students will be motivated to make an affirmative decision to  
45 register as a donor when they become adults. In addition, the  
46 instruction is to: fully address myths and misunderstandings  
47 regarding organ and tissue donation; explain the options available



1 to adults, including the option of designating a decision-maker to  
2 make the donation decision on one's behalf; and instill an  
3 understanding of the consequences when an individual does not  
4 make a decision to become an organ donor and does not register or  
5 otherwise record a designated decision-maker. Students also will  
6 be advised that beginning five years from the date of enactment of  
7 this bill, the MVC will not issue or renew a New Jersey driver's  
8 license or personal identification card unless a prospective or  
9 renewing licensee or card holder makes an acknowledgement  
10 regarding the donor decision. Instructional materials are to be made  
11 available to private high schools, which are encouraged, but not  
12 required, to use them. All instructional materials and content shall  
13 be designed in collaboration with the States federally-designated  
14 OPOs.

15 **Higher Education** Similarly, this information is to be provided  
16 at each public institution of higher education in the State beginning  
17 with the 2008-2009 school year, either through student health  
18 services or as part of the curriculum, and the information likewise is  
19 to be prepared in collaboration with the State's federally-designated  
20 OPOs. Independent institutions of higher education in the State are  
21 encouraged to provide this information to their students.

22 **Physicians and Professional Nurses** The State board of  
23 Medical Examiners and the New Jersey Board of Nursing, in  
24 collaboration with the designated OPOs, are to prescribe by  
25 regulation requirements for physician and professional nurse  
26 training as follows:

- 27 • The curriculum in each school in this State shall include  
28 instruction in organ and tissue donation and recovery designed  
29 to address clinical aspects of the donation and recovery  
30 process.
- 31 • Completion of such instruction will be required as a condition  
32 of receiving a diploma.
- 33 • A college of medicine or nursing program which includes  
34 instruction in organ and tissue donation and recovery in its  
35 curricula shall offer such training for continuing education  
36 credit.
- 37 • A physician licensed to practice, or professional nurse  
38 registered in this State prior to the effective date of this act,  
39 who was not required to receive and did not receive such  
40 instruction as part of the practitioner's school curriculum, shall  
41 be required, as a condition of relicensure or registration  
42 renewal, to document completion of such training no later than  
43 three years after the effective date of the bill. The training  
44 may be completed through an on-line, one credit hour course  
45 developed by or for the OPOs and approved by the respective  
46 board.

- 1       •The board may waive the requirement if an applicant for  
2       relicensure demonstrates that he or she has attained the  
3       substantial equivalent of this requirement.

4       **MOTOR VEHICLE COMMISSION**

5       **Donate Life NJ Registry** Within six months after the effective  
6       date of the bill, the Chief Administrator of the MVC is to insure  
7       access by residents to an Internet-based interface, to be known as  
8       the Donate Life NJ Registry, that promotes organ and tissue  
9       donation and enables residents who are 18 years of age or older to  
10      register as donors and have their decisions immediately integrated  
11      into the current database maintained by the commission. The  
12      database shall include only affirmative donation decisions, and  
13      registration shall be provided at no cost to the registrant.

14     •Within one year of the effective date of the bill, the MVC is to  
15      establish a system which allows New Jersey holders of driver's  
16      licenses or identification cards who do not have access to the on-  
17      line Donate Life NJ Registry to add their donor designation to the  
18      registry by submitting a paper form to the commission.  
19      Registration shall be provided at no cost to the registrant.

20     • The form and content of the registry shall be designed in  
21      collaboration with the State's federally-designated OPOs.

22     • Donor information entered into the registry shall supersede any  
23      prior conflicting information provided to the registry or on the  
24      individual's driver's license or identification card.

25     • Beginning five years after the effective date of the bill, no  
26      driver's license or personal identification card shall be issued or  
27      renewed unless the applicant first addresses the issue of donation  
28      through a portal associated with the Donate Life NJ Registry or at  
29      MVC agencies and regional service centers. The portal shall be  
30      accessible to applicants seven days per week, 24 hours per day,  
31      and shall provide for adequate security to protect an individual's  
32      privacy. The form and content of the portal shall be designed in  
33      collaboration with the State's federally-designated OPOs. A  
34      resident who has not registered as an organ donor, and who seeks  
35      a driver's license or identification card or seeks renewal thereof,  
36      will have to: (1) register as an organ donor through the registry;  
37      or (2) acknowledge an understanding of the life-saving potential  
38      of organ and tissue donation, and an understanding of the  
39      consequences when an individual does not make a decision to  
40      become an organ donor and does not register or otherwise record  
41      a designated decision-maker.

42       **FUNDING FOR MVC AND EDUCATIONAL INITIATIVES**

44     • Within one year of the effective date of the bill, both the registry  
45      and the official website of the MVC shall provide links through  
46      which individuals may make voluntary contributions of \$1.00 or

- 1 more to the Organ and Tissue Donor Awareness Education Fund  
2 established by P.L.1999, c.386 (C.54A:9-25.17 et seq.).
- 3 •The bill appropriates \$80,000 to the MVC from the General Fund  
4 to establish the database and Donate Life NJ Registry interface.
  - 5 • The MVC shall collaborate with the OPOs in applying for any  
6 federal or private grants recommended by the OPOs related to  
7 developing and implementing the Donate Life NJ Registry. The  
8 Chief Administrator of the MVC shall collaborate with the OPOs  
9 to identify, and if appropriate, apply for and accept relevant  
10 grants from the federal government, or any foundation,  
11 corporation, association or individual. The MVC, and the  
12 Departments of Human Services, Health and Senior Services, and  
13 Law and Public Safety also may collaborate with the OPOs in  
14 applying for any federal or private grants recommended by the  
15 OPOs.

16

17 **OTHER PROVISIONS**

- 18 •This bill also provides that a designated decision-maker or agent  
19 at the time of the decedent's death who could have made an  
20 anatomical gift immediately before the decedent's death shall be  
21 given first priority for making a gift of a decedent's body or part.
- 22 •The bill amends a provision of the Uniform Anatomical Gift Act  
23 and provisions of the motor vehicle statutes to incorporate  
24 references to the Donate Life NJ Registry established in the bill  
25 and to ensure that any information provided to the OPOs for  
26 related educational initiatives is aggregated and non-identifying.

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

**SENATE, No. 755**

with committee amendments

**STATE OF NEW JERSEY**

DATED: FEBRUARY 14, 2008

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with amendments Senate Bill No. 755.

This bill establishes the “New Jersey Hero Act,” so named to highlight the heroic act of donating one’s organs and tissues to save and enhance the lives of others.

As amended by the committee, this bill contains two major initiatives. First, the bill mandates education for public high school, higher education, and medical school and nursing school students and professionals to dispel myths associated with organ donation, provide accurate information, and emphasize the fundamental responsibility of individuals to take appropriate action, when able, to help save another person’s life. Second, the bill ties organ donation decision-making to certain routine functions connected to the New Jersey Motor Vehicle Commission (MVC). The MVC is to build upon the recently-developed Donate Life Registry so that individuals over the age of 18 will, in five years, be required to address the decision of organ donation through an Internet-based interface as a prerequisite to obtaining or renewing a driver’s license or personal identification card.

Both initiatives will fully involve the organ procurement organizations (OPOs) designated by the federal government to serve the State. The expectation is that these measures will effectively achieve the State’s goal to significantly increase the number of organ donors in the State so that more lives can be saved and enhanced.

Specifically the bill provides as follows:

**EDUCATION**

**High School** The State Board of Education, in consultation with the organ procurement organizations, is directed to review the Core Curriculum Content Standards for Comprehensive Health and Physical Education to ensure that information about organ donation is included therein to students in grades 9 through 12, beginning with the 2008-2009 school year.

The goals of the instruction are to emphasize the benefits of organ and tissue donation to the health and well-being of society generally, and to individuals whose lives are saved by organ and tissue donations, so that students will be motivated to make an affirmative decision to register as a donor when they become adults. The instruction is to explain the options available to adults, including the option of designating a decision-maker to make the donation decision on one's behalf, and instill an understanding of the consequences when an individual does not make a decision to become an organ donor and does not register or otherwise record a designated decision-maker. Students also will be advised that beginning five years from the date of enactment of this bill, the MVC will not issue or renew a New Jersey driver's license or personal identification card unless a prospective or renewing licensee or card holder makes an acknowledgement regarding the donor decision. Instructional materials are to be made available to private high schools, which are encouraged to use them.

**Higher Education** Similarly, this information is to be provided at each public institution of higher education in the State beginning with the 2008-2009 school year, either through student health services or as part of the curriculum, and the information likewise is to be prepared in collaboration with the State's federally-designated OPOs. Independent institutions of higher education in the State are encouraged to provide this information to their students.

**Physicians and Professional Nurses** The State Board of Medical Examiners and the New Jersey Board of Nursing, in collaboration with the designated OPOs, are to prescribe by regulation requirements for physician and professional nurse training as follows:

- The curriculum in each school in this State shall include instruction in organ and tissue donation and recovery designed to address clinical aspects of the donation and recovery process.
- Completion of such instruction will be required as a condition of receiving a diploma.
- A college of medicine or nursing program which includes instruction in organ and tissue donation and recovery in its curricula shall offer such training for continuing education credit.
- A physician licensed to practice prior to the effective date of this bill, who was not required to receive and did not receive such instruction as part of the physician's school curriculum, is encouraged to complete training in organ and tissue donation and recovery no later than three years after the effective date of the bill through an on-line credit-based course developed by or for the OPOs.
- A professional nurse registered in this State prior to the effective date of this bill, who was not required to receive and did not receive such instruction as part of the nurse's school curriculum, shall be required, as a condition of license renewal, to document completion of such training no later than three years after the

effective date of the bill. The training may be completed through an on-line, one credit hour course developed by or for the OPOs and approved by the board. The board may waive this training requirement if an applicant for relicensure demonstrates that he or she has attained the substantial equivalent to the required training.

#### **MOTOR VEHICLE COMMISSION**

**Donate Life NJ Registry** Within six months after the effective date of the bill, the Chief Administrator of the MVC is to insure access by residents to an Internet-based interface, to be known as the Donate Life NJ Registry, that promotes organ and tissue donation and enables residents who are 18 years of age or older to register as donors and have their decisions immediately integrated into the current database maintained by the commission. The database shall include only affirmative donation decisions. Registration shall be provided at no cost to the registrant.

- Within one year of the effective date of the bill, the MVC is to establish a system allowing New Jersey holders of driver's licenses or identification cards who do not have access to the on-line Donate Life NJ Registry to add their donor designation to the registry by submitting a paper form to the MVC, at no cost to the registrant.
- The form and content of the registry shall be designed in collaboration with the State's federally-designated OPOs.
- Donor information entered into the registry shall supersede any prior conflicting information provided to the registry or on the individual's driver's license or identification card.
- Beginning five years after the effective date of the bill, no driver's license or personal identification card shall be issued or renewed unless the applicant first addresses the issue of donation through a portal associated with the Donate Life NJ Registry or at MVC agencies and regional service centers. The portal shall be accessible to applicants seven days per week, 24 hours per day, and shall provide for adequate security to protect an individual's privacy. The form and content of the portal shall be designed in collaboration with the OPOs. A resident who has not registered as an organ donor, and who seeks a driver's license or identification card or seeks renewal thereof, will have to: (1) register as an organ donor through the Donate Life NJ Registry; or (2) acknowledge an understanding of the life-saving potential of organ and tissue donation, and an understanding of the consequences when an individual does not make a decision to become an organ donor, and does not register or otherwise record a designated decision-maker.

### **FUNDING FOR MVC AND EDUCATIONAL INITIATIVES**

- Within one year of the effective date of the bill, both the registry and the official website of the MVC shall provide links through which individuals may make voluntary contributions of \$1.00 or more to the Organ and Tissue Donor Awareness Education Fund established by P.L.1999, c.386 (C.54A:9-25.17 et seq.).
- The MVC shall collaborate with the OPOs in applying for any federal or private grants recommended by the OPOs related to developing and implementing the Donate Life NJ Registry. The Chief Administrator of the MVC shall collaborate with the OPOs to identify, and if appropriate, apply for and accept relevant grants from the federal government, or any foundation, corporation, association or individual. The MVC, and the Departments of Human Services, Health and Senior Services, and Law and Public Safety may collaborate with the OPOs in applying for any federal or private grants recommended by the OPOs.

### **OTHER PROVISIONS**

- This bill also provides that a designated decision-maker or agent at the time of the decedent's death who could have made an anatomical gift immediately before the decedent's death shall be given first priority for making a gift of a decedent's body or part.
- The bill amends a provision of the Uniform Anatomical Gift Act and provisions of the motor vehicle statutes to incorporate references to the Donate Life NJ Registry established in the bill and to ensure that any information provided to the OPOs for related educational initiatives is aggregated and non-identifying.

### **COMMITTEE AMENDMENTS**

The committee amendments:

- revise the requirements concerning high school education on organ and tissue donation to provide that the State Board of Education, in consultation with the OPOs, shall review the Core Curriculum Content Standards for Comprehensive Health and Physical Education to ensure that information about organ donation is included therein to students in grades 9 through 12, beginning with the 2008-2009 school year;
- eliminate the requirement for continuing education for physicians in organ and tissue donation and recovery and instead, provide that physicians are encouraged to receive such training through a course developed by or for the OPOs, in collaboration with the Medical Society of New Jersey and the New Jersey Academy of Family Physicians;
- eliminate the requirement for nurses that the continuing education be in addition to existing continuing education requirements;
- eliminate the \$80,000 appropriation;

- direct the OPOs to collaborate with the Medical Society of New Jersey and the Institute of Medicine and Public Health of New Jersey to establish and conduct an ongoing Statewide organ and tissue donation awareness campaign targeted at physicians in this State; and
- make other technical amendments to the bill.

This bill was pre-filed for introduction in the 2008-2009 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

As amended, this bill is similar to Assembly Bill No. 2083 (McKeon).



# STATEMENT TO

[First Reprint]

## **SENATE, No. 755**

with Senate Floor Amendments  
(Proposed By Senator CODEY)

ADOPTED: MARCH 3, 2008

These floor amendments:

- change the starting date for requiring instruction related to organ donation for high school students from the 2008-2009 school year to the 2009-2010 school year (section 3);
- specify that information given to non-public schools be through the Department of Education non-public school liaison (section 3);
- change the starting date for providing materials on organ donation in institutions of higher education from the 2008-2009 school year to the 2009-2010 school year, and delete the requirement that the information instill “values” (section 4);
- provide that organ and tissue donation instruction for physicians be developed by or for organ procurement organizations in collaboration with professional medical organizations in the State, and delete references to specific medical organizations (section 5);
- change the deadline for the MVC to implement an Internet-based organ donation interface that is integrated into its current database from six to nine months (section 7);
- provide that residents who do not register as organ donors through the Donate Life NJ Registry “review information about,” rather than “acknowledge an understanding of,” the life-saving potential of organ and tissue donation (section 8); and
- make other technical amendments.

# ASSEMBLY, No. 2083

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED FEBRUARY 7, 2008

**Sponsored by:**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex)**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex)**

**SYNOPSIS**

“New Jersey Hero Act”; appropriates \$80,000 to MVC from General Fund.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/4/2008)**

1 AN ACT concerning organ donation, revising parts of the statutory  
2 law, and making an appropriation.

3

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

6

7 1. (New section) This act shall be known and may be cited as  
8 the “New Jersey Hero Act,” referring to individuals who donate  
9 life-saving and life-enhancing organs and tissues.

10

11 2. (New section) The Legislature finds and declares that:

12 a. For over three decades, the State of New Jersey has  
13 supported organ and tissue donation as a public policy, because one  
14 individual can save up to eight lives by donating his or her vital  
15 organs and enhance more than 50 lives by donating tissue;

16 b. Although 95% of the national population indicates support  
17 for donation, a far smaller percentage have actually made a legally  
18 binding decision to be organ and tissue donors, the result of which  
19 has been the deaths of over 74,186 people nationally and 2,470 New  
20 Jersey residents since 1997 because life-saving organs were not  
21 available to them for transplant;

22 c. A public policy supporting organ donation is no longer  
23 adequate, given the health crisis faced by more than 98,000 people  
24 awaiting life saving organ transplants nationally, of whom more  
25 than 4,000 are New Jersey residents;

26 d. A new public policy of advocacy which encourages positive  
27 donation decisions is now imperative in order to save more lives;

28 e. The health and welfare of New Jersey’s residents requires a  
29 more dynamic, comprehensive framework regarding organ  
30 donation, one with mandated educational and decisional  
31 components;

32 f. This comprehensive framework must incorporate the federal  
33 government’s charge to organ procurement organizations to work  
34 with states in educating the public so that more individuals make  
35 positive donation decisions and document those decisions;

36 g. In order to insure that more New Jersey residents become  
37 donors, it is necessary to provide curriculum in both secondary  
38 schools and institutions of higher education, as well as establish  
39 educational requirements for physicians and nurses, to dispel myths  
40 associated with organ donation, provide accurate information about  
41 the donation and recovery process, and emphasize the fundamental  
42 responsibility of individuals to take appropriate action, when able to  
43 do so, to help save another person’s life;

**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 h. It is further necessary to provide residents with an  
2 accessible, secure means using the Internet, to register as organ  
3 donors in a way that ties the donation decision to a routine but  
4 necessary function, such as the receipt of a driver's license or  
5 personal identification card, so that an interaction on the issue of  
6 organ donation occurs at or around the time New Jersey residents  
7 reach the age of majority; and

8 i. The combined initiatives provided for in this act will  
9 effectively achieve the State's public policy goal to increase the  
10 number of organ and tissue donors in the State so that more lives  
11 can be saved or enhanced.

12

13 3. (New section) a. Beginning with the 2008-2009 school  
14 year, each board of education that operates an educational program  
15 for students in grades 9 through 12 shall provide instruction on  
16 State policy which advocates that adults designate themselves as  
17 organ and tissue donors in the Donate Life NJ Registry established  
18 pursuant to section 7 of P.L. , c. (C. )(pending before the  
19 Legislature as this bill). The instruction shall take place as part of  
20 the district's implementation of the Core Curriculum Content  
21 Standards in Comprehensive Health and Physical Education, and  
22 the comprehensive health and physical education curriculum  
23 framework shall provide school districts with sample activities that  
24 may be used to support implementation of the instructional  
25 requirement.

26 (1) The goals of the instruction shall be:

27 (a) to emphasize the benefits of organ and tissue donation to the  
28 health and well-being of society generally, and to individuals whose  
29 lives are saved by organ and tissue donations, so that students will  
30 be motivated to make an affirmative decision to register as a donor  
31 when they become adults;

32 (b) to fully address myths and misunderstandings regarding  
33 organ and tissue donation;

34 (c) to explain the options available to adults, including the option  
35 of designating a decision-maker to make the donation decision on  
36 one's behalf; and

37 (d) to instill an understanding of the consequences when an  
38 individual does not make a decision to become an organ donor and  
39 does not register or otherwise record a designated decision-maker;

40 (2) The instruction shall inform students that beginning five  
41 years from the date of enactment of P.L. , c. (C. )(pending before  
42 the Legislature as this bill), the Motor Vehicle Commission will not  
43 issue or renew a New Jersey driver's license or personal  
44 identification card unless a prospective or renewing licensee or card  
45 holder makes an acknowledgement regarding the donor decision  
46 pursuant to section 8 of P.L. , c. (C. ) (pending before the  
47 Legislature as this bill).

1       b. The Commissioner of Education shall also make the  
2 instructional materials available to private schools educating  
3 students in grades 9 through 12, or any combination thereof. Such  
4 schools are encouraged to use the instructional materials at the  
5 school; however, nothing in this subsection shall be construed to  
6 require such schools to use the materials.

7       c. All instructional materials and content, and modifications  
8 made thereto, shall be designed in collaboration with the organ  
9 procurement organizations designated pursuant to 42 U.S.C.  
10 s.1320b-8 to serve in the State of New Jersey.

11  
12       4. Section 1 of P.L.2007, c.121 (C.18A:62-45) is amended to  
13 read as follows:

14       1. **[A]** a. Beginning with the 2008-2009 school year, each  
15 public institution of higher education in the State shall [make  
16 available on each campus information and materials regarding  
17 organ donation in accordance with the provisions of the "Uniform  
18 Anatomical Gift Act," P.L.1969, c.161 (C.26:6-57 et seq.). The  
19 institution shall place the information and materials in an accessible  
20 location and shall make students and staff aware of its availability]  
21 provide information to its students, either through student health  
22 services or as part of the curriculum, that emphasizes the benefits to  
23 the health and well-being of society and the lives that are saved  
24 through organ donations, and that instills knowledge and values that  
25 will enable young adults to make an informed decision about  
26 registering to become an organ donor or designating a decision-  
27 maker to make the decision on behalf of the young adult. The  
28 information shall also instill an understanding of the outcome if no  
29 decision about becoming an organ donor or designating a decision-  
30 maker is registered or otherwise recorded. The information  
31 provided shall be prepared in collaboration with the organ  
32 procurement organizations designated pursuant to 42 U.S.C.  
33 s.1320b-8 to serve in the State of New Jersey.

34       b. Beginning with the 2008-2009 school year, each  
35 independent institution of higher education in the State is  
36 encouraged to provide information to its students, either through  
37 student health services or as part of the curriculum, that emphasizes  
38 the benefits to the health and well-being of society and the lives that  
39 are saved through organ donations, and that instills knowledge and  
40 values that will enable young adults to make an informed decision  
41 about registering to become an organ donor or designating a  
42 decision-maker to make the decision on behalf of the young adult.  
43 The information shall also instill an understanding of the outcome if  
44 no decision about becoming an organ donor or designating a  
45 decision-maker is registered or otherwise recorded. The  
46 information provided shall be prepared in collaboration with the

1 organ procurement organizations designated pursuant to 42 U.S.C.  
2 s.1320b-8 to serve in the State of New Jersey.

3 (cf: P.L.2007, c.121, s.1)

4

5 5. (New section) The State Board of Medical Examiners, in  
6 collaboration with the organ procurement organizations designated  
7 pursuant to 42 U.S.C. s.1320b-8 to serve in the State of New Jersey,  
8 shall prescribe by regulation the following requirements for  
9 physician training:

10 a. The curriculum in each college of medicine in this State  
11 shall include instruction in organ and tissue donation and recovery  
12 designed to address clinical aspects of the donation and recovery  
13 process.

14 b. Completion of organ and tissue donation and recovery  
15 instruction as provided in subsection a. of this section shall be  
16 required as a condition of receiving a diploma from a college of  
17 medicine in this State.

18 c. A college of medicine which includes instruction in organ  
19 and tissue donation and recovery as provided in subsection a. of this  
20 section in its curricula shall offer such training for continuing  
21 education credit.

22 d. (1) A physician licensed to practice medicine in this State  
23 prior to the effective date of this act, who was not required to  
24 receive and did not receive instruction in organ and tissue donation  
25 and recovery as part of a medical school curriculum, shall be  
26 required, as a condition of relicensure, to document completion of  
27 such training to the satisfaction of the board no later than three  
28 years after the effective date of this act. The training may be  
29 completed through an on-line, one credit hour course developed by  
30 or for the organ procurement organizations and approved by the  
31 board.

32 The training required pursuant to this subsection shall be in  
33 addition to any continuing medical education required pursuant to  
34 section 10 of P.L.2001, c. 307 (C. 45:9-7.1 et seq.).

35 (2) The board may waive the requirement in this subsection if an  
36 applicant for relicensure demonstrates to the satisfaction of the  
37 board that the applicant has attained the substantial equivalent of  
38 this requirement through completion of a similar course in his post-  
39 secondary education which meets criteria established by regulation  
40 of the board.

41

42 6. (New section) The New Jersey Board of Nursing, in  
43 collaboration with the organ procurement organizations designated  
44 pursuant to 42 U.S.C. s.1320b-8 to serve in the State of New Jersey,  
45 shall prescribe by regulation the following requirements for  
46 professional nurse training:

47 a. The curriculum in each educational program of professional  
48 nursing in this State shall include instruction in organ and tissue

1 donation and recovery designed to address clinical aspects of the  
2 donation and recovery process.

3 b. Completion of organ and tissue donation and recovery  
4 instruction as provided in subsection a. of this section shall be  
5 required as a condition of receiving a degree or diploma, as  
6 applicable, in professional nursing from a nursing program in this  
7 State.

8 c. A nursing program which includes instruction in organ and  
9 tissue donation and recovery as provided in subsection a. of this  
10 section in its curricula shall offer such training for continuing  
11 education credit.

12 d. (1) A licensed professional nurse licensed to practice nursing  
13 in this State prior to the effective date of this act, who was not  
14 required to receive and did not receive instruction in organ and  
15 tissue donation and recovery as part of his nursing program  
16 curriculum, shall be required, as a condition of relicensure, to  
17 document completion of such training to the satisfaction of the  
18 board no later than three years after the effective date of this act.  
19 The training may be completed through an on-line, one credit hour  
20 course developed by or for the organ procurement organizations and  
21 approved by the board.

22 The training required pursuant to this subsection shall be in  
23 addition to any continuing education required by the board.

24 (2) The board may waive the requirement in this subsection if an  
25 applicant for relicensure demonstrates to the satisfaction of the  
26 board that the applicant has attained the substantial equivalent of  
27 this requirement through completion of a similar course in his post-  
28 secondary education which meets criteria established by regulation  
29 of the board.

30  
31 7. (New section) a. (1) Within six months after the effective  
32 date of P.L. , c. (C. ) (pending before the Legislature as this  
33 bill), the Chief Administrator of the Motor Vehicle Commission  
34 shall insure access by residents to an Internet-based interface that  
35 promotes organ and tissue donation and enables residents 18 years  
36 of age or older to register as donors and have their decisions  
37 immediately integrated into the current database maintained by the  
38 commission. The database shall include only affirmative donation  
39 decisions.

40 (2) Within one year of the effective date of P.L. , c. (C. )  
41 (pending before the Legislature as this bill), the commission shall  
42 establish a system which allows New Jersey holders of driver's  
43 licenses or personal identification cards who do not have access to  
44 the Internet-based interface to add their donor designation to the  
45 Donate Life NJ Registry by submitting a paper form to the  
46 commission.

47 Registration shall be provided at no cost to the registrant.

- 1       b. The database and Internet-based interface established in this  
2 section shall be known as the Donate Life NJ Registry.
- 3       c. The form and content of the Internet-based interface shall be  
4 designed in collaboration with the organ procurement organizations  
5 designated pursuant to 42 U.S.C. s.1320b-8 to serve in the State of  
6 New Jersey.
- 7       d. Donor information entered into the registry shall supersede  
8 any prior conflicting information provided to the registry or on the  
9 individual's driver's license or identification card, and pursuant to  
10 section 2 of P.L.1969, c.161 (C.26:6-58) and section 1 of P.L.1987,  
11 c.244 (C.26:6-58.1) or any subsequent statute adopted pursuant  
12 thereto, registration by a donor shall constitute sufficient  
13 authorization to donate organ and tissues for transplantation and  
14 therapy and authorization of another person shall not be necessary  
15 to effectuate the gift.
- 16       e. Within one year of the effective date of P.L. , c. (C. )  
17 (pending before the Legislature as this bill), the Donate Life NJ  
18 Registry and the official website of the commission shall provide  
19 links through which individuals may make voluntary contributions  
20 of \$1.00 or more to the Organ and Tissue Donor Awareness  
21 Education Fund established by P.L.1999, c.386 (C.54A:9-25.17 et  
22 seq.). Such opportunities shall include both electronic and paper  
23 contributions. The links shall be provided in connection with the  
24 issuance of licenses, personal identification cards, and the  
25 registration of motor vehicles.
- 26
- 27       8. (New Section) a. Beginning five years after the effective  
28 date of P.L. , c. (C. ) (pending before the Legislature as this  
29 bill), no driver's license or personal identification card shall be  
30 issued or renewed unless the applicant first addresses the issue of  
31 donation through an on-line portal connected to the Donate Life NJ  
32 Registry or at Motor Vehicle Commission agencies and regional  
33 service centers. This section shall not apply to applicants for  
34 provisional licenses or personal identification cards who are under  
35 the age of 18.
- 36       b. The portal shall be accessible to applicants seven days per  
37 week, 24 hours per day, and shall provide for adequate security to  
38 protect an individual's privacy. The form and content of the portal  
39 shall be designed in collaboration with the organ procurement  
40 organizations designated pursuant to 42 U.S.C. s.1320b-8 to serve  
41 in the State of New Jersey.
- 42       c. The portal shall require a resident who has not registered as  
43 an organ donor, and who seeks a driver's license or identification  
44 card or seeks renewal thereof, to either: (1) register as an organ  
45 donor through the Donate Life NJ Registry; or (2) acknowledge an  
46 understanding of the life-saving potential of organ and tissue  
47 donation, and an understanding of the consequences when an



1 individual does not make a decision to become an organ donor and  
2 does not register or otherwise record a designated decision-maker.

3 In addition to promoting organ and tissue donation, the portal  
4 shall provide information about the procedure for designating a  
5 decision-maker.

6 d. Any information technology system adopted by the  
7 commission after the effective date of P.L. , c. (C. )(pending  
8 before the Legislature as this bill) shall accommodate the inclusion  
9 of donor information into the database and the on-going operation  
10 of the Donate Life NJ Registry.

11  
12 9. (New section) a. For purposes of the development and  
13 implementation of the Donate Life NJ Registry, the Motor Vehicle  
14 Commission shall collaborate with the organ procurement  
15 organizations designated pursuant to 42 U.S.C. s.1320b-8 to serve  
16 in the State of New Jersey in applying for any federal or private  
17 grants recommended by the organ procurement organizations.

18 b. The Chief Administrator of the commission shall collaborate  
19 with the organ procurement organizations designated pursuant to 42  
20 U.S.C. s.1320b-8 to serve in the State of New Jersey to identify,  
21 and if appropriate, apply for and accept on behalf of the State any  
22 relevant grants from the federal government or any agency thereof,  
23 or from any foundation, corporation, association or individual. Any  
24 money so received may be expended by the commission, subject to  
25 any limitations imposed in such grants to effect any of the purposes  
26 of the commission upon warrant of the Director of the Division of  
27 Budget and Accounting of the Department of the Treasury on  
28 vouchers certified and approved by the director. The power herein  
29 granted shall be in addition to and shall in no way limit the  
30 authority granted to the chief administrator by other existing law.

31 c. The commission, and the Departments of Human Services,  
32 Health and Senior Services, and Law and Public Safety may  
33 collaborate with the organ procurement organizations designated to  
34 serve in the State of New Jersey in applying for any federal or  
35 private grants recommended by the organ procurement  
36 organizations.

37  
38 10. (New section) Notwithstanding P.L.1987, c.244 (C.26:6-  
39 58.1) to the contrary, a designated decision-maker or agent of the  
40 decedent at the time of the decedent's death who could have made  
41 an anatomical gift immediately before the decedent's death pursuant  
42 to section 7 of P.L. , c. (C. )(pending before the Legislature as  
43 this bill) shall be given first priority for making a gift of a  
44 decedent's body or part.

45  
46 11. Section 4 of P.L.1969, c.161 (C.26:6-60) is amended to read  
47 as follows:

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

7       (b) A gift of all or part of the body under section 2(a) may also  
8 be made through the Donate Life NJ Registry, established pursuant  
9 to section 7 of P.L. , c. (C. ) (pending before the Legislature  
10 as this bill) or by document other than a will. The gift becomes  
11 effective upon the death of the donor. The document, which may be  
12 a card designed to be carried on the person, must be signed by the  
13 donor. If the donor cannot sign, the document may be signed for  
14 him at his direction and in his presence in the presence of two  
15 witnesses who must sign the document in his presence. Delivery of  
16 the document of gift during the donor's lifetime is not necessary to  
17 make the gift valid.

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

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

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

45       (f) Notwithstanding any provision of law to the contrary, the  
46 intent of a decedent to give all or any part of his body as a gift  
47 pursuant to section 2(a) of P.L.1969, c.161 (C.26:6-58), as  
48 evidenced by the possession of a donor card, donor designation on a

1 driver's license, advance directive pursuant to P.L.1991, c.201  
2 (C.26:2H-53 et al.), other document of gift, or by registration with a  
3 Statewide organ and tissue donor registry, shall not be revoked by  
4 any person designated in section 2(b) of P.L.1969, c.161 (C.26:6-  
5 58), nor shall the consent of any such person at the time of the  
6 donor's death or immediately thereafter be necessary to render the  
7 gift valid and effective.

8 (cf: P.L.2007, c.80, s.3)

9

10 12. Section 2 of P.L.1997, c.188 (C.39:2-3.4) is amended to read  
11 as follows:

12 2. a. Notwithstanding the provisions of P.L.1963, c.73  
13 (C.47:1A-1 et seq.) or any other law to the contrary, except as  
14 provided in this act, the Motor Vehicle Commission and any officer,  
15 employee or contractor thereof shall not knowingly disclose or  
16 otherwise make available to any person personal information about  
17 any individual obtained by the commission in connection with a  
18 motor vehicle record.

19 b. A person requesting a motor vehicle record including  
20 personal information shall produce proper identification and shall  
21 complete and submit a written request form provided by the chief  
22 administrator for the commission's approval. The written request  
23 form shall bear notice that the making of false statements therein is  
24 punishable and shall include, but not be limited to, the requestor's  
25 name and address; the requestor's driver's license number or  
26 corporate identification number; the requestor's reason for  
27 requesting the record; the driver's license number or the name,  
28 address and birth date of the person whose driver record is  
29 requested; the license plate number or VIN number of the vehicle  
30 for which a record is requested; any additional information  
31 determined by the chief administrator to be appropriate and the  
32 requestor's certification as to the truth of the foregoing statements.  
33 Prior to the approval of the written request form, the commission  
34 may also require the requestor to submit documentary evidence  
35 supporting the reason for the request.

36 In lieu of completing a written request form for each record  
37 requested, the commission may permit a person to complete and  
38 submit for approval of the chief administrator or the chief  
39 administrator's designee, on a case by case basis, a written  
40 application form for participation in a public information program  
41 on an ongoing basis. The written application form shall bear notice  
42 that the making of false statements therein is punishable and shall  
43 include, but not be limited to, the applicant's name, address and  
44 telephone number; the nature of the applicant's business activity; a  
45 description of each of the applicant's intended uses of the  
46 information contained in the motor vehicle records to be requested;  
47 the number of employees with access to the information; the name,  
48 title and signature of the authorized company representative; and

1 any additional information determined by the chief administrator to  
2 be appropriate. The chief administrator may also require the  
3 applicant to submit a copy of its business credentials, such as  
4 license to do business or certificate of incorporation. Prior to  
5 approval by the chief administrator or the chief administrator's  
6 designee, the applicant shall certify in writing as to the truth of all  
7 statements contained in the completed application form.

8 c. Personal information shall be disclosed for use in connection  
9 with matters of motor vehicle or driver safety and theft; motor  
10 vehicle emissions; motor vehicle product alterations, recalls or  
11 advisories; performance monitoring of motor vehicles and dealers  
12 by motor vehicle manufacturers; and removal of non-owner records  
13 from the original owner records of motor vehicle manufacturers to  
14 carry out the purposes of the Automobile Information Disclosure  
15 Act, Pub.L.85-506, the Motor Vehicle Information and Cost Saving  
16 Act, Pub.L.92-513, the National Traffic and Motor Vehicle Safety  
17 Act of 1966, Pub.L.89-563, the Anti-Car Theft Act of 1992,  
18 Pub.L.102-519, and the Clean Air Act, Pub.L.88-206, and may be  
19 disclosed as follows:

20 (1) For use by any government agency, including any court or  
21 law enforcement agency in carrying out its functions, or any private  
22 person or entity acting on behalf of a federal, State or local agency  
23 in carrying out its functions.

24 (2) For use in connection with matters of motor vehicle or driver  
25 safety and theft; motor vehicle emissions; motor vehicle product  
26 alterations, recalls, or advisories; performance monitoring of motor  
27 vehicles, motor vehicle parts and dealers; motor vehicle market  
28 research activities, including survey research; and the removal of  
29 non-owner records from the original owner records of motor vehicle  
30 manufacturers.

31 (3) For use in the normal course of business by a legitimate  
32 business or its agents, employees or contractors, but only:

33 (a) to verify the accuracy of personal information submitted by  
34 the individual to the business or its agents, employees, or  
35 contractors; and

36 (b) if such information as so submitted is not correct or is no  
37 longer correct, to obtain the correct information, but only for the  
38 purposes of preventing fraud by, pursuing legal remedies against, or  
39 recovering on a debt or security interest against the individual.

40 (4) For use in connection with any civil, criminal, administrative  
41 or arbitral proceeding in any federal, State or local court or agency  
42 or before any self-regulatory body, including service of process,  
43 investigation in anticipation of litigation, and the execution or  
44 enforcement of judgments and orders, or pursuant to an order of a  
45 federal, State or local court.

46 (5) For use in educational initiatives, research activities, and for  
47 use in producing statistical reports, so long as the personal  
48 information is not published, redisclosed, or used to contact

1 individuals and, in the case of educational initiatives, only to organ  
2 procurement organizations as aggregated, non-identifying  
3 information.

4 (6) For use by any insurer or insurance support organization, or  
5 by a self-insured entity, or its agents, employees, or contractors, in  
6 connection with claims investigation activities, antifraud activities,  
7 rating or underwriting.

8 (7) For use in providing notice to the owners of towed or  
9 impounded vehicles.

10 (8) For use by an employer or its agent or insurer to obtain or  
11 verify information relating to a holder of a commercial driver's  
12 license that is required under the "Commercial Motor Vehicle  
13 Safety Act," 49 U.S.C.App.s.2710 et seq.

14 (9) For use in connection with the operation of private toll  
15 transportation facilities.

16 (10) For use by any requestor, if the requestor demonstrates it  
17 has obtained the notarized written consent of the individual to  
18 whom the information pertains.

19 (11) For product and service mail communications from  
20 automotive-related manufacturers, dealers and businesses, if the  
21 commission has implemented methods and procedures to ensure  
22 that:

23 (a) individuals are provided an opportunity, in a clear and  
24 conspicuous manner, to prohibit such uses; and

25 (b) product and service mail communications from automotive-  
26 related manufacturers, dealers and businesses will not be directed at  
27 individuals who exercise their option under subparagraph (a) of this  
28 paragraph.

29 (12) For use by an organ procurement organization designated  
30 pursuant to 42 U.S.C. s.1320b-8 to serve in the State of New Jersey,  
31 or any donor registry established by any such organization,  
32 exclusively for the purposes of determining, verifying, and  
33 recording organ and tissue donor designation and identity. For  
34 these purposes, an organ procurement organization shall have  
35 electronic access at all times, without exception, to real-time organ  
36 donor designation and identification information. An organ  
37 procurement organization may also have information for research  
38 activities, pursuant to paragraph (5) of subsection c. of this section.

39 d. As provided by the federal "Drivers' Privacy Protection Act  
40 of 1994," Pub.L.103-322, a person authorized to receive personal  
41 information under paragraphs (1) through (10) of subsection c. of  
42 this section may resell or redisclose the personal information only  
43 for a use permitted by paragraphs (1) through (10) of subsection c.  
44 of this section subject to regulation by the commission. A person  
45 authorized to receive personal information under paragraph (11) of  
46 subsection c. of this section may resell or redisclose the personal  
47 information pursuant to paragraph (11) of subsection c. of this  
48 section subject to regulation by the commission. An organization

1 authorized to receive personal information under paragraph (12) of  
2 subsection c. of this section may redisclose the personal information  
3 only for the purposes set forth in that paragraph.

4 e. As provided by the federal "Drivers' Privacy Protection Act  
5 of 1994," Pub.L.103-322, a person authorized to receive personal  
6 information under this section who resells or rediscloses personal  
7 information covered by the provisions of this act shall keep for a  
8 period of five years records identifying each person or entity that  
9 receives information and the permitted purpose for which the  
10 information will be used and shall make such records available to  
11 the commission upon request. Any person who receives, from any  
12 source, personal information from a motor vehicle record shall  
13 release or disclose that information only in accordance with this act.

14 f. The release of personal information under this section shall  
15 not include an individual's social security number except in  
16 accordance with applicable State or federal law.

17 (cf: P.L.2007, c.80, s.2)

18

19 13. Section 1 of P.L.1978, c.181 (C.39:3-12.2) is amended to  
20 read as follows:

21 1. a. The Chief Administrator of the New Jersey Motor  
22 Vehicle Commission shall provide with every new license, renewal  
23 license, identification card or renewal identification card the  
24 opportunity for each person pursuant to the provisions of the  
25 "Uniform Anatomical Gift Act," P.L.1969, c.161 (C.26:6-57 et al.)  
26 or any superseding or corresponding statute, to designate that the  
27 person shall donate his organs and tissues for purposes of  
28 transplantation and therapy upon his death.

29 b. The designation indicating that a person is a donor pursuant  
30 to subsection a. of this section shall be done in accordance with  
31 procedures prescribed by the chief administrator. The designation  
32 shall be displayed in print in a conspicuous form and manner on the  
33 license or identification card, and electronically, by substantially  
34 the following statement: "ORGAN DONOR" and shall constitute  
35 sufficient legal authority for the removal of a body organ or part  
36 upon the death of the licensee or identification cardholder. The  
37 designation shall be removed in accordance with procedures  
38 prescribed by the chief administrator.

39 c. (Deleted by amendment, P.L.1999, c.28).

40 d. (Deleted by amendment, P.L.2007, c.80).

41 e. The chief administrator, in consultation with those organ  
42 procurement organizations designated pursuant to 42 U.S.C.  
43 s.1320b-8 to serve in the State of New Jersey, shall establish and  
44 provide an annual education program for agency employees and  
45 personnel. The program shall focus on the benefits associated with  
46 organ and tissue donations, the scope and operation of New Jersey's  
47 donor program, and how the agency's employees and personnel can  
48 effectively inform the public about the donor program and can best

1 assist those wishing to participate in the donor program, including  
2 use of the Donate Life NJ Registry, established pursuant to P.L. \_\_\_\_\_,  
3 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill).

4 f. The chief administrator shall electronically record and store  
5 all organ donor designations and identification information, and  
6 shall provide the organ procurement organizations designated  
7 pursuant to 42 U.S.C. s.1320b-8 to serve in the State of New Jersey  
8 with real-time electronic access to the organ donor designation  
9 information collected pursuant to subsection a. of this section. An  
10 organ procurement organization designated pursuant to 42 U.S.C.  
11 s.1320b-8 to serve in the State of New Jersey, or any donor registry  
12 established by any such organization, shall have real-time electronic  
13 access to those organ donor designations and identification at all  
14 times, without exception, for the purposes of verifying organ and  
15 tissue donation status and identity. For these purposes, the  
16 federally designated organ procurement organization shall have  
17 electronic access to each recorded donor's name, address, date of  
18 birth, gender, color of eyes, height, and driver's license number.  
19 Upon request, the chief administrator shall provide a copy of the  
20 donor's original driver's license application.

21 g. Those organ procurement organizations designated pursuant  
22 to 42 U.S.C. s.1320b-8 to serve in the State of New Jersey may  
23 contract with a third party, in consultation with the chief  
24 administrator, to assess, develop, and implement any system set-up  
25 necessary to support the initial and ongoing electronic access by  
26 those organizations to the donor designation and identification  
27 information required to be made available in accordance with the  
28 provisions of this section; however, the organ procurement  
29 organizations shall not be required to incur an aggregate cost in  
30 excess of \$50,000 for the purposes of this subsection.  
31 (cf: P.L.2007, c.80, s.1)

32

33 14. There is appropriated \$80,000 to the Motor Vehicle  
34 Commission from the General Fund to be used for carrying out the  
35 purposes of section 7 of this act.

36

37 15. The Chief Administrator of the Motor Vehicle Commission  
38 shall, in accordance with the "Administrative Procedure Act,"  
39 P.L.1968, c.410 (C.52:14B-1 et seq.), adopt such rules and  
40 regulations as may be necessary for the implementation of this act.

41

42 16. This act shall take effect immediately, and section 10 shall  
43 expire upon the enactment of Assembly Bill No. 1863 (pending  
44 before the Legislature).

## STATEMENT

1  
2  
3 This bill establishes the “New Jersey Hero Act,” so named to  
4 highlight the heroic act of donating one’s organs and tissues to save  
5 and enhance the lives of others.

6 2,470 New Jersey residents have died since 1997 because life-  
7 saving organs were not available to them for transplant, although  
8 the State has supported organ and tissue donation as a public policy  
9 for several decades. Given this public health crisis, a new State  
10 policy that more vigorously promotes positive donation decisions is  
11 now imperative. To that end, this bill contains two major  
12 initiatives. First, the bill mandates education for public high school  
13 and higher education, and medical school and nursing school  
14 students to dispel myths associated with organ donation, provide  
15 accurate information about organ donation, and emphasize the  
16 fundamental responsibility of individuals to take appropriate action,  
17 when able, to help save another person’s life. Second, the bill ties  
18 organ donation decision making to certain routine functions  
19 connected to the Motor Vehicle Commission (MVC). The MVC is  
20 to build upon the recently-developed Donate Life Registry so that  
21 individuals over the age of 18 will, in five years, be required to  
22 address the decision of organ donation through an Internet-based  
23 interface as a prerequisite to obtaining or renewing a driver’s  
24 license or personal identification card.

25 Both initiatives will fully involve the organ procurement  
26 organizations (OPOs) designated by the federal government to serve  
27 the State. The expectation is that these measures will effectively  
28 achieve the State’s public policy goal to significantly increase the  
29 number of organ donors in the State so that more lives can be saved  
30 and enhanced.

31 Specifically the bill provides as follows:  
32

**EDUCATION**

33  
34 **High School** Beginning with the 2008-2009 school year, each  
35 board of education that operates an educational program for  
36 students in grades 9 through 12 shall provide instruction on State  
37 policy, which advocates that adults designate themselves as organ  
38 and tissue donors. The instruction is to be part of the district’s  
39 implementation of the Core Curriculum Content Standards in  
40 Comprehensive Health and Physical Education. The goals of the  
41 instruction are to emphasize the benefits of organ and tissue  
42 donation to the health and well-being of society generally, and to  
43 individuals whose lives are saved by organ and tissue donations, so  
44 that students will be motivated to make an affirmative decision to  
45 register as a donor when they become adults. In addition, the  
46 instruction is to: fully address myths and misunderstandings  
47 regarding organ and tissue donation; explain the options available  
48 to adults, including the option of designating a decision-maker to



1 make the donation decision on one's behalf; and instill an  
2 understanding of the consequences when an individual does not  
3 make a decision to become an organ donor and does not register or  
4 otherwise record a designated decision-maker. Students also will  
5 be advised that beginning five years from the date of enactment of  
6 this bill, the MVC will not issue or renew a New Jersey driver's  
7 license or personal identification card unless a prospective or  
8 renewing licensee or card holder makes an acknowledgement  
9 regarding the donor decision. Instructional materials are to be made  
10 available to private high schools, which are encouraged, but not  
11 required, to use them. All instructional materials and content shall  
12 be designed in collaboration with the States federally-designated  
13 OPOs.

14 **Higher Education** Similarly, this information is to be provided  
15 at each public institution of higher education in the State beginning  
16 with the 2008-2009 school year, either through student health  
17 services or as part of the curriculum, and the information likewise is  
18 to be prepared in collaboration with the State's federally-designated  
19 OPOs. Independent institutions of higher education in the State are  
20 encouraged to provide this information to their students.

21 **Physicians and Professional Nurses** The State board of  
22 Medical Examiners and the New Jersey Board of Nursing, in  
23 collaboration with the designated OPOs, are to prescribe by  
24 regulation requirements for physician and professional nurse  
25 training as follows:

- 26 •The curriculum in each school in this State shall include  
27 instruction in organ and tissue donation and recovery designed  
28 to address clinical aspects of the donation and recovery  
29 process.
- 30 • Completion of such instruction will be required as a condition  
31 of receiving a diploma.
- 32 •A college of medicine or nursing program which includes  
33 instruction in organ and tissue donation and recovery in its  
34 curricula shall offer such training for continuing education  
35 credit.
- 36 •A physician licensed to practice, or professional nurse  
37 registered in this State prior to the effective date of this act,  
38 who was not required to receive and did not receive such  
39 instruction as part of the practitioner's school curriculum, shall  
40 be required, as a condition of relicensure or registration  
41 renewal, to document completion of such training no later than  
42 three years after the effective date of the bill. The training  
43 may be completed through an on-line, one credit hour course  
44 developed by or for the OPOs and approved by the respective  
45 board.
- 46 •The board may waive the requirement if an applicant for  
47 relicensure demonstrates that he or she has attained the  
48 substantial equivalent of this requirement.

**1 MOTOR VEHICLE COMMISSION**

2 **Donate Life NJ Registry** Within six months after the effective  
3 date of the bill, the Chief Administrator of the MVC is to insure  
4 access by residents to an Internet-based interface, to be known as  
5 the Donate Life NJ Registry, that promotes organ and tissue  
6 donation and enables residents who are 18 years of age or older to  
7 register as donors and have their decisions immediately integrated  
8 into the current database maintained by the commission. The  
9 database shall include only affirmative donation decisions, and  
10 registration shall be provided at no cost to the registrant.

- 11 • Within one year of the effective date of the bill, the MVC is to  
12 establish a system which allows New Jersey holders of driver's  
13 licenses or identification cards who do not have access to the on-  
14 line Donate Life NJ Registry to add their donor designation to the  
15 registry by submitting a paper form to the commission.  
16 Registration shall be provided at no cost to the registrant.
- 17 • The form and content of the registry shall be designed in  
18 collaboration with the State's federally-designated OPOs.
- 19 • Donor information entered into the registry shall supersede any  
20 prior conflicting information provided to the registry or on the  
21 individual's driver's license or identification card.
- 22 • Beginning five years after the effective date of the bill, no  
23 driver's license or personal identification card shall be issued or  
24 renewed unless the applicant first addresses the issue of donation  
25 through a portal associated with the Donate Life NJ Registry or at  
26 MVC agencies and regional service centers. The portal shall be  
27 accessible to applicants seven days per week, 24 hours per day,  
28 and shall provide for adequate security to protect an individual's  
29 privacy. The form and content of the portal shall be designed in  
30 collaboration with the State's federally-designated OPOs. A  
31 resident who has not registered as an organ donor, and who seeks  
32 a driver's license or identification card or seeks renewal thereof,  
33 will have to: (1) register as an organ donor through the registry;  
34 or (2) acknowledge an understanding of the life-saving potential  
35 of organ and tissue donation, and an understanding of the  
36 consequences when an individual does not make a decision to  
37 become an organ donor and does not register or otherwise record  
38 a designated decision-maker.

39

**40 FUNDING FOR MVC AND EDUCATIONAL INITIATIVES**

- 41 • Within one year of the effective date of the bill, both the registry  
42 and the official website of the MVC shall provide links through  
43 which individuals may make voluntary contributions of \$1.00 or  
44 more to the Organ and Tissue Donor Awareness Education Fund  
45 established by P.L.1999, c.386 (C.54A:9-25.17 et seq.).
- 46 • The bill appropriates \$80,000 to the MVC from the General Fund  
47 to establish the database and Donate Life NJ Registry interface.

- 1 • The MVC shall collaborate with the OPOs in applying for any  
2 federal or private grants recommended by the OPOs related to  
3 developing and implementing the Donate Life NJ Registry. The  
4 Chief Administrator of the MVC shall collaborate with the OPOs  
5 to identify, and if appropriate, apply for and accept relevant  
6 grants from the federal government, or any foundation,  
7 corporation, association or individual. The MVC, and the  
8 Departments of Human Services, Health and Senior Services, and  
9 Law and Public Safety also may collaborate with the OPOs in  
10 applying for any federal or private grants recommended by the  
11 OPOs.

12

13 **OTHER PROVISIONS**

- 14 • This bill also provides that a designated decision-maker or agent  
15 at the time of the decedent's death who could have made an  
16 anatomical gift immediately before the decedent's death shall be  
17 given first priority for making a gift of a decedent's body or part.
- 18 • The bill amends a provision of the Uniform Anatomical Gift Act  
19 and provisions of the motor vehicle statutes to incorporate  
20 references to the Donate Life NJ Registry established in the bill  
21 and to ensure that any information provided to the OPOs for  
22 related educational initiatives is aggregated and non-identifying.

# ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 2083

with committee amendments

# STATE OF NEW JERSEY

DATED: MARCH 3, 2008

The Assembly Health and Senior Services Committee reports favorably and with committee amendments Assembly Bill No. 2083.

As amended by the committee, this bill, which is dedicated as the “New Jersey Hero Act” in order to highlight the heroic act of donating one’s organs and tissues to save and enhance the lives of others, provides two major initiatives to encourage organ and tissue donation.

These initiatives are as follows:

(1) The bill mandates education for public high school, higher education, and medical school and nursing school students and professionals to dispel myths associated with organ donation, provide accurate information, and emphasize the fundamental responsibility of individuals to take appropriate action, when able, to help save another person’s life.

(2) The bill ties organ donation decision-making to certain routine functions connected to the New Jersey Motor Vehicle Commission (MVC). The MVC is to build upon the recently-developed Donate Life Registry so that individuals over 18 years of age will, in five years, be required to address the decision of organ donation through an Internet-based interface as a prerequisite to obtaining or renewing a driver’s license or personal identification card.

Both initiatives will fully involve the organ procurement organizations (OPOs) designated by the federal government to serve the State, and it is expected that these measures will effectively achieve the State goal of significantly increasing the number of organ donors in New Jersey so that more lives can be saved and enhanced.

Specifically, the bill provides as follows:

#### **EDUCATION**

**High School:** The State Board of Education, in consultation with the OPOs, is directed to review the Core Curriculum Content Standards for Comprehensive Health and Physical Education to ensure that information about organ donation is included therein to students in grades 9 through 12, beginning with the 2009-2010 school year.

The goals of the instruction are to emphasize the benefits of organ and tissue donation to the health and well-being of society generally, and to individuals whose lives are saved by organ and tissue donations, so that students will be motivated to make an affirmative decision to register as a donor when they become adults. The instruction is to explain the options available to adults, including the option of designating a decision-maker to make the donation decision on one's behalf, and instill an understanding of the consequences when an individual does not make a decision to become an organ donor and does not register or otherwise record a designated decision-maker. Students will also be advised that, beginning five years from the date of enactment of this bill, the MVC will not issue or renew a New Jersey driver's license or personal identification card unless a prospective or renewing licensee or card holder makes an acknowledgement regarding the donor decision.

The non-public school liaison in the Department of Education is to make the instructional materials available to private high schools, which are encouraged to use them.

**Higher Education:** Similarly, this information is to be provided at each public institution of higher education in the State beginning with the 2009-2010 school year, either through student health services or as part of the curriculum, and the information likewise is to be prepared in collaboration with the State's federally-designated OPOs. Independent institutions of higher education in this State are encouraged to provide this information to their students.

**Physicians and Professional Nurses:** The State Board of Medical Examiners and the New Jersey Board of Nursing, in collaboration with the designated OPOs, are to prescribe by regulation requirements for physician and professional nurse training, as follows:

- The curriculum in each school in this State is to include instruction in organ and tissue donation and recovery designed to address clinical aspects of the donation and recovery process.
- Completion of such instruction will be required as a condition of receiving a diploma.
- A college of medicine or nursing program which includes instruction in organ and tissue donation and recovery in its curricula is to offer such training for continuing education credit.
- A physician licensed to practice prior to the effective date of this bill, who was not required to receive and did not receive such instruction as part of the physician's school curriculum, is encouraged to complete training in organ and tissue donation and recovery no later than three years after the effective date of the bill through an on-line credit-based course developed by or for the OPOs in collaboration with professional medical organizations in the State.
- A professional nurse registered in this State prior to the effective date of this bill, who was not required to receive and did not

receive such instruction as part of the nurse's school curriculum, is required, as a condition of license renewal, to document completion of such training no later than three years after the effective date of the bill. The training may be completed through an on-line, one credit hour course developed by or for the OPOs and approved by the board. The board may waive this training requirement for an applicant for relicensure who demonstrates attainment of substantially equivalent training.

### **NEW JERSEY MOTOR VEHICLE COMMISSION**

**Donate Life NJ Registry:** Within nine months after the effective date of the bill, the Chief Administrator of the MVC is to insure access by residents to an Internet-based interface, to be known as the Donate Life NJ Registry, that promotes organ and tissue donation and enables residents who are 18 years of age or older to register as donors and have their decisions immediately integrated into the current database maintained by the commission. The database will include only affirmative donation decisions. Registration is to be provided at no cost to the registrant.

- Within one year of the effective date of the bill, the MVC is to establish a system allowing New Jersey holders of driver's licenses or identification cards who do not have access to the on-line Donate Life NJ Registry to add their donor designation to the registry by submitting a paper form to the MVC, at no cost to the registrant.
- The form and content of the registry is to be designed in collaboration with the State's federally-designated OPOs.
- Donor information entered into the registry is to supersede any prior conflicting information provided to the registry or on the individual's driver's license or identification card.
- Beginning five years after the effective date of the bill, no driver's license or personal identification card is to be issued or renewed unless the applicant first addresses the issue of donation through a portal associated with the Donate Life NJ Registry or at MVC agencies and regional service centers. The portal is to be accessible to applicants seven days per week, 24 hours per day, and to provide for adequate security to protect an individual's privacy. The form and content of the portal are to be designed in collaboration with the OPOs. A resident who has not registered as an organ donor, and who seeks a driver's license or identification card or seeks renewal thereof, will have to: (1) register as an organ donor through the Donate Life NJ Registry; or (2) review information about the life-saving potential of organ and tissue donation and the consequences when an individual does not make a decision to become an organ donor, and does not register or otherwise record a designated decision-maker.

### **FUNDING FOR MVC AND EDUCATIONAL INITIATIVES**

- Within one year of the effective date of the bill, both the registry and the official website of the MVC are to provide links through which individuals may make voluntary contributions of \$1.00 or more to the Organ and Tissue Donor Awareness Education Fund established pursuant to P.L.1999, c.386 (C.54A:9-25.17 et seq.).
- The MVC is to collaborate with the OPOs in applying for any federal or private grants recommended by the OPOs related to developing and implementing the Donate Life NJ Registry. The Chief Administrator of the MVC is to collaborate with the OPOs to identify, and if appropriate, apply for and accept relevant grants from the federal government, or any foundation, corporation, association or individual. The MVC, and the Departments of Human Services, Health and Senior Services, and Law and Public Safety may collaborate with the OPOs in applying for any federal or private grants recommended by the OPOs.

### **OTHER PROVISIONS**

- This bill also provides that a designated decision-maker or agent at the time of the decedent's death who could have made an anatomical gift immediately before the decedent's death is to be given first priority for making a gift of a decedent's body or part.
- The bill amends a provision of the "Uniform Anatomical Gift Act" and provisions of the motor vehicle statutes to incorporate references to the Donate Life NJ Registry established in the bill and to ensure that any information provided to the OPOs for related educational initiatives is aggregated and non-identifying.

As reported by the committee, this bill is identical to Senate Bill No. 755 (2R) (Codey/Vitale), which is currently pending before the Senate.

### **COMMITTEE AMENDMENTS**

The committee amendments to the bill:

- revise the requirements concerning high school education on organ and tissue donation to provide that the State Board of Education, in consultation with the OPOs, is to review the Core Curriculum Content Standards for Comprehensive Health and Physical Education to ensure that information about organ donation is included therein to students in grades 9 through 12, beginning with the 2009-2010 school year, rather than with the 2008-2009 school year;
- specify that information is to be given to non-public schools through the Department of Education non-public school liaison;

- change the starting date for providing materials on organ donation in institutions of higher education from the 2008-2009 school year to the 2009-2010 school year;
- eliminate the requirement for continuing education for physicians in organ and tissue donation and recovery and, instead, provide that physicians are encouraged to receive such training through a course developed by or for the OPOs in collaboration with professional medical organizations;
- eliminate the requirement for nurses that the continuing education be in addition to existing continuing education requirements;
- change the deadline for the MVC to implement an Internet-based organ donation interface that is integrated into its current database from six to nine months after the bill's effective date;
- provide that residents who do not register as organ donors through the Donate Life NJ Registry "review information about," rather than "acknowledge an understanding of," the life-saving potential of organ and tissue donation;
- eliminate the \$80,000 appropriation to the MVC; and
- direct the OPOs to collaborate with the Medical Society of New Jersey and the Institute of Medicine and Public Health of New Jersey to establish and conduct an ongoing Statewide organ and tissue donation awareness campaign targeted at physicians in this State.



JON S. CORZINE  
*Governor*

**For Immediate Release:**

**Date:** July 22, 2008

**For More Information:**

Sean Darcy

Jim Gardner

**Phone:** 609-777-2600

[Acting Governor Codey Signs New Jersey Hero Act](#)

***Establishes State as Pioneer in Organ Donation***

**LIVINGSTON** – Acting Governor Richard J. Codey today signed legislation that forges New Jersey’s standing as a pioneer in organ donation by requiring residents to make organ donation decisions before applying for a driver’s license and requires mandatory organ donation education for high school students.

“Our goal is to generate a collective awareness about the importance of organ donation so that those who want to donate will. Ultimately, we want to move this important conversation out of the emergency room, where illness and injury already create a profound burden, and into the living room, where a thoughtful and deliberate decision can be reached without the pain of loss looming on the horizon. Hopefully, one day organ donation will no longer be an afterthought, but a forethought,” said Acting Governor Codey.

The bill, S755/A2083 also known as the “New Jersey Hero Act,” creates an interactive component to the already existing Donate Life Registry provided by the New Jersey Motor Vehicle Commission (MVC). Approximately 23.53 % of New Jersey drivers/ID holders currently have the donor designation.

With the legislation every resident 18 years of age or older applying for a driver’s license or identification card is required to answer a few simple, yet potentially life-saving questions, regarding organ donation. If an individual is not ready to make that decision, they may designate a decision maker on their behalf. The designated decision maker component is not recorded in the MVC database, but will act much like a living will. If a person does not wish to become a donor or designate a decision maker on their behalf, they must check off a box acknowledging that they have reviewed the importance of making an organ donation decision. This process will be available in nine

months but will not be mandatory for five years in order to allow for adequate public education.

Overall, the measure is a crucial component to increasing the number of organ donors in the Garden State because it alleviates certain fears that the donor decision will affect the quality of care received in an emergency room.

“The death of a loved one can be devastating to a family, but families of organ donors at least have a measure of solace in knowing their loved one’s final act was to give the gift of life to someone else in need,” said Senator Joseph F. Vitale (D-Middlesex), a sponsor of the Hero Act and Chair of the Senate Health Committee. “Through these new laws, we’re raising the dialogue about organ donation, and ensuring that New Jerseyans talk to their loved ones about the possibility of becoming a donor. By increasing awareness of organ donation programs, we can maximize participation and save lives.”

The bill also incorporates a comprehensive education component at the high school and collegiate levels. Under the NJ Hero Act, New Jersey is the first state to incorporate mandatory organ donation education into the high school core curriculum, beginning with the 2009-2010 school year. At the collegiate level, institutions of higher education will be required to provide information on New Jersey’s organ donor policies through student health services.

“By increasing outreach and education, all New Jerseyans will be able to make better-informed decisions regarding organ and tissue donation,” said Assemblyman McKeon (D-Essex). “Ensuring every resident knows the vital importance of organ donation will make it easier for many more people to take the simple but truly heroic step that can help save a life.”

As of March 2008, 4,341 New Jersey residents were awaiting organ transplants. In 2007, 692 New Jersey residents received 696 lifesaving organ transplants; 195 New Jersey residents became organ donors that same year. More than 2,470 New Jersey residents have died on the organ donor waiting list over the last 10 years.

Assembly sponsors of the bill include Assemblymen John F. McKeon (D-Essex), Albert Coutinho (D-Essex/Union) and Patrick Diegnan, Jr. (D-Middlesex) and Assemblywoman Mila M. Jasey (D-Essex).

The second piece of legislation signed, S753/A1935, the "Anatomical Research Recovery Organization Act," provides substantial oversight of the disposition and use of human bodies and parts donated for education and research. Prior to the bill, very little regulation existed with regard to who may recover, or distribute these donations.

A body, part, or tissue, once gifted to an unlicensed, unregistered, unregulated entity may be virtually untraceable. With this legislation, anatomical research recovery organizations are now required to register with the New Jersey Department of Health and Senior Services (DHSS) and establish and follow certain standards for operation.

Codey and Senator Barbara Buono (D-Middlesex) are primary sponsors of S753/A1935. Assembly sponsors include Assemblyman Herb Conaway, Jr., (D-Burlington) and Assemblywoman Valerie Vainieri Huttle (D-Bergen).

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Senate President Richard J. Codey (D-Essex) is serving as Acting Governor while Governor Jon S. Corzine is in Israel.