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No

NEWSPAPER ARTICLES:

No

LAW

§§1-9 -
C.26:6-68 to
26:6-76
§10 - Note to
§§1-9

P.L. 2008, CHAPTER 49, *approved July 22, 2008*
Senate, No. 753 (*First Reprint*)

1 AN ACT concerning anatomical gifts for educational and research
2 use and supplementing Title 26 of the Revised Statutes.

3

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

6

7 1. This act shall be known and may be cited as the "Anatomical
8 Research Recovery Organization Act."

9

10 2. It is the public policy of this State to safeguard the health and
11 well-being of its citizens, and to ensure the respectful and
12 consensual disposition and use of human bodies and parts donated
13 for education, research, and the advancement of medical, dental, or
14 mortuary science. The need for and use of such anatomical gifts for
15 education, research, and the advancement of medical, dental, or
16 mortuary science is of sufficient frequency so as to require that
17 minimum standards for anatomical research recovery organizations
18 be established.

19

20 3. As used in this act:

21 "Anatomical research recovery organization" means a nonprofit
22 corporation engaged in the recovery of a human body or part
23 donated for education, research, or the advancement of medical,
24 dental, or mortuary science pursuant to P.L.1969, c.161 (C.26:6-57
25 et seq.) 'or any subsequent statute adopted pursuant thereto'¹, where
26 part or all of the recovery takes place in this State. Anatomical
27 research recovery organization shall not include an accredited
28 institution of higher education in this State that uses an anatomical
29 gift for its own educational or research purposes and is not engaged
30 in the distribution of a human body or part to another person or
31 entity.

32 "Commissioner" means the Commissioner of Health and Senior
33 Services.

34 "Department" means the Department of Health and Senior
35 Services.

36 "Distribution" means the removal of a human body or part from
37 a storage location to any other location for educational or research
38 use, or the advancement of medical, dental, or mortuary science.

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:

¹Senate SHH committee amendments adopted February 14, 2008.

1 “Education” means the use of the whole body or parts for
2 purposes of teaching or training individuals, including medical or
3 dental professionals and students, with regard to the anatomy and
4 characteristics of the human body.

5 “Human body part” or “part” means organs, tissues, eyes, bones,
6 blood vessels, and any other portions of a deceased human body
7 which are subject to an anatomical gift pursuant to P.L.1969, c.161
8 (C.26:6-57 et seq.) ‘or any subsequent statute adopted pursuant
9 thereto¹, but does not include blood collected pursuant to P.L.1945,
10 c.301 (C.26:2A-1 et seq.).

11 “Recovery” means the obtaining of a human body or part,
12 including, but not limited to, determining or obtaining consent or
13 authorization for donation of the human body or part, performing
14 surgical or other technical procedures for recovering the body or
15 part, and processing the body or part. Recovery does not include
16 actions taken by a medical examiner or coroner as part of his
17 professional duties.

18 “Research” means the conduct of scientific testing and
19 observation designed to result in the acquisition of generalizable
20 knowledge. Research does not include an autopsy or other
21 investigation conducted for the purpose of obtaining information
22 related to the decedent.

23

24 4. a. No person shall engage in the recovery of a human body or
25 part donated in this State for education, research, or the
26 advancement of medical, dental, or mortuary science pursuant to
27 P.L.1969, c.161 (C.26:6-57 et seq.) ‘or any subsequent statute
28 adopted pursuant thereto¹, unless the person is registered as an
29 anatomical research recovery organization with the Department of
30 Health and Senior Services pursuant to this act.

31 The registration required pursuant to this act shall be in addition
32 to any license or permit required by a local board of health, other
33 local health agency, or any State or federal agency.

34 b. The registration shall be valid for a one-year period and may
35 be renewed subject to compliance with the requirements of this act.
36 The commissioner shall establish such registration and renewal fees
37 as may be reasonable and necessary to carry out the purposes of this
38 act.

39 c. The commissioner may enter and inspect the premises of any
40 anatomical research recovery organization and the books and
41 records as is reasonably necessary to carry out the provisions of this
42 act.

43

44 5. An anatomical research recovery organization operating in
45 this State shall demonstrate compliance with the following
46 requirements:

1 a. A physician licensed in this State or the state in which the
2 organization is incorporated shall serve as medical director, and
3 shall be responsible for ensuring compliance with the provisions of
4 this act, the hiring of qualified personnel, and the maintenance of
5 records required under this act.

6 b. The organization shall be a federally tax-exempt nonprofit
7 corporation.

8 c. The organization shall create, compile, or maintain a complete
9 record on each donor from which it recovers a human body or part
10 for educational or research purposes or the advancement of medical,
11 dental or mortuary science, which shall include, at a minimum:

12 (1) documentation that the donor has designated the anatomical
13 gift for educational or research purposes or for the advancement of
14 medical, dental, or mortuary science, as specified in section 3 of
15 P.L.1969, c.161 (C.26:6-59) 'or any subsequent statute adopted
16 pursuant thereto¹. The documentation may be in the form of a
17 signed document of gift, or verifiable documentation that taped
18 telephonic consent has been obtained;

19 (2) documentation of the identity and address of each entity
20 which has been in possession of the human body or part prior to the
21 organization, such as a funeral home, coroner, hospital, organ
22 procurement organization, or tissue bank; and

23 (3) documentation of the use and disposition of each human
24 body or part, including the name and address of each person who
25 receives a human body or part directly from the organization.

26

27 6. It shall be a violation of this act for any person to obstruct,
28 hinder, delay or interfere, by force or otherwise, with the
29 performance by the commissioner of any duty under the provisions
30 of this act.

31

32 7. If the commissioner has reason to believe that a condition
33 exists or has occurred at an anatomical research recovery
34 organization in violation of the provisions of this act, which is
35 dangerous to the public health, he may order the organization to
36 correct the violation and may immediately suspend the registration
37 of the organization until the correction is completed. If a registrant
38 denies that a violation exists or has occurred, the registrant shall
39 have the right to apply to the commissioner for a hearing. The
40 hearing shall be held and a decision rendered within 48 hours of the
41 receipt of the request. If the commissioner rules against the
42 registrant, the registrant may apply to a court of competent
43 jurisdiction for injunctive relief against the commissioner's order.

44

45 8. a. Any person who violates the provisions of this act or an
46 order of the commissioner shall be liable for the first offense to a
47 penalty of not more than \$1,000, and for the second and each

1 succeeding offense for a penalty of not more than \$5,000. The
2 penalties shall be sued for and collected in a summary proceeding in
3 accordance with “Penalty Enforcement Law of 1999,” P.L.1999,
4 c.274 (C.2A-58-10 et seq.).

5 b. In addition to any civil penalties provided under this section,
6 the commissioner may suspend or revoke a registration made
7 pursuant to this act for a violation of any provision of this act.

8 c. Except as provided in section 7 of this act, before denying to
9 grant or renew a registration, or suspending or revoking a
10 registration, pursuant to this act, the commissioner shall provide
11 notice of the denial, revocation, or suspension, together with a
12 specification of charges to the applicant or registrant, personally or
13 by certified mail to the address of record, and the notice shall set
14 forth the particular reasons for the denial, suspension, or revocation.
15 The denial, suspension, or revocation shall become effective 30
16 days after mailing, unless the applicant or registrant, within the 30-
17 day period, meets the requirements of the department or files with
18 the department a written answer to the charges and gives written
19 notice to the department of its desire for a hearing, in which case
20 the denial, suspension, or revocation may be held in abeyance until
21 the hearing has been concluded and a final decision rendered by the
22 commissioner.

23 The commissioner shall afford the applicant or registrant an
24 opportunity for a prompt hearing on the question of the granting,
25 suspension, or revocation of the registration. The procedure
26 governing the hearing shall be in accordance with the rules and
27 regulations of the department. Either party may be represented by
28 counsel of its own choosing, and has the right to subpoena
29 witnesses and to compel their attendance on forms furnished by the
30 department. The commissioner shall render a written decision
31 stating conclusions and reasons therefor.

32

33 9. The commissioner shall adopt rules and regulations pursuant
34 to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-
35 1 et seq.) to carry out the purposes of this act. The regulations may
36 specify qualifications for personnel, including the medical director,
37 employed at an anatomical research recovery organization and
38 standards related to recovery of human bodies or parts.

39

40 10. This act shall take effect on the 180th day following
41 enactment.

42

43

44

45

46 _____
47 Requires anatomical research recovery organizations to register
with DHSS.

SENATE, No. 753

STATE OF NEW JERSEY
213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex)

Co-Sponsored by:

Senator Gordon

SYNOPSIS

Requires anatomical research recovery organizations to register with DHSS.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



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

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14 mortuary science. The need for and use of such anatomical gifts for
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16 mortuary science is of sufficient frequency so as to require that
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18 be established.

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20 3. As used in this act:

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22 corporation engaged in the recovery of a human body or part
23 donated for education, research, or the advancement of medical,
24 dental, or mortuary science pursuant to P.L.1969, c.161 (C.26:6-57
25 et seq.), where part or all of the recovery takes place in this State.
26 Anatomical research recovery organization shall not include an
27 accredited institution of higher education in this State that uses an
28 anatomical gift for its own educational or research purposes and is
29 not engaged in the distribution of a human body or part to another
30 person or entity.

31 "Commissioner" means the Commissioner of Health and Senior
32 Services.

33 "Department" means the Department of Health and Senior
34 Services.

35 "Distribution" means the removal of a human body or part from
36 a storage location to any other location for educational or research
37 use, or the advancement of medical, dental, or mortuary science.

38 "Education" means the use of the whole body or parts for
39 purposes of teaching or training individuals, including medical or
40 dental professionals and students, with regard to the anatomy and
41 characteristics of the human body.

42 "Human body part" or "part" means organs, tissues, eyes, bones,
43 blood vessels, and any other portions of a deceased human body
44 which are subject to an anatomical gift pursuant to P.L.1969, c.161
45 (C.26:6-57 et seq.), but does not include blood collected pursuant to
46 P.L.1945, c.301 (C.26:2A-1 et seq.).

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1 “Recovery” means the obtaining of a human body or part,
2 including, but not limited to, determining or obtaining consent or
3 authorization for donation of the human body or part, performing
4 surgical or other technical procedures for recovering the body or
5 part, and processing the body or part. Recovery does not include
6 actions taken by a medical examiner or coroner as part of his
7 professional duties.

8 “Research” means the conduct of scientific testing and
9 observation designed to result in the acquisition of generalizable
10 knowledge. Research does not include an autopsy or other
11 investigation conducted for the purpose of obtaining information
12 related to the decedent.

13

14 4. a. No person shall engage in the recovery of a human body or
15 part donated in this State for education, research, or the
16 advancement of medical, dental, or mortuary science pursuant to
17 P.L.1969, c.161 (C.26:6-57 et seq.), unless the person is registered
18 as an anatomical research recovery organization with the
19 Department of Health and Senior Services pursuant to this act.

20 The registration required pursuant to this act shall be in addition
21 to any license or permit required by a local board of health, other
22 local health agency, or any State or federal agency.

23 b. The registration shall be valid for a one-year period and may
24 be renewed subject to compliance with the requirements of this act.
25 The commissioner shall establish such registration and renewal fees
26 as may be reasonable and necessary to carry out the purposes of this
27 act.

28 c. The commissioner may enter and inspect the premises of any
29 anatomical research recovery organization and the books and
30 records as is reasonably necessary to carry out the provisions of this
31 act.

32

33 5. An anatomical research recovery organization operating in
34 this State shall demonstrate compliance with the following
35 requirements:

36 a. A physician licensed in this State or the state in which the
37 organization is incorporated shall serve as medical director, and
38 shall be responsible for ensuring compliance with the provisions of
39 this act, the hiring of qualified personnel, and the maintenance of
40 records required under this act.

41 b. The organization shall be a federally tax-exempt nonprofit
42 corporation.

43 c. The organization shall create, compile, or maintain a complete
44 record on each donor from which it recovers a human body or part
45 for educational or research purposes or the advancement of medical,
46 dental or mortuary science, which shall include, at a minimum:

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1 (1) documentation that the donor has designated the anatomical
2 gift for educational or research purposes or for the advancement of
3 medical, dental, or mortuary science, as specified in section 3 of
4 P.L.1969, c.161 (C.26:6-59). The documentation may be in the
5 form of a signed document of gift, or verifiable documentation that
6 taped telephonic consent has been obtained;

7 (2) documentation of the identity and address of each entity
8 which has been in possession of the human body or part prior to the
9 organization, such as a funeral home, coroner, hospital, organ
10 procurement organization, or tissue bank; and

11 (3) documentation of the use and disposition of each human
12 body or part, including the name and address of each person who
13 receives a human body or part directly from the organization.
14

15 6. It shall be a violation of this act for any person to obstruct,
16 hinder, delay or interfere, by force or otherwise, with the
17 performance by the commissioner of any duty under the provisions
18 of this act.
19

20 7. If the commissioner has reason to believe that a condition
21 exists or has occurred at an anatomical research recovery
22 organization in violation of the provisions of this act, which is
23 dangerous to the public health, he may order the organization to
24 correct the violation and may immediately suspend the registration
25 of the organization until the correction is completed. If a registrant
26 denies that a violation exists or has occurred, the registrant shall
27 have the right to apply to the commissioner for a hearing. The
28 hearing shall be held and a decision rendered within 48 hours of the
29 receipt of the request. If the commissioner rules against the
30 registrant, the registrant may apply to a court of competent
31 jurisdiction for injunctive relief against the commissioner's order.
32

33 8. a. Any person who violates the provisions of this act or an
34 order of the commissioner shall be liable for the first offense to a
35 penalty of not more than \$1,000, and for the second and each
36 succeeding offense for a penalty of not more than \$5,000. The
37 penalties shall be sued for and collected in a summary proceeding in
38 accordance with "Penalty Enforcement Law of 1999," P.L.1999,
39 c.274 (C.2A-58-10 et seq.).

40 b. In addition to any civil penalties provided under this section,
41 the commissioner may suspend or revoke a registration made
42 pursuant to this act for a violation of any provision of this act.

43 c. Except as provided in section 7 of this act, before denying to
44 grant or renew a registration, or suspending or revoking a
45 registration, pursuant to this act, the commissioner shall provide
46 notice of the denial, revocation, or suspension, together with a
47 specification of charges to the applicant or registrant, personally or

1 by certified mail to the address of record, and the notice shall set
2 forth the particular reasons for the denial, suspension, or revocation.
3 The denial, suspension, or revocation shall become effective 30
4 days after mailing, unless the applicant or registrant, within the 30-
5 day period, meets the requirements of the department or files with
6 the department a written answer to the charges and gives written
7 notice to the department of its desire for a hearing, in which case
8 the denial, suspension, or revocation may be held in abeyance until
9 the hearing has been concluded and a final decision rendered by the
10 commissioner.

11 The commissioner shall afford the applicant or registrant an
12 opportunity for a prompt hearing on the question of the granting,
13 suspension, or revocation of the registration. The procedure
14 governing the hearing shall be in accordance with the rules and
15 regulations of the department. Either party may be represented by
16 counsel of its own choosing, and has the right to subpoena
17 witnesses and to compel their attendance on forms furnished by the
18 department. The commissioner shall render a written decision
19 stating conclusions and reasons therefor.
20

21 9. The commissioner shall adopt rules and regulations pursuant
22 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
23 1 et seq.) to carry out the purposes of this act. The regulations may
24 specify qualifications for personnel, including the medical director,
25 employed at an anatomical research recovery organization and
26 standards related to recovery of human bodies or parts.
27

28 10. This act shall take effect on the 180th day following
29 enactment.
30

31
32 STATEMENT
33

34 This bill requires anatomical research recovery organizations to
35 register with the Department of Health and Senior Services (DHSS)
36 in order to safeguard the health and well-being of the citizens of the
37 State, and to ensure the respectful and consensual disposition and
38 use of human bodies and parts donated for education, research, and
39 the advancement of medical, dental, or mortuary science.

40 The need for and use of such anatomical gifts for education,
41 research, and the advancement of medical, dental, or mortuary
42 science is of sufficient frequency so as to require that minimum
43 standards for anatomical research recovery organizations be
44 established. Currently, there is no State regulation of entities that
45 engage in the recovery of human bodies and parts, in this State,
46 donated for education and research.

1 An anatomical research recovery organization (ARRO) is
2 defined as a nonprofit corporation engaged in the recovery of a
3 human body or part donated for education, research, or the
4 advancement of medical, dental, or mortuary science pursuant to
5 P.L.1969, c.161 (C.26:6-57 et seq.), where part or all of the
6 recovery takes place in this State. An ARRO does not include an
7 accredited institution of higher education in this State that uses an
8 anatomical gift for its own educational or research purposes and is
9 not engaged in the distribution of a human body or part to another
10 person or entity.

11 The bill provides that a person shall not engage in the recovery
12 of a human body or part donated in this State for education,
13 research, or the advancement of medical, dental, or mortuary
14 science, unless the person is registered as an ARRO with the DHSS.
15 The registration shall be valid for a one-year period and may be
16 renewed subject to compliance with the requirements of the bill.

17 An ARRO operating in this State shall demonstrate compliance
18 with the following requirements:

19 -- A physician licensed in this State or the state in which the
20 organization is incorporated shall serve as medical director, and
21 shall be responsible for ensuring compliance with the provisions
22 of the bill, the hiring of qualified personnel, and the maintenance
23 of records required under the bill;

24 -- The organization shall be a federally tax-exempt nonprofit
25 corporation;

26 -- The organization shall create, compile, or maintain a complete
27 record on each donor from which it recovers a human body or
28 part for educational or research purposes or the advancement of
29 medical, dental or mortuary science, which shall include, at a
30 minimum:

31 (1) documentation that the donor has designated the
32 anatomical gift for educational or research purposes or for the
33 advancement of medical, dental, or mortuary science. The
34 documentation may be in the form of a signed document of gift,
35 or verifiable documentation that taped telephonic consent has
36 been obtained;

37 (2) documentation of the identity and address of each entity
38 which has been in possession of the human body or part prior to
39 the ARRO, such as a funeral home, coroner, hospital, organ
40 procurement organization, or tissue bank; and

41 (3) documentation of the use and disposition of each human
42 body or part, including the name and address of each person who
43 receives a human body or part directly from the ARRO.

44 The bill provides that it is a violation of the bill for any person to
45 obstruct, hinder, delay or interfere, by force or otherwise, with the
46 performance by the Commissioner of Health and Senior Services of
47 any duty under the bill. If the commissioner has reason to believe

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1 that a condition exists or has occurred at an ARRO which is
2 dangerous to the public health, he may order the ARRO to correct
3 the violation and may immediately suspend the registration of the
4 ARRO until the correction is completed. If a registrant denies that a
5 violation exists or has occurred, the registrant shall have the right to
6 apply to the commissioner for a hearing. The hearing shall be held
7 and a decision rendered within 48 hours of the receipt of the
8 request. If the commissioner rules against the registrant, the
9 registrant may apply to a court of competent jurisdiction for
10 injunctive relief against the commissioner's order.

11 A person who violates the provisions of the bill or an order of
12 the commissioner shall be liable to a penalty of not more than
13 \$1,000 for the first offense, and not more than \$5,000 for the
14 second and each succeeding offense. In addition to any civil
15 penalties, the commissioner may suspend or revoke a registration
16 for a violation of any provisions of the bill.

17 The bill takes effect on the 180th day following enactment.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 753

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. 753.

As amended by committee, this bill, the “Anatomical Research Recovery Organization Act,” requires anatomical research recovery organizations to register with the Department of Health and Senior Services (DHSS) in order to safeguard the health and well-being of the citizens of the State, and to ensure the respectful and consensual disposition and use of human bodies and parts donated for education, research, and the advancement of medical, dental, or mortuary science.

The need for and use of such anatomical gifts for education, research, and the advancement of medical, dental, or mortuary science is of sufficient frequency so as to require that minimum standards for anatomical research recovery organizations be established. Currently, there is no State regulation of entities that engage in the recovery of human bodies and parts, in this State, donated for education and research.

Specifically, the bill provides as follows:

- An anatomical research recovery organization (ARRO) is defined as a nonprofit corporation engaged in the recovery of a human body or part that has been donated for education, research, or the advancement of medical, dental, or mortuary science pursuant to the “Uniform Anatomical Gift Act,” P.L.1969, c.161 (C.26:6-57 et seq.) or any subsequent statute adopted pursuant thereto, where part or all of the recovery takes place in this State. An ARRO does not include an accredited institution of higher education in this State that uses an anatomical gift for its own educational or research purposes and is not engaged in the distribution of a human body or part to another person or entity.
- A person shall not engage in the recovery of a human body or part donated in this State for education, research, or the advancement of medical, dental, or mortuary science, unless the person is registered with the DHSS as an ARRO. The registration shall be valid for a

one-year period and may be renewed subject to compliance with the requirements of the bill.

- An ARRO operating in this State shall demonstrate compliance with the following requirements:
 - A physician licensed in this State or the state in which the organization is incorporated shall serve as medical director, and shall be responsible for ensuring compliance with the provisions of the bill, the hiring of qualified personnel, and the maintenance of records required under the bill;
 - The organization shall be a federally tax-exempt nonprofit corporation;
 - The organization shall create, compile, or maintain a complete record on each donor from which it recovers a human body or part for educational or research purposes or the advancement of medical, dental or mortuary science, which shall include, at a minimum:
 - (1) documentation that the donor has designated the anatomical gift for educational or research purposes or for the advancement of medical, dental, or mortuary science. The documentation may be in the form of a signed document of gift, or verifiable documentation that taped telephonic consent has been obtained;
 - (2) documentation of the identity and address of each entity which has been in possession of the human body or part prior to the ARRO, such as a funeral home, coroner, hospital, organ procurement organization, or tissue bank; and
 - (3) documentation of the use and disposition of each human body or part, including the name and address of each person who receives a human body or part directly from the ARRO.
- It is a violation of the bill for any person to obstruct, hinder, delay or interfere, by force or otherwise, with the performance by the Commissioner of Health and Senior Services of any duty under the bill. If the commissioner has reason to believe that a condition exists or has occurred at an ARRO which is dangerous to the public health, he may order the ARRO to correct the violation and may immediately suspend the registration of the ARRO until the correction is completed. If a registrant denies that a violation exists or has occurred, the registrant shall have the right to apply to the commissioner for a hearing. The hearing shall be held and a decision rendered within 48 hours of the receipt of the request. If the commissioner rules against the registrant, the registrant may apply to a court of competent jurisdiction for injunctive relief against the commissioner's order.
- A person who violates the provisions of the bill or an order of the commissioner shall be liable to a penalty of not more than \$1,000 for the first offense, and not more than \$5,000 for the second and each succeeding offense. In addition to any civil penalties, the

commissioner may suspend or revoke a registration for a violation of any provisions of the bill.

- The bill takes effect on the 180th day following enactment.

The committee adopted a technical amendment to the bill concerning references to the “Uniform Anatomical Gift Act,” to provide that in the event that act is repealed and replaced with a new uniform act (as is provided for in Senate Bill No. 754, which the committee also considered on this date) that the references would also apply to the new law.

This bill is similar to Assembly Bill No. 1935 (Conaway), which is pending before the Assembly Health and Senior Services Committee.

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.

ASSEMBLY, No. 1935

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED JANUARY 28, 2008

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington and Camden)

SYNOPSIS

Requires anatomical research recovery organizations to register with DHSS.

CURRENT VERSION OF TEXT

As introduced.



A1935 CONAWAY

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43 blood vessels, and any other portions of a deceased human body
44 which are subject to an anatomical gift pursuant to P.L.1969, c.161
45 (C.26:6-57 et seq.), but does not include blood collected pursuant to
46 P.L.1945, c.301 (C.26:2A-1 et seq.).

47 "Recovery" means the obtaining of a human body or part,
48 including, but not limited to, determining or obtaining consent or

1 authorization for donation of the human body or part, performing
2 surgical or other technical procedures for recovering the body or
3 part, and processing the body or part. Recovery does not include
4 actions taken by a medical examiner or coroner as part of his
5 professional duties.

6 “Research” means the conduct of scientific testing and
7 observation designed to result in the acquisition of generalizable
8 knowledge. Research does not include an autopsy or other
9 investigation conducted for the purpose of obtaining information
10 related to the decedent.

11

12 4. a. No person shall engage in the recovery of a human body or
13 part donated in this State for education, research, or the
14 advancement of medical, dental, or mortuary science pursuant to
15 P.L.1969, c.161 (C.26:6-57 et seq.), unless the person is registered
16 as an anatomical research recovery organization with the
17 Department of Health and Senior Services pursuant to this act.

18 The registration required pursuant to this act shall be in addition
19 to any license or permit required by a local board of health, other
20 local health agency, or any State or federal agency.

21 b. The registration shall be valid for a one-year period and may
22 be renewed subject to compliance with the requirements of this act.
23 The commissioner shall establish such registration and renewal fees
24 as may be reasonable and necessary to carry out the purposes of this
25 act.

26 c. The commissioner may enter and inspect the premises of any
27 anatomical research recovery organization and the books and
28 records as is reasonably necessary to carry out the provisions of this
29 act.

30

31 5. An anatomical research recovery organization operating in
32 this State shall demonstrate compliance with the following
33 requirements:

34 a. A physician licensed in this State or the state in which the
35 organization is incorporated shall serve as medical director, and
36 shall be responsible for ensuring compliance with the provisions of
37 this act, the hiring of qualified personnel, and the maintenance of
38 records required under this act.

39 b. The organization shall be a federally tax-exempt nonprofit
40 corporation.

41 c. The organization shall create, compile, or maintain a complete
42 record on each donor from which it recovers a human body or part
43 for educational or research purposes or the advancement of medical,
44 dental or mortuary science, which shall include, at a minimum:

45 (1) documentation that the donor has designated the anatomical
46 gift for educational or research purposes or for the advancement of
47 medical, dental, or mortuary science, as specified in section 3 of
48 P.L.1969, c.161 (C.26:6-59). The documentation may be in the

1 form of a signed document of gift, or verifiable documentation that
2 taped telephonic consent has been obtained;

3 (2) documentation of the identity and address of each entity
4 which has been in possession of the human body or part prior to the
5 organization, such as a funeral home, coroner, hospital, organ
6 procurement organization, or tissue bank; and

7 (3) documentation of the use and disposition of each human
8 body or part, including the name and address of each person who
9 receives a human body or part directly from the organization.

10

11 6. It shall be a violation of this act for any person to obstruct,
12 hinder, delay or interfere, by force or otherwise, with the
13 performance by the commissioner of any duty under the provisions
14 of this act.

15

16 7. If the commissioner has reason to believe that a condition
17 exists or has occurred at an anatomical research recovery
18 organization in violation of the provisions of this act, which is
19 dangerous to the public health, he may order the organization to
20 correct the violation and may immediately suspend the registration
21 of the organization until the correction is completed. If a registrant
22 denies that a violation exists or has occurred, the registrant shall
23 have the right to apply to the commissioner for a hearing. The
24 hearing shall be held and a decision rendered within 48 hours of the
25 receipt of the request. If the commissioner rules against the
26 registrant, the registrant may apply to a court of competent
27 jurisdiction for injunctive relief against the commissioner's order.

28

29 8. a. Any person who violates the provisions of this act or an
30 order of the commissioner shall be liable for the first offense to a
31 penalty of not more than \$1,000, and for the second and each
32 succeeding offense for a penalty of not more than \$5,000. The
33 penalties shall be sued for and collected in a summary proceeding in
34 accordance with "Penalty Enforcement Law of 1999," P.L.1999,
35 c.274 (C.2A-58-10 et seq.).

36 b. In addition to any civil penalties provided under this section,
37 the commissioner may suspend or revoke a registration made
38 pursuant to this act for a violation of any provision of this act.

39 c. Except as provided in section 7 of this act, before denying to
40 grant or renew a registration, or suspending or revoking a
41 registration, pursuant to this act, the commissioner shall provide
42 notice of the denial, revocation, or suspension, together with a
43 specification of charges to the applicant or registrant, personally or
44 by certified mail to the address of record, and the notice shall set
45 forth the particular reasons for the denial, suspension, or revocation.
46 The denial, suspension, or revocation shall become effective 30
47 days after mailing, unless the applicant or registrant, within the 30-
48 day period, meets the requirements of the department or files with

1 the department a written answer to the charges and gives written
2 notice to the department of its desire for a hearing, in which case
3 the denial, suspension, or revocation may be held in abeyance until
4 the hearing has been concluded and a final decision rendered by the
5 commissioner.

6 The commissioner shall afford the applicant or registrant an
7 opportunity for a prompt hearing on the question of the granting,
8 suspension, or revocation of the registration. The procedure
9 governing the hearing shall be in accordance with the rules and
10 regulations of the department. Either party may be represented by
11 counsel of its own choosing, and has the right to subpoena
12 witnesses and to compel their attendance on forms furnished by the
13 department. The commissioner shall render a written decision
14 stating conclusions and reasons therefor.

15

16 9. The commissioner shall adopt rules and regulations pursuant
17 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
18 1 et seq.) to carry out the purposes of this act. The regulations may
19 specify qualifications for personnel, including the medical director,
20 employed at an anatomical research recovery organization and
21 standards related to recovery of human bodies or parts.

22

23 10. This act shall take effect on the 180th day following
24 enactment.

25

26

27

STATEMENT

28

29 This bill requires anatomical research recovery organizations to
30 register with the Department of Health and Senior Services (DHSS)
31 in order to safeguard the health and well-being of the citizens of the
32 State, and to ensure the respectful and consensual disposition and
33 use of human bodies and parts donated for education, research, and
34 the advancement of medical, dental, or mortuary science.

35 The need for and use of such anatomical gifts for education,
36 research, and the advancement of medical, dental, or mortuary
37 science is of sufficient frequency so as to require that minimum
38 standards for anatomical research recovery organizations be
39 established. Currently, there is no State regulation of entities that
40 engage in the recovery of human bodies and parts, in this State,
41 donated for education and research.

42 An anatomical research recovery organization (ARRO) is
43 defined as a nonprofit corporation engaged in the recovery of a
44 human body or part donated for education, research, or the
45 advancement of medical, dental, or mortuary science pursuant to
46 P.L.1969, c.161 (C.26:6-57 et seq.), where part or all of the
47 recovery takes place in this State. An ARRO does not include an
48 accredited institution of higher education in this State that uses an

1 anatomical gift for its own educational or research purposes and is
2 not engaged in the distribution of a human body or part to another
3 person or entity.

4 The bill provides that a person shall not engage in the recovery
5 of a human body or part donated in this State for education,
6 research, or the advancement of medical, dental, or mortuary
7 science, unless the person is registered as an ARRO with the DHSS.
8 The registration shall be valid for a one-year period and may be
9 renewed subject to compliance with the requirements of the bill.

10 An ARRO operating in this State shall demonstrate compliance
11 with the following requirements:

12 -- A physician licensed in this State or the state in which the
13 organization is incorporated shall serve as medical director, and
14 shall be responsible for ensuring compliance with the provisions
15 of the bill, the hiring of qualified personnel, and the maintenance
16 of records required under the bill;

17 -- The organization shall be a federally tax-exempt nonprofit
18 corporation;

19 -- The organization shall create, compile, or maintain a complete
20 record on each donor from which it recovers a human body or
21 part for educational or research purposes or the advancement of
22 medical, dental or mortuary science, which shall include, at a
23 minimum:

24 (1) documentation that the donor has designated the
25 anatomical gift for educational or research purposes or for the
26 advancement of medical, dental, or mortuary science. The
27 documentation may be in the form of a signed document of gift,
28 or verifiable documentation that taped telephonic consent has
29 been obtained;

30 (2) documentation of the identity and address of each entity
31 which has been in possession of the human body or part prior to
32 the ARRO, such as a funeral home, coroner, hospital, organ
33 procurement organization, or tissue bank; and

34 (3) documentation of the use and disposition of each human
35 body or part, including the name and address of each person who
36 receives a human body or part directly from the ARRO.

37 The bill provides that it is a violation of the bill for any person to
38 obstruct, hinder, delay or interfere, by force or otherwise, with the
39 performance by the Commissioner of Health and Senior Services of
40 any duty under the bill. If the commissioner has reason to believe
41 that a condition exists or has occurred at an ARRO which is
42 dangerous to the public health, he may order the ARRO to correct
43 the violation and may immediately suspend the registration of the
44 ARRO until the correction is completed. If a registrant denies that a
45 violation exists or has occurred, the registrant shall have the right to
46 apply to the commissioner for a hearing. The hearing shall be held
47 and a decision rendered within 48 hours of the receipt of the
48 request. If the commissioner rules against the registrant, the

A1935 CONAWAY

7

1 registrant may apply to a court of competent jurisdiction for
2 injunctive relief against the commissioner's order.

3 A person who violates the provisions of the bill or an order of
4 the commissioner shall be liable to a penalty of not more than
5 \$1,000 for the first offense, and not more than \$5,000 for the
6 second and each succeeding offense. In addition to any civil
7 penalties, the commissioner may suspend or revoke a registration
8 for a violation of any provisions of the bill.

9 The bill takes effect on the 180th day following enactment.

ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1935

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. 1935.

As amended by the committee, this bill, which is designated the “Anatomical Research Recovery Organization Act,” requires anatomical research recovery organizations to register with the Department of Health and Senior Services (DHSS) in order to safeguard the health and well-being of the citizens of the State, and to ensure the respectful and consensual disposition and use of human bodies and parts donated for education, research, and the advancement of medical, dental, or mortuary science. The need for and use of such anatomical gifts for education, research, and the advancement of medical, dental, or mortuary science is of sufficient frequency to require that minimum standards for anatomical research recovery organizations be established. Currently, there is no State regulation of entities that engage in the recovery of human bodies and parts, in this State, donated for education and research.

The bill provides specifically as follows:

- The bill defines an anatomical research recovery organization (ARRO) to mean a nonprofit corporation engaged in the recovery of a human body or part that has been donated for education, research, or the advancement of medical, dental, or mortuary science pursuant to the “Uniform Anatomical Gift Act,” P.L.1969, c.161 (C.26:6-57 et seq.) or any subsequent statute adopted pursuant thereto, where part or all of the recovery takes place in this State. An ARRO does not include an accredited institution of higher education in this State that uses an anatomical gift for its own educational or research purposes and is not engaged in the distribution of a human body or part to another person or entity.
- A person is prohibited from engaging in the recovery of a human body or part donated in this State for education, research, or the advancement of medical, dental, or mortuary science, unless the person is registered with the DHSS as an ARRO. The registration is to be valid for a one-year period and may be renewed subject to compliance with the requirements of the bill.

- An ARRO operating in this State must demonstrate compliance with the following requirements:
 - A physician licensed in this State or the state in which the organization is incorporated is to serve as medical director, and to be responsible for ensuring compliance with the provisions of the bill, the hiring of qualified personnel, and the maintenance of records required under the bill;
 - The organization must be a federally tax-exempt nonprofit corporation;
 - The organization is to create, compile, or maintain a complete record on each donor from which it recovers a human body or part for educational or research purposes or the advancement of medical, dental or mortuary science, which includes, at a minimum:
 - (1) documentation that the donor has designated the anatomical gift for educational or research purposes or for the advancement of medical, dental, or mortuary science. The documentation may be in the form of a signed document of gift, or verifiable documentation that taped telephonic consent has been obtained;
 - (2) documentation of the identity and address of each entity which has been in possession of the human body or part prior to the ARRO, such as a funeral home, coroner, hospital, organ procurement organization, or tissue bank; and
 - (3) documentation of the use and disposition of each human body or part, including the name and address of each person who receives a human body or part directly from the ARRO.
- It is a violation of the bill for any person to obstruct, hinder, delay or interfere, by force or otherwise, with the performance by the Commissioner of Health and Senior Services of any duty under the bill. If the commissioner has reason to believe that a condition exists or has occurred at an ARRO which is dangerous to the public health, he may order the ARRO to correct the violation and may immediately suspend the registration of the ARRO until the correction is completed. If a registrant denies that a violation exists or has occurred, the registrant has the right to apply to the commissioner for a hearing; and the hearing is to be held and a decision rendered within 48 hours of the receipt of the request. If the commissioner rules against the registrant, the registrant may apply to a court of competent jurisdiction for injunctive relief against the commissioner's order.
- A person who violates the provisions of the bill or an order of the commissioner is liable to a penalty of not more than \$1,000 for the first offense, and not more than \$5,000 for the second and each succeeding offense. In addition to any civil penalties, the commissioner may suspend or revoke a registration for a violation of any provisions of the bill.
- The bill takes effect on the 180th day following enactment.

As reported by the committee, this bill is identical to Senate Bill No. 753 (1R) (Codey/Buono), which is currently pending before the Senate.

COMMITTEE AMENDMENTS

The committee amendments to the bill incorporate references to the “Uniform Anatomical Gift Act,” in order to provide that, if that law is repealed and replaced with a new statute (as provided for in Assembly Bill No. 2206, which the committee also reported on this date), the references would also apply to the new statute.



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For Immediate Release:

For Kids

July 22, 2008

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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.

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).

###

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

###

Photos from Governor Corzine's public events are available in the [Governor's Newsroom section](#) on the State of New Jersey web page.

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