

26:6-1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2003 **CHAPTER:** 221
NJSA: 26:6-1 (Electronic Death Registration System)
BILL NO: A2476 (Substituted for S2023)
SPONSOR(S): Conaway and Connors
DATE INTRODUCED: June 17, 2002
COMMITTEE: **ASSEMBLY:** Health and Human Services; Appropriations
SENATE: ---
AMENDED DURING PASSAGE: Yes
DATE OF PASSAGE: **ASSEMBLY:** June 23, 2003
SENATE: December 11, 2003
DATE OF APPROVAL: January 9, 2004

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (3rd reprint enacted)
(Amendments during passage denoted by superscript numbers)

A2476

[SPONSOR'S STATEMENT](#): (Begins on page 16 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** Yes [11-25-2002 \(Health\)](#)
[3-10-2003 \(Approp.\)](#)

SENATE: No

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

LEGISLATIVE FISCAL ESTIMATE: No

S2023

[SPONSOR'S STATEMENT](#): (Begins on page 16 of original bill) [Yes](#)

Bill and Sponsors Statement identical to A2476

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes [6-9-2003 \(Health\)](#)
[6-19-2003 \(Budget\)](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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No

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No

§§16-18 -
C.26:8-24.1
to 26:8-24.3
§24 - C.26:8-59.1
§27 - C.26:8-25.1
§28 - C.26:8-21.1

P.L. 2003, CHAPTER 221, *approved January 9, 2004*
Assembly, No. 2476 (*Third Reprint*)

1 AN ACT concerning death records, amending R.S.26:6-1 et seq., and
2 amending and supplementing R.S.26:8-1 et seq.

3

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

6

7 1. R.S.26:6-1 is amended to read as follows:

8 26:6-1. As used in this chapter: "Local registrar" or "registrar"
9 means the local registrar of vital statistics. "State registrar" means
10 the State Registrar of Vital Statistics.

11 "Registration district" or "district" means the district established
12 by law for the registration of vital events.

13 "Fetal death" or "stillbirth" means death prior to the complete
14 expulsion or extraction from its mother of a product of conception,
15 irrespective of the duration of pregnancy; the death is indicated by the
16 fact that after such separation, the fetus does not breathe or show any
17 other evidence of life such as beating of the heart, pulsation of the
18 umbilical cord, or definite movement of voluntary muscles.

19 "Dead body" means the dead body of a human being.

20 The definition of the term "communicable disease" as contained in
21 [section 26:4-1 of this Title] R.S.26:4-1 shall also apply to this
22 chapter.

23 "Authentication" means the entry by the State Medical Examiner or
24 a county medical examiner, funeral director or physician into the New
25 Jersey Electronic Death Registration System of a personal
26 identification code, digital signature or other identifier unique to that
27 user, by which the information entered into the system by the user is
28 authenticated by the user who assumes responsibility for its accuracy.

29 "Authentication" also means the process by which the State registrar
30 or a local registrar, deputy registrar, alternate deputy registrar or
31 subregistrar indicates that person's review and approval of information
32 entered into the system by the State Medical Examiner or a county
33 medical examiner, funeral director or physician.

34 "Electronic registration system" means any electronic method,
35 including, but not limited to, one based on Internet technology, of

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AHH committee amendments adopted November 25, 2002.

² Assembly AAP committee amendments adopted March 10, 2003.

³ Assembly floor amendments adopted May 15, 2003.

1 collecting, transmitting, recording and authenticating information from
2 one or more responsible parties, which is necessary to complete a vital
3 record, and is designed to replace a manual, paper-based data
4 collection, recordation and signature system.

5 "New Jersey Electronic Death Registration System" or "NJ-EDRS"
6 is an electronic registration system for completing a certification of
7 death or fetal death record that is authorized, designed and maintained
8 by the State registrar.

9 (cf: P.L.1965, c.78, s.1)

10

11 2. R.S.26:6-4 is amended to read as follows:

12 26:6-4. In computing the death rate of any municipality or health
13 district in which there is located a hospital or other institution, any
14 death which shall take place at such hospital or institution shall not be
15 included among deaths occurring in said municipality or health district
16 unless the death is of a person whose last place of residence was in
17 said municipality or health district.

18 Any death occurring at any such hospital or institution, of any
19 person whose last place of residence as shown on the death certificate
20 was outside of the limits of said municipality or health district, shall,
21 for the purpose of computing the death rate, be included among the
22 deaths occurring in the municipality or health district named in the
23 certificate as the last place of residence of the decedent.

24 [It] Except where a death record is created on the NJ-EDRS, it
25 shall be the duty of the registrar of the district in which such a death
26 occurred promptly to notify the registrar of the district which was the
27 last place of residence of the decedent.

28 (cf: P.L.1965, c.78, s.2)

29

30 3. R.S.26:6-6 is amended to read as follows:

31 26:6-6. a. The funeral director in charge of the funeral or
32 disposition of the body of any person dying in this State shall be
33 responsible for the proper execution of a death certificate[, which
34 shall be filled out in durable black or blue ink,] in a legible manner, or
35 by means of the NJ-EDRS, and filed in exchange for a burial or
36 removal or transit permit with the local registrar of the district in
37 which the death occurred or the body was found or with the registrar
38 of the district in which the funeral director has his funeral home or
39 where the burial or other disposition is to take place. In the event the
40 death certificate is filed with the registrar of a district other than that
41 in which the death took place or the body was found, [such] that
42 registrar shall, within 24 hours after issuing the permit, sign and
43 forward the certificate of death to the registrar of the district where
44 the death took place or the body was found, with a statement that the
45 permit was issued. In case the death certificate is filed with the deputy
46 registrar, alternate deputy registrar or subregistrar, he shall within 12

1 hours forward [such] the certificate to his own registrar, who in turn
2 shall forward the certificate as heretofore directed. A record created
3 on the NJ-EDRS shall be deemed to have been transmitted to the other
4 local registrar, or by the deputy registrar, alternate deputy registrar or
5 subregistrar, as applicable, in accordance with the requirements of this
6 subsection.

7 b. Any funeral director filing a death certificate in a registration
8 district other than that in which the death occurred or the body was
9 found shall immediately send the State registrar written notice by first
10 class mail, except that a record created on the NJ-EDRS shall be
11 deemed to have been transmitted to the State registrar in accordance
12 with the requirements of this subsection. The notice shall contain the
13 name of the deceased, the place and date of death, the date the
14 certificate was filed, the name and address of the registrar with whom
15 the certificate was filed, and the name and address of the funeral
16 director. Failure of the State registrar to receive [such] the notice
17 shall be considered as failure of the funeral director to have sent it. In
18 [such] that case, the funeral director shall be subject to a penalty of
19 ~~[\$25.00]~~ \$25, and the State registrar shall notify the State Board of
20 Mortuary Science of the facts in the matter.

21 (cf: P.L.1977, c.147, s.1)

22

23 4. R.S.26:6-7 is amended to read as follows:

24 26:6-7. The certificate of death shall contain such items as shall be
25 listed on death certificate forms or in the NJ-EDRS provided or
26 approved by the department under the authority of subsection c. of
27 R.S. 26:8-24. [The certificate of death shall include a space for the
28 signature of the person who makes the actual determination and
29 pronouncement of death and a box that designates the person's official
30 capacity as attending physician, attending registered professional nurse
31 or medical examiner.]

32 (cf: P.L.1983, c.308, s.1)

33

34 5. R.S.26:6-8 is amended to read as follows:

35 26:6-8. In the execution of a death certificate, the personal
36 particulars shall be obtained by the funeral director from the person
37 best qualified to supply them. The death and last sickness particulars
38 shall be supplied by the attending, covering or resident physician
39 ³[licensed by the State Board of Medical Examiners pursuant to
40 R.S.45:9-1 et seq.]³; or if there is no attending, covering or resident
41 physician, by an attending registered professional nurse licensed by the
42 New Jersey Board of Nursing under P.L.1947, c. 262 (C. 45:11-23 et
43 seq.); or if there is no attending, covering or resident physician or
44 attending registered professional nurse, by the county medical
45 examiner. Within a reasonable time, not to exceed 24 hours after the
46 pronouncement of death, the attending, covering or resident

1 physician or the county medical examiner shall execute the death
2 certification. The burial particulars shall be supplied by the funeral
3 director. The attending, covering or resident physician, the attending
4 registered professional nurse, or the county medical examiner and the
5 funeral director shall certify to the particulars supplied by them by
6 signing their names below the list of items furnished, or by otherwise
7 authenticating their identities and the information that they have
8 provided through the NJ-EDRS. If a person acting under the direct
9 supervision of the State Medical Examiner, a county medical examiner,
10 funeral director, attending, covering or resident physician, or licensed
11 health care facility or other public or private institution providing
12 medical care, treatment or confinement to persons, which is registered
13 with the NJ-EDRS, is not authorized to authenticate the information
14 required on a certificate of death or fetal death, that person may enter
15 that information into the NJ-EDRS in anticipation of its authentication
16 by the State Medical Examiner or a county medical examiner, funeral
17 director, attending, covering or resident physician, local registrar,
18 deputy registrar, alternate deputy registrar or subregistrar, as
19 applicable.

20 (cf: P.L.1983, c.308, s.2)

21

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

24 4. a. Where there has been an apparent death, a registered
25 professional nurse licensed by the New Jersey Board of Nursing under
26 P.L.1947, c.262 (C.45:11-23 et seq.) may make the actual
27 determination and pronouncement of death and shall attest to this
28 pronouncement by: signing in the space designated for this signature
29 on the certificate of death under R.S.26:6-7[, except that this
30 provision]; or, for the purposes of the NJ-EDRS, transmitting orally
31 or in writing a report of the pronouncement to the attending, covering
32 or resident physician, or the county medical examiner.

33 b. The provisions of subsection a. of this section shall only apply
34 in the case of a death which occurs in the home or place of residence
35 of the deceased, in a hospice, or in a long-term care facility or nursing
36 home.

37 (cf: P.L.1983, c.308, s.4)

38

39 7. R.S.26:6-9 is amended to read as follows:

40 26:6-9. In case of any death occurring without medical attendance,
41 the funeral director shall notify the county medical examiner, or local
42 registrar. In case the local registrar[,] shall be notified, he shall
43 immediately inform the county medical examiner and refer the case to
44 him for investigation. The county medical examiner shall furnish the
45 funeral director with the necessary data and last sickness particulars to
46 make the death certificate, or shall enter the information directly into

1 the NJ-EDRS.

2 (cf: P.L.1971, c.2, s.14)

3

4 8. R.S.26:6-10 is amended to read as follows:

5 26:6-10. In case the physician who last attended the deceased is
6 [absent or sick] unavailable, so that a certificate of death cannot be
7 obtained from him in time for burial or removal[, then any physician]:

8 a. the designated covering physician shall have the primary
9 responsibility, after examining the dead body, and being satisfied that
10 death did not result from some unlawful means, [may] to issue a death
11 certificate; and

12 b. in the absence of the designated covering physician, any other
13 physician, after examining the dead body, and being satisfied that death
14 did not result from some unlawful means, may issue a death certificate.

15 (cf: R.S.26:6-10)

16

17 9. R.S.26:6-14 is amended to read as follows:

18 26:6-14. Upon receipt of a death certificate, the local registrar
19 shall:

20 a. If the certificate is properly executed and complete, issue a
21 burial or removal permit when requested; and

22 b. If the certificate of death is incomplete and unsatisfactory, call
23 attention to the defects in the return, and withhold the burial or
24 removal permit until the defects are corrected. Any person certifying
25 to any of the particulars in the certificate shall complete the same as
26 directed by the local registrar in accordance with such terms as may
27 be defined by the State registrar.

28 For the purposes of the NJ-EDRS, the death certificate shall be
29 complete when the attending, covering or resident physician or the
30 county medical examiner, and the funeral director in charge, have
31 completed their respective portions of the death registration record.

32 (cf: P.L.1965, c.78, s.10)

33

34 10. R.S.26:6-16 is amended to read as follows:

35 26:6-16. The burial or removal permit shall be issued upon a form
36 or through the NJ-EDRS as prescribed by the [state] department,
37 signed or authenticated through the NJ-EDRS by the local registrar,
38 and shall state:

39 a. The name, age, sex, cause of death, and other necessary details
40 required by the [state] department;

41 b. That a satisfactory certificate of death has been filed as required
42 by law; and

43 c. That permission is granted to inter, remove, or otherwise
44 dispose of the body.

45 (cf: R.S.26:6-16)

46

1 11. R.S.26:6-17 is amended to read as follows:

2 26:6-17. The local registrar shall be entitled to receive a fee of
3 ~~[\$1.00]~~ ³~~[\$5]~~ ³~~\$1~~ ³ for each burial or removal, or transit permit
4 issued³; except that, on or after the first day of the first month
5 following the date of enactment of P.L. , c. (pending before the
6 Legislature as this bill) but before the first day of the thirty-seventh
7 month following the date of enactment of P.L. , c. , the local
8 registrar shall be entitled to receive a fee of \$5³.
9 (cf: P.L.1965, c.78, s.11)

10

11 12. R.S.26:8-1 is amended to read as follows:

12 26:8-1. As used in this chapter:

13 "Vital statistics" means statistics concerning birth, deaths, fetal
14 deaths and marriages.

15 "Vital records" means the birth, death, fetal death and marriage
16 records from which vital statistics are produced.

17 "State registrar" means the State registrar of vital statistics; "Local
18 registrar" or "registrar" means the local registrar of vital statistics of
19 any district; and "registration district" or "district" means a registration
20 district as constituted by this article.

21 "Live birth" or "birth" means the complete expulsion or extraction
22 from its mother of a product of conception, irrespective of the
23 duration of pregnancy, which, after such separation, breathes or shows
24 any other evidence of life such as beating of the heart, pulsation of the
25 umbilical cord, or definite movement of voluntary muscles, whether or
26 not the umbilical cord has been cut or the placenta attached.

27 "Authentication" means the entry by the State Medical Examiner or
28 a county medical examiner, funeral director or physician into the New
29 Jersey Electronic Death Registration System of a personal
30 identification code, digital signature or other identifier unique to that
31 user, by which the information entered into the system by the user is
32 authenticated by the user who assumes responsibility for its accuracy.
33 "Authentication" also means the process by which the State registrar
34 or a local registrar, deputy registrar, alternate deputy registrar or
35 subregistrar indicates that person's review and approval of information
36 entered into the system by the State Medical Examiner or a county
37 medical examiner, funeral director or physician.

38 "Electronic registration system" means any electronic method,
39 including, but not limited to, one based on Internet technology, of
40 collecting, transmitting, recording and authenticating information from
41 one or more responsible parties, which is necessary to complete a vital
42 record, and is designed to replace a manual, paper-based data
43 collection, recordation and signature system.

44 "New Jersey Electronic Death Registration System" or "NJ-EDRS"
45 means an electronic registration system for completing a certification
46 of death or fetal death record that is authorized, designed and

1 maintained by the State registrar.

2 (cf: P.L.1965, c.78, s.32).

3

4 13. R.S.26:8-4 is amended to read as follows:

5 26:8-4. Upon demand of the State registrar in person, by mail, by
6 means of the NJ-EDRS, or through the local registrar, every physician,
7 midwife, informant, funeral director, or other person having
8 knowledge of the facts relative to any birth, death, fetal death, or
9 marriage, shall supply such information as he may possess, upon a
10 form provided by the State registrar, or through the NJ-EDRS, or
11 upon the original birth, death, fetal death, or marriage certificate or its
12 electronic facsimile or digitized form thereof.

13 (cf: P.L.1965, c.78, s.33)

14

15 14. R.S.26:8-6 is amended to read as follows:

16 26:8-6. a. Every midwife and [~~undertaker~~] funeral director shall
17 register annually his name, address and occupation, and his license
18 number, with the local registrar of the district in which he resides[.
19 Such registration shall also be made] and shall register that
20 information with the local registrar immediately upon [~~removing~~]
21 moving to another registration district.

22 b. The provisions of subsection a. of this section, with respect to
23 funeral directors, shall be satisfied by the implementation of periodic
24 data exchanges between the State Board of Mortuary Science and the
25 State registrar, which shall begin no later than 18 months after the date
26 of enactment of P.L. , c. (pending before the Legislature as this
27 bill), in a manner to be prescribed by the State registrar.

28 (cf: R.S.26:8-6)

29

30 15. R.S.26:8-24 is amended to read as follows:

31 26:8-24. The State registrar shall:

32 a. Have general supervision throughout the State of the registration
33 of vital records;

34 b. Have supervisory power over local registrars, deputy local
35 registrars, alternate deputy local registrars and subregistrars, in the
36 enforcement of the law relative to the disposal of dead bodies and the
37 registration of vital records;

38 c. Prepare, print, and supply to all registrars, upon request
39 therefor, all blanks and forms used in registering the records required
40 by said law, and provide for and prescribe the use of the NJ-EDRS.
41 No other blanks or methods of registration shall be used than those
42 supplied or approved by the State registrar;

43 d. Carefully examine the certificates or electronic files received
44 [~~monthly~~] periodically from the local registrars[,] or originating from
45 their jurisdiction; and, if any [~~such~~] are incomplete or unsatisfactory
46 [~~he shall~~], require such further information to be supplied as may be

1 necessary to make the record complete and satisfactory;

2 e. Arrange [,] or bind, and permanently preserve the certificates of
3 vital records, or the information comprising those records, in a
4 systematic manner and in a form that is deemed most consistent with
5 contemporary and developing standards of vital statistical archival
6 record keeping;

7 f. Prepare and maintain a comprehensive and continuous index of
8 all vital records registered, the index to be arranged alphabetically;

9 1. In the case of deaths, by the name of the decedent;

10 2. In the case of births, by the name of child, if given, and if not,
11 then by the name of father or mother;

12 3. In the case of marriages, by the surname of the husband and also
13 by the maiden name of the wife; [and]

14 g. Mark the birth certificate of a missing child when notified by the
15 Missing Persons Unit in the Department of Law and Public Safety
16 pursuant to section 3 of P.L.1995, c.395 (C.52:17B-9.8c); and

17 h. Develop and provide to local registrars an education and training
18 program, which the State registrar may require each local registrar to
19 complete as a condition of retaining that position, and which may be
20 offered to deputy local registrars, alternate deputy local registrars and
21 subregistrars at the discretion of the State registrar, that includes
22 material designed to implement the NJ-EDRS and to familiarize local
23 registrars with the statutory requirements applicable to their duties and
24 any rules and regulations adopted pursuant thereto, as deemed
25 appropriate by the State registrar.

26 (cf: P.L.1995, c.395, s.5)

27

28 16. (New section) a. The State registrar shall establish and
29 maintain the New Jersey Electronic Death Registration System or NJ-
30 EDRS.

31 (1) The system shall be fully implemented no later than 18 months
32 after the date of enactment of P.L. , c. (pending before the
33 Legislature as this bill), and shall be the required means of death
34 registration and certification for any death or fetal death occurring in
35 this State, subject to any exception that may be approved by the State
36 registrar in the case of a specific death or fetal death. All participants
37 in the death registration process, including, but not limited to, the
38 State registrar, local registrars, deputy registrars, alternate deputy
39 registrars, subregistrars, the State medical examiner, county medical
40 examiners, funeral directors, attending physicians and resident
41 physicians, licensed health care facilities, and other public or private
42 institutions providing medical care, treatment or confinement to
43 persons, shall be required to utilize the NJ-EDRS to provide the
44 information that is required of them by statute or regulation.

45 (2) The State registrar may provide for a phased implementation
46 of the system, beginning seven months after the date of enactment of

1 P.L. , c. (pending before the Legislature as this bill), by requiring
2 certain users, who are designated by the State registrar on a
3 geographic or other basis for this purpose, to commence utilization of
4 the system.

5 (3) Beginning no later than six months after the date of enactment
6 of P.L. , c. (pending before the Legislature as this bill), the State
7 registrar shall authorize and provide material support, in the form of
8 system access, curriculum guidelines and user registration capability
9 and authority, to the principal trade associations or professional
10 organizations representing persons affected by implementation of the
11 NJ-EDRS, for the purposes of providing training and education with
12 regard to the NJ-EDRS. The State registrar may conduct such
13 education and training, or authorize other entities to do so on his
14 behalf; however, these activities shall not be construed as restricting
15 the training and education activities of any affected trade association
16 or professional organization, including the location, manner, fees or
17 other means of conducting those activities on the part of the
18 association or organization.

19 b. The NJ-EDRS shall, at a minimum, provide for:

20 (1) the direct transmission of burial permit documentation to the
21 originating funeral home in an electronic form capable of output to a
22 local printer;

23 (2) an overnight mail system for the delivery of NJ-EDRS-
24 generated death certificates by the State registrar and local registrars,
25 the cost of which shall be chargeable to the funeral director of record;

26 (3) an automated notification system to alert other responsible
27 parties to pending cases, including notification to or from alternate
28 local registrars;

29 (4) a systematic electronic payment method by which all fees are
30 taken from accounts for which funeral homes are financially
31 responsible and distributed, as appropriate, to the State registrar or
32 local registrars as payment for the issuance of permits, the recording
33 of records, the making of certified copies of death certificates, or for
34 other charges that may be incurred;

35 (5) a legally binding system of digital authentication in lieu of
36 signatures for the responsible parties and a means of assuring database
37 security that permits users to enter the system from multiple sites and
38 includes contemporaneous and remote data security methods to
39 protect the system from catastrophic loss or intrusions, as well as a
40 method of data encryption for transmission;

41 (6) the capacity for authorized users to retrieve data comprising
42 the death certification record;

43 (7) the capacity to electronically amend and correct death records;

44 (8) electronic notification, upon completion of the death record
45 and issuance of a burial permit, of the decedent's name, Social Security
46 number and last known address and the informant to: the federal

1 Social Security Administration, the federal Immigration and
2 Naturalization Service, the Division of Medical Assistance and Health
3 Services in the Department of Human Services, and such other
4 governmental agencies as the State registrar determines will
5 substantially contribute to safeguarding public benefit programs and
6 diminish the criminal use of a decedent's name and other identifying
7 information; and the New Jersey State Funeral Directors Association,
8 in the case of a decedent participating in one of its funeral expense
9 payment programs, in such a manner as to enable it to fulfill its
10 fiduciary obligations for the payment of the decedent's final funeral and
11 burial expenses;

12 (9) sufficient data documentation to meet contemporary and
13 emerging standards and expectations of vital record archiving; and

14 (10) continuous 24-hour-a-day technical support for all authorized
15 users of the system.

16 c. A provider of information that is required to complete a death
17 certificate, or who is subject to the provisions of law governing the
18 NJ-EDRS, shall not be deemed to be acting as a local registrar, deputy
19 registrar, alternate deputy registrar or subregistrar solely by virtue of
20 permitting other providers of information to gain access to the NJ-
21 EDRS by using those other providers' identifying information.

22

23 17. (New section) a. There is established the "New Jersey
24 Electronic Death Registration Support Fund" as a nonlapsing,
25 revolving fund to be administered by the Commissioner of Health and
26 Senior Services and credited with monies received pursuant to
27 subsection c. of R.S.26:8-62.

28 b. The State Treasurer is the custodian of the fund and all
29 disbursements from the fund shall be made by the treasurer upon
30 vouchers signed by the commissioner. The monies in the fund shall be
31 invested and reinvested by the Director of the Division of Investment
32 in the Department of the Treasury as are other trust funds in the
33 custody of the State Treasurer in the manner provided by law. Interest
34 received on the monies in the fund shall be credited to the fund.

35 c. The monies in the fund and the interest earned thereon shall be
36 used to meet the development and operational costs of the NJ-EDRS,
37 including, but not limited to, costs associated with: personnel;
38 hardware purchases and maintenance; software and communications
39 infrastructure; website hosting; and licensing fees, royalties and
40 transaction expenses incurred in the development, installation,
41 maintenance and operation of electronic payment security,
42 authentication and encryption systems, and user training and
43 education.

44 ² d. The Commissioner of Health and Senior Services shall, no
45 later than 30 months after the date of enactment of P.L. . . . c.
46 (pending before the Legislature as this bill), report to the chairs of the

1 Senate Health, Human Services and Senior Citizens Committee, the
2 Senate Budget and Appropriations Committee, the Assembly Health
3 and Human Services Committee and the Assembly Appropriations
4 Committee, or their successors, concerning the sources and uses of
5 monies in the fund. The report shall include a description of the
6 methodology used by the State registrar to set the fee imposed
7 pursuant to subsection c. of R.S.26:8-62, a summary of the monies
8 credited to fund, and a summary of expenditures by category from the
9 fund pursuant to the authority of this section and the requirements of
10 section 16 of P.L. , c. (C.)(pending before the Legislature as this
11 bill), together with any recommendations by the State registrar or the
12 commissioner for changes that either considers should be made in the
13 law concerning the implementation of the NJ-EDRS or the fees
14 imposed pursuant to subsection c. of R.S.26:8-62.²

15

16 18. (New section) The State Medical Examiner, county medical
17 examiners, licensed health care facilities, other public or private
18 institutions providing medical care, treatment or confinement to
19 persons, funeral homes and physicians' private practice offices, as
20 defined by the State registrar, shall acquire the electronic means
21 prescribed by the State registrar to access the NJ-EDRS, or make such
22 other arrangements as are necessary for that purpose, no later than six
23 months after the date of enactment of P.L. , c. (pending before the
24 Legislature as this bill).

25 The State Medical Examiner and each county medical examiner,
26 health care facility, institution, funeral home or physician's office shall
27 employ at least one person who is qualified to use the NJ-EDRS, and
28 is registered with the State registrar as an authorized user of the
29 system, by virtue of completing a course of instruction on the NJ-
30 EDRS provided by the State registrar or an authorized agent thereof,
31 or satisfying such other requirements as may be established by the
32 State registrar for this purpose.

33

34 19. R.S.26:8-25 is amended to read as follows:

35 26:8-25. The local registrar, under the supervision and direction of
36 the State registrar, shall:

37 a. Strictly and thoroughly enforce the law relative to the disposal
38 of dead bodies and the registration of vital records in his registration
39 district;

40 b. Supply blank forms of certificates to such persons as require
41 them or provide access to the NJ-EDRS to responsible parties upon
42 request;

43 c. Supply to every physician, midwife, and funeral director a copy
44 of the law relative to the registration of vital records and the disposal
45 of dead bodies, together with such rules and regulations as may be
46 prepared by the State registrar relative to their enforcement;

- 1 d. Sign his name and insert the date of filing on each certificate of
2 birth, marriage and death, or otherwise authenticate the local
3 registrar's identity through the NJ-EDRS as prescribed by the State
4 registrar;
- 5 e. Examine each certificate of birth, marriage, or death when
6 presented for record in order to ascertain whether or not it has been
7 made in accordance with law and the instructions of the State
8 registrar; and, if such certificate is incomplete and unsatisfactory, [he
9 shall] have the same corrected;
- 10 f. At the expense of the municipality make a complete and accurate
11 copy of each birth, marriage, and death certificate registered by him on
12 a form or in a manner prescribed by the State registrar, to be preserved
13 in his office as the local record or in the NJ-EDRS as prescribed by the
14 State registrar;
- 15 g. On the tenth day of each month or sooner if requested by the
16 department, transmit to the State registrar all original birth, marriage,
17 and death certificates received by him for the preceding month, except
18 that a record created on the NJ-EDRS as prescribed by the State
19 registrar shall be deemed to have been transmitted. If no births,
20 marriages or deaths occurred in any month, he shall, on or before the
21 tenth day of the following month, report that fact to the State registrar
22 on a card provided for such purpose;
- 23 h. Make an immediate report to the State registrar of any violation
24 of this chapter or [chapter 6 of this Title (R.S.26:6-1 et seq.)]
25 R.S.26:6-1 et seq., as well as [chapter 1 of Title 37 of the Revised
26 Statutes] R.S.37:1-1 et seq. coming to his knowledge;
- 27 i. In the case of any birth in his registration district to parents who
28 are residents of another registration district or of the marriage in his
29 registration district of any couple who obtained the marriage license
30 in another registration district, or of the death in his registration
31 district of any person who at the time of [such] death was a resident
32 of another registration district notify the registrar of the other
33 registration district, within five days of [such] the birth, marriage, or
34 death, on forms prescribed by the State registrar. All entries relating
35 to cause of death on the original certificate [must] shall be entered on
36 the death form sent to the registrar of the other registration district,
37 A record created on the NJ-EDRS as prescribed by the State registrar
38 shall be deemed to have been transmitted to the registrar of the other
39 registration district; [and]
- 40 j. Mark the birth certificate of a missing child born in his
41 registration district when notified by the State registrar pursuant to
42 section 3 of P.L.1995, c.395 (C.52:17B-9.8c); and
- 43 k. Make computer facilities with access to the NJ-EDRS available
44 to funeral directors and physicians registered with the NJ-EDRS,
45 within the regular established business hours of the local registrar, for

1 the purpose of providing information necessary to complete a death
2 record.

3 (cf: P.L.1995, c.395, s.6)

4

5 20. R.S.26:8-26 is amended to read as follows:

6 26:8-26. Each subregistrar shall note, on each certificate of birth
7 or death, over his signature, the date of filing, and shall forward all
8 certificates to the local registrar of the district within [5] five days,
9 with the exception that in any instance where [he] the subregistrar
10 accepts a certificate for a death not occurring in his district, as
11 permitted by [section 26:6-6] R.S.26:6-6, he shall forward [such] the
12 certificate within 12 hours to the local registrar of his district. A
13 record created on the NJ-EDRS as prescribed by the State registrar
14 shall be deemed to have been forwarded as required by this section.

15 (cf: P.L.1965, c.78, s.48)

16

17 21. R.S.26:8-48 is amended to read as follows:

18 26:8-48. A certificate of birth, fetal death, marriage or death
19 heretofore or hereafter filed with the State registrar shall not be altered
20 or changed otherwise than by amendments properly signed, dated and
21 witnessed, or as otherwise recorded and authenticated on the NJ-
22 EDRS as prescribed by the State registrar.

23 (cf: P.L.1965, c.78, s.65)

24

25 22. R.S.26:8-52 is amended to read as follows:

26 26:8-52. Corrections to death certificates shall be signed by the
27 physician, registered professional nurse, county medical examiner,
28 State Medical Examiner, funeral director or informant, whose name
29 appears upon the certificate, or shall be otherwise recorded and
30 authenticated on the NJ-EDRS as prescribed by the State registrar;
31 however, any individual having personal knowledge and substantiating
32 documentary proof of the matters sought to be corrected may apply
33 under oath to the county medical examiner or the State Medical
34 Examiner in a case in which the certificate was signed by the State
35 Medical Examiner, to have the certificate corrected. The authority to
36 sign or otherwise authenticate corrections or amendments to causes or
37 duration of causes of death is restricted to the physician, State Medical
38 Examiner or county medical examiner. Upon denial of an application
39 for correction or amendment of a death certificate, a person who has
40 applied to a county medical examiner may apply to the State Medical
41 Examiner, who shall exercise discretion to review the matter and
42 amend the certificate or to defer to the decision of the county medical
43 examiner. The decision of the county medical examiner shall be
44 deemed the final decision by a public officer in the matter unless the
45 State Medical Examiner amends or corrects the death certificate.

46 (cf: P.L.1996, c.67, s.1)

1 23. R.S.26:8-56 is amended to read as follows:

2 26:8-56. The local registrar shall be paid [~~\$1.00~~] \$1 for each birth
3 or death certificate properly executed, registered, recorded, and
4 promptly returned, or otherwise transmitted through the NJ-EDRS, to
5 the State Registrar. In the case of a death registration, the fee shall be
6 credited to the account within the NJ-EDRS of the political
7 subdivision comprising the registration district. A local registrar shall
8 not receive [such] the fee if compensated by a fixed salary as provided
9 in [section 26:8-59 of this Title] R.S.26:8-59.
10 (cf: P.L.1983, c.275, s.14)

11

12 24. (New section) ¹a. Persons authorized to obtain and receive a
13 certification or certified copy of a death certificate from a local
14 registrar, deputy registrar, alternate deputy registrar, subregistrar, or
15 an incorporated political subdivision comprising a registration district,
16 shall include those individuals who establish themselves as one of the
17 following: the parent, legal guardian or other legal representative of
18 the subject of that record; the subject's spouse, child, grandchild or
19 sibling, if of legal age, or the subject's legal representative; an agency
20 of State or federal government for official purposes; a person
21 possessing an order of a court of competent jurisdiction; or a person
22 who is authorized under other emergent circumstances as determined
23 by the commissioner. For the purposes of this section, any employee
24 of a mortuary registered pursuant to P.L.1952, c.340 (C.45:7-32 et
25 seq.), or a funeral director licensed pursuant to that act who is
26 affiliated with a registered mortuary, if the mortuary was recorded on
27 the original certificate of death, shall be construed to be the subject's
28 legal representative and entitled to obtain full and complete copies of
29 death certificates or certifications thereof.¹

30 ¹b.¹ Any fee charged, by a local registrar, deputy registrar,
31 alternate deputy registrar, subregistrar, or an incorporated political
32 subdivision comprising a registration district, to a funeral home as the
33 ¹[agent] legal representative¹ for a person in securing a certified copy
34 of a death certificate shall be in the form of a debit against the account
35 of the funeral home and a credit to the applicable political subdivision
36 within the NJ-EDRS.

37

38 25. R.S.26:8-62 is amended to read as follows:

39 26:8-62. a. The State registrar shall, upon request, supply to ¹[any
40 applicant] a person who establishes himself as one of the following:
41 the subject of the record of a birth, death, fetal death or marriage, as
42 applicable; the subject's parent, legal guardian or other legal
43 representative; the subject's spouse, child, grandchild or sibling, if of
44 legal age, or the subject's legal representative; an agency of State or
45 federal government for official purposes; a person possessing an order
46 of a court of competent jurisdiction; or a person who is authorized

1 under other emergent circumstances as determined by the
 2 commissioner,¹ a certification or certified copy of ¹[the] that¹ record
 3 ¹[of any birth, death, fetal death or marriage]¹, registered under the
 4 provision of this chapter, for either of which, except as provided by
 5 [section 26:8-63 of the Revised Statutes] R.S.26:8-63, he shall be
 6 entitled to [such] a search fee, if any, as [is] provided by [section
 7 26:8-64 of the Revised Statutes] R.S.26:8-64, to be paid by the
 8 ¹[applicant] person. For the purposes of this subsection, any
 9 employee of a mortuary registered pursuant to P.L.1952, c.340
 10 (C.45:7-32 et seq.), or a funeral director licensed pursuant to that act
 11 who is affiliated with a registered mortuary, if the mortuary was
 12 recorded on the original certificate of death, shall be construed to be
 13 the subject's legal representative and entitled to obtain full and
 14 complete copies of death certificates or certifications thereof¹.

15 b. The State registrar shall, upon request, supply to any applicant
 16 a certified transcript of any entry contained in the records of the New
 17 Jersey State census for which, except as provided by [section 26:8-63
 18 of the Revised Statutes] R.S.26:8-63, he shall be entitled to [such] a
 19 search fee as [is] provided by [section 26:8-64 of the Revised
 20 Statutes] R.S.26:8-64, to be paid by the applicant.

21 c. For each death registration initiated on the NJ-EDRS ²on or
 22 after the first day of the first month following the date of enactment of
 23 P.L. , c. (pending before the Legislature as this bill) but before the
 24 first day of the thirty-seventh month following the date of enactment
 25 of P.L. , c. ², the State registrar shall be paid a recording fee ¹for
 26 each record filed, whether by means of the current paper process or
 27 electronically¹, in an amount to be determined by the State registrar
 28 but not exceeding ²[\$20] \$10², from the account of the funeral
 29 home, which may include this amount in the funeral expenses charged
 30 to the estate or person accepting responsibility for the disposition of
 31 the deceased's human remains and the costs associated therewith ²;
 32 provided however, this fee shall not apply to the death registration of
 33 a person who died while in the military or naval or maritime or
 34 merchant marine service of the United States whose death is recorded
 35 pursuant to section 1 of P.L.1950, c.299 (C.26:6-5.2)². The State
 36 registrar shall deposit the proceeds from the recording fee into the
 37 New Jersey Electronic Death Registration Support Fund established
 38 pursuant to section 17 of P.L. , c. (C.)(pending before the
 39 Legislature as this bill).

40 (cf: P.L.1965, c.78, s.72)

41

42 26. R.S.26:8-69 is amended to read as follows:

43 26:8-69. Except as otherwise specifically provided in this chapter
 44 and [chapter 1 of Title 37 of the Revised Statutes] R.S.37:1-1 et seq.,
 45 any person who shall:

- 1 a. Fail or refuse to furnish correctly any information in his
2 possession; or
- 3 b. Willfully and knowingly furnish false information affecting any
4 certificate or record required by this chapter; or
- 5 c. Willfully alter, otherwise than is provided by [article 6 of this
6 chapter (Sec.26:8-48 et seq.)] R.S.26:8-48 et seq., or willfully or
7 knowingly falsify, any certificate or record established by this chapter;
8 or
- 9 d. Fail to fill out and transmit any certificate or record in the
10 manner required by this chapter; or
- 11 e. Being a local registrar, deputy registrar, alternate deputy
12 registrar or subregistrar, shall fail to perform his duty as required by
13 this chapter and by the directions of the State registrar thereunder; or
- 14 f. Violate any of the provisions of this chapter or fail to discharge
15 any duty required by this chapter-

16 Shall be subject to a penalty of not less than ~~[\$5.00]~~ \$100 nor
17 more than ~~[\$50.00]~~ \$250 for each first offense and not less than
18 ~~[\$10.00]~~ \$250 nor more than ~~[\$100.00]~~ \$500 for each subsequent
19 offense.

20 ~~[Such]~~ The penalties shall be recovered in a civil action in the name
21 of the ~~[State department]~~ Department of Health and Senior Services
22 or local board in any court of competent jurisdiction.

23 The Superior Court or municipal court shall have jurisdiction over
24 proceedings to enforce and collect any such penalty, if the violation
25 has occurred within the territorial jurisdiction of the court. The
26 proceedings shall be summary and in accordance with ~~["the penalty~~
27 ~~enforcement law" (N.J.S.2A:58-1 et seq.)]~~ the "Penalty Enforcement
28 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

29 Notwithstanding the provisions of this section to the contrary, the
30 State registrar may refer a violation of this chapter by a physician,
31 nurse or funeral director who is licensed pursuant to Title 45 of the
32 Revised Statutes to the appropriate professional board in the Division
33 of Consumer Affairs in the Department of Law and Public Safety,
34 which shall, in accordance with the "Administrative Procedure Act,"
35 P.L.1968, c.410 (C.52:14B-1 et seq.), assess the penalty provided for
36 in this subsection and assume enforcement responsibility on the same
37 basis as it would for a violation of the statute or regulations governing
38 the practice of those persons regulated by that board.

39 (cf: P.L.1991, c.91, s.301)

40

41 ¹[27. (New section) For the purpose of issuing a certified copy of
42 a death record, the funeral director and employees of the funeral home
43 shall be the legal representative of the subject of a death certificate or
44 the subject's parent, legal guardian, spouse, child or sibling, or a
45 majority of the subject's children or siblings.]¹

1 ¹[28.] 27.¹ (New section) The State registrar may suspend the
2 authority of a local registrar, deputy registrar, alternate deputy
3 registrar or subregistrar to participate in the NJ-EDRS, and thereby
4 preclude that person from doing burial permitting or death
5 registration, if the State registrar determines that the applicable
6 registration district is insufficiently equipped or provides untimely
7 service with respect to the review and final authentication of records.
8 In that event, the State registrar may assign a local registrar, deputy
9 registrar, alternate deputy registrar or subregistrar from another
10 registration district to substitute for the person in question until such
11 time as the applicable registration district meets the standards
12 established by the State registrar.

13

14 ¹[29.] 28.¹ The Commissioner of Health and Senior Services,
15 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
16 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate
17 the purposes of this act.

18

19 ¹[30.] 29.¹ This act shall take effect immediately.

20

21

22

23

24 Mandates use of New Jersey Electronic Death Registration System.

ASSEMBLY, No. 2476

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED JUNE 17, 2002

Sponsored by:

Assemblyman HERBERT CONAWAY, JR.

District 7 (Burlington and Camden)

Assemblyman JACK CONNERS

District 7 (Burlington and Camden)

Co-Sponsored by:

Assemblymen McKeon, Blee, D'Amato and Assemblywoman Cruz-Perez

SYNOPSIS

Mandates use of New Jersey Electronic Death Registration System.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/22/2002)

A2476 CONAWAY, CONNERS

2

1 AN ACT concerning death records, amending R.S.26:6-1 et seq., and
2 amending and supplementing R.S.26:8-1 et seq.

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

6
7 1. R.S.26:6-1 is amended to read as follows:

8 26:6-1. As used in this chapter: "Local registrar" or "registrar"
9 means the local registrar of vital statistics. "State registrar" means
10 the State Registrar of Vital Statistics.

11 "Registration district" or "district" means the district established
12 by law for the registration of vital events.

13 "Fetal death" or "stillbirth" means death prior to the complete
14 expulsion or extraction from its mother of a product of conception,
15 irrespective of the duration of pregnancy; the death is indicated by the
16 fact that after such separation, the fetus does not breathe or show any
17 other evidence of life such as beating of the heart, pulsation of the
18 umbilical cord, or definite movement of voluntary muscles.

19 "Dead body" means the dead body of a human being.

20 The definition of the term "communicable disease" as contained in
21 [section 26:4-1 of this Title] R.S.26:4-1 shall also apply to this
22 chapter.

23 "Authentication" means the entry by the State Medical Examiner or
24 a county medical examiner, funeral director or physician into the New
25 Jersey Electronic Death Registration System of a personal
26 identification code, digital signature or other identifier unique to that
27 user, by which the information entered into the system by the user is
28 authenticated by the user who assumes responsibility for its accuracy.
29 "Authentication" also means the process by which the State registrar
30 or a local registrar, deputy registrar, alternate deputy registrar or
31 subregistrar indicates that person's review and approval of information
32 entered into the system by the State Medical Examiner or a county
33 medical examiner, funeral director or physician.

34 "Electronic registration system" means any electronic method,
35 including, but not limited to, one based on Internet technology, of
36 collecting, transmitting, recording and authenticating information from
37 one or more responsible parties, which is necessary to complete a vital
38 record, and is designed to replace a manual, paper-based data
39 collection, recordation and signature system.

40 "New Jersey Electronic Death Registration System" or "NJ-EDRS"
41 is an electronic registration system for completing a certification of
42 death or fetal death record that is authorized, designed and maintained
43 by the State registrar.

44 (cf: P.L.1965, c.78, s.1)

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 2. R.S.26:6-4 is amended to read as follows:

2 26:6-4. In computing the death rate of any municipality or health
3 district in which there is located a hospital or other institution, any
4 death which shall take place at such hospital or institution shall not be
5 included among deaths occurring in said municipality or health district
6 unless the death is of a person whose last place of residence was in
7 said municipality or health district.

8 Any death occurring at any such hospital or institution, of any
9 person whose last place of residence as shown on the death certificate
10 was outside of the limits of said municipality or health district, shall,
11 for the purpose of computing the death rate, be included among the
12 deaths occurring in the municipality or health district named in the
13 certificate as the last place of residence of the decedent.

14 [It] Except where a death record is created on the NJ-EDRS, it
15 shall be the duty of the registrar of the district in which such a death
16 occurred promptly to notify the registrar of the district which was the
17 last place of residence of the decedent.

18 (cf: P.L.1965, c.78, s.2)

19

20 3. R.S.26:6-6 is amended to read as follows:

21 26:6-6. a. The funeral director in charge of the funeral or
22 disposition of the body of any person dying in this State shall be
23 responsible for the proper execution of a death certificate[, which
24 shall be filled out in durable black or blue ink,] in a legible manner, or
25 by means of the NJ-EDRS, and filed in exchange for a burial or
26 removal or transit permit with the local registrar of the district in
27 which the death occurred or the body was found or with the registrar
28 of the district in which the funeral director has his funeral home or
29 where the burial or other disposition is to take place. In the event the
30 death certificate is filed with the registrar of a district other than that
31 in which the death took place or the body was found, [such] that
32 registrar shall, within 24 hours after issuing the permit, sign and
33 forward the certificate of death to the registrar of the district where
34 the death took place or the body was found, with a statement that the
35 permit was issued. In case the death certificate is filed with the deputy
36 registrar, alternate deputy registrar or subregistrar, he shall within 12
37 hours forward [such] the certificate to his own registrar, who in turn
38 shall forward the certificate as heretofore directed. A record created
39 on the NJ-EDRS shall be deemed to have been transmitted to the other
40 local registrar, or by the deputy registrar, alternate deputy registrar or
41 subregistrar, as applicable, in accordance with the requirements of this
42 subsection.

43 b. Any funeral director filing a death certificate in a registration
44 district other than that in which the death occurred or the body was
45 found shall immediately send the State registrar written notice by first
46 class mail, except that a record created on the NJ-EDRS shall be

1 deemed to have been transmitted to the State registrar in accordance
2 with the requirements of this subsection. The notice shall contain the
3 name of the deceased, the place and date of death, the date the
4 certificate was filed, the name and address of the registrar with whom
5 the certificate was filed, and the name and address of the funeral
6 director. Failure of the State registrar to receive [such] the notice
7 shall be considered as failure of the funeral director to have sent it. In
8 [such] that case, the funeral director shall be subject to a penalty of
9 ~~[\$25.00]~~ \$25, and the State registrar shall notify the State Board of
10 Mortuary Science of the facts in the matter.

11 (cf: P.L.1977, c.147, s.1)

12

13 4. R.S.26:6-7 is amended to read as follows:

14 26:6-7. The certificate of death shall contain such items as shall be
15 listed on death certificate forms or in the NJ-EDRS provided or
16 approved by the department under the authority of subsection c. of
17 R.S. 26:8-24. [The certificate of death shall include a space for the
18 signature of the person who makes the actual determination and
19 pronouncement of death and a box that designates the person's official
20 capacity as attending physician, attending registered professional nurse
21 or medical examiner.]

22 (cf: P.L.1983, c.308, s.1)

23

24 5. R.S.26:6-8 is amended to read as follows:

25 26:6-8. In the execution of a death certificate, the personal
26 particulars shall be obtained by the funeral director from the person
27 best qualified to supply them. The death and last sickness particulars
28 shall be supplied by the attending, covering or resident physician
29 licensed by the State Board of Medical Examiners pursuant to
30 R.S.45:9-1 et seq.; or if there is no attending, covering or resident
31 physician, by an attending registered professional nurse licensed by the
32 New Jersey Board of Nursing under P.L.1947, c. 262 (C. 45:11-23 et
33 seq.); or if there is no attending, covering or resident physician or
34 attending registered professional nurse, by the county medical
35 examiner. Within a reasonable time, not to exceed 24 hours after the
36 pronouncement of death, the attending, covering or resident
37 physician or the county medical examiner shall execute the death
38 certification. The burial particulars shall be supplied by the funeral
39 director. The attending, covering or resident physician, the attending
40 registered professional nurse, or the county medical examiner and the
41 funeral director shall certify to the particulars supplied by them by
42 signing their names below the list of items furnished, or by otherwise
43 authenticating their identities and the information that they have
44 provided through the NJ-EDRS. If a person acting under the direct
45 supervision of the State Medical Examiner, a county medical examiner,
46 funeral director, attending, covering or resident physician, or licensed

1 health care facility or other public or private institution providing
2 medical care, treatment or confinement to persons, which is registered
3 with the NJ-EDRS, is not authorized to authenticate the information
4 required on a certificate of death or fetal death, that person may enter
5 that information into the NJ-EDRS in anticipation of its authentication
6 by the State Medical Examiner or a county medical examiner, funeral
7 director, attending, covering or resident physician, local registrar,
8 deputy registrar, alternate deputy registrar or subregistrar, as
9 applicable.

10 (cf: P.L.1983, c.308, s.2)

11

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

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

23 b. The provisions of subsection a. of this section shall only apply
24 in the case of a death which occurs in the home or place of residence
25 of the deceased, in a hospice, or in a long-term care facility or nursing
26 home.

27 (cf: P.L.1983, c.308, s.4)

28

29 7. R.S.26:6-9 is amended to read as follows:

30 26:6-9. In case of any death occurring without medical attendance,
31 the funeral director shall notify the county medical examiner, or local
32 registrar. In case the local registrar[,] shall be notified, he shall
33 immediately inform the county medical examiner and refer the case to
34 him for investigation. The county medical examiner shall furnish the
35 funeral director with the necessary data and last sickness particulars to
36 make the death certificate, or shall enter the information directly into
37 the NJ-EDRS.

38 (cf: P.L.1971, c.2, s.14)

39

40 8. R.S.26:6-10 is amended to read as follows:

41 26:6-10. In case the physician who last attended the deceased is
42 [absent or sick] unavailable, so that a certificate of death cannot be
43 obtained from him in time for burial or removal[, then any physician]:

44 a. the designated covering physician shall have the primary
45 responsibility, after examining the dead body, and being satisfied that
46 death did not result from some unlawful means, [may] to issue a death

1 certificate; and

2 b. in the absence of the designated covering physician, any other
3 physician, after examining the dead body, and being satisfied that death
4 did not result from some unlawful means, may issue a death certificate.

5 (cf: R.S.26:6-10)

6

7 9. R.S.26:6-14 is amended to read as follows:

8 26:6-14. Upon receipt of a death certificate, the local registrar
9 shall:

10 a. If the certificate is properly executed and complete, issue a
11 burial or removal permit when requested; and

12 b. If the certificate of death is incomplete and unsatisfactory, call
13 attention to the defects in the return, and withhold the burial or
14 removal permit until the defects are corrected. Any person certifying
15 to any of the particulars in the certificate shall complete the same as
16 directed by the local registrar in accordance with such terms as may
17 be defined by the State registrar.

18 For the purposes of the NJ-EDRS, the death certificate shall be
19 complete when the attending, covering or resident physician or the
20 county medical examiner, and the funeral director in charge, have
21 completed their respective portions of the death registration record.

22 (cf: P.L.1965, c.78, s.10)

23

24 10. R.S.26:6-16 is amended to read as follows:

25 26:6-16. The burial or removal permit shall be issued upon a form
26 or through the NJ-EDRS as prescribed by the [state] department,
27 signed or authenticated through the NJ-EDRS by the local registrar,
28 and shall state:

29 a. The name, age, sex, cause of death, and other necessary details
30 required by the [state] department;

31 b. That a satisfactory certificate of death has been filed as required
32 by law; and

33 c. That permission is granted to inter, remove, or otherwise
34 dispose of the body.

35 (cf: R.S.26:6-16)

36

37 11. R.S.26:6-17 is amended to read as follows:

38 26:6-17. The local registrar shall be entitled to receive a fee of
39 [\$1.00] \$5 for each burial or removal, or transit permit issued.

40 (cf: P.L.1965, c.78, s.11)

41

42 12. R.S.26:8-1 is amended to read as follows:

43 26:8-1. As used in this chapter:

44 "Vital statistics" means statistics concerning birth, deaths, fetal
45 deaths and marriages.

46 "Vital records" means the birth, death, fetal death and marriage

1 records from which vital statistics are produced.

2 "State registrar" means the State registrar of vital statistics; "Local
3 registrar" or "registrar" means the local registrar of vital statistics of
4 any district; and "registration district" or "district" means a registration
5 district as constituted by this article.

6 "Live birth" or "birth" means the complete expulsion or extraction
7 from its mother of a product of conception, irrespective of the
8 duration of pregnancy, which, after such separation, breathes or shows
9 any other evidence of life such as beating of the heart, pulsation of the
10 umbilical cord, or definite movement of voluntary muscles, whether or
11 not the umbilical cord has been cut or the placenta attached.

12 "Authentication" means the entry by the State Medical Examiner or
13 a county medical examiner, funeral director or physician into the New
14 Jersey Electronic Death Registration System of a personal
15 identification code, digital signature or other identifier unique to that
16 user, by which the information entered into the system by the user is
17 authenticated by the user who assumes responsibility for its accuracy.
18 "Authentication" also means the process by which the State registrar
19 or a local registrar, deputy registrar, alternate deputy registrar or
20 subregistrar indicates that person's review and approval of information
21 entered into the system by the State Medical Examiner or a county
22 medical examiner, funeral director or physician.

23 "Electronic registration system" means any electronic method,
24 including, but not limited to, one based on Internet technology, of
25 collecting, transmitting, recording and authenticating information from
26 one or more responsible parties, which is necessary to complete a vital
27 record, and is designed to replace a manual, paper-based data
28 collection, recordation and signature system.

29 "New Jersey Electronic Death Registration System" or "NJ-EDRS"
30 means an electronic registration system for completing a certification
31 of death or fetal death record that is authorized, designed and
32 maintained by the State registrar.

33 (cf: P.L.1965, c.78, s.32).

34

35 13. R.S.26:8-4 is amended to read as follows:

36 26:8-4. Upon demand of the State registrar in person, by mail, by
37 means of the NJ-EDRS, or through the local registrar, every physician,
38 midwife, informant, funeral director, or other person having
39 knowledge of the facts relative to any birth, death, fetal death, or
40 marriage, shall supply such information as he may possess, upon a
41 form provided by the State registrar, or through the NJ-EDRS, or
42 upon the original birth, death, fetal death, or marriage certificate or its
43 electronic facsimile or digitized form thereof.

44 (cf: P.L.1965, c.78, s.33)

45

46 14. R.S.26:8-6 is amended to read as follows:

1 26:8-6. a. Every midwife and [undertaker] funeral director shall
2 register annually his name, address and occupation, and his license
3 number, with the local registrar of the district in which he resides[.
4 Such registration shall also be made] and shall register that
5 information with the local registrar immediately upon [removing]
6 moving to another registration district.

7 b. The provisions of subsection a. of this section, with respect to
8 funeral directors, shall be satisfied by the implementation of periodic
9 data exchanges between the State Board of Mortuary Science and the
10 State registrar, which shall begin no later than 18 months after the date
11 of enactment of P.L. , c. (pending before the Legislature as this
12 bill), in a manner to be prescribed by the State registrar.

13 (cf: R.S.26:8-6)

14

15 15. R.S.26:8-24 is amended to read as follows:

16 26:8-24. The State registrar shall:

17 a. Have general supervision throughout the State of the registration
18 of vital records;

19 b. Have supervisory power over local registrars, deputy local
20 registrars, alternate deputy local registrars and subregistrars, in the
21 enforcement of the law relative to the disposal of dead bodies and the
22 registration of vital records;

23 c. Prepare, print, and supply to all registrars, upon request
24 therefor, all blanks and forms used in registering the records required
25 by said law, and provide for and prescribe the use of the NJ-EDRS.
26 No other blanks or methods of registration shall be used than those
27 supplied or approved by the State registrar;

28 d. Carefully examine the certificates or electronic files received
29 [monthly] periodically from the local registrars[,] or originating from
30 their jurisdiction; and, if any [such] are incomplete or unsatisfactory
31 [he shall], require such further information to be supplied as may be
32 necessary to make the record complete and satisfactory;

33 e. Arrange[,] or bind, and permanently preserve the certificates of
34 vital records, or the information comprising those records, in a
35 systematic manner and in a form that is deemed most consistent with
36 contemporary and developing standards of vital statistical archival
37 record keeping;

38 f. Prepare and maintain a comprehensive and continuous index of
39 all vital records registered, the index to be arranged alphabetically;

40 1. In the case of deaths, by the name of the decedent;

41 2. In the case of births, by the name of child, if given, and if not,
42 then by the name of father or mother;

43 3. In the case of marriages, by the surname of the husband and also
44 by the maiden name of the wife; [and]

45 g. Mark the birth certificate of a missing child when notified by the

1 Missing Persons Unit in the Department of Law and Public Safety
2 pursuant to section 3 of P.L.1995, c.395 (C.52:17B-9.8c); and
3 h. Develop and provide to local registrars an education and training
4 program, which the State registrar may require each local registrar to
5 complete as a condition of retaining that position, and which may be
6 offered to deputy local registrars, alternate deputy local registrars and
7 subregistrars at the discretion of the State registrar, that includes
8 material designed to implement the NJ-EDRS and to familiarize local
9 registrars with the statutory requirements applicable to their duties and
10 any rules and regulations adopted pursuant thereto, as deemed
11 appropriate by the State registrar.
12 (cf: P.L.1995, c.395, s.5)

13
14 16. (New section) a. The State registrar shall establish and
15 maintain the New Jersey Electronic Death Registration System or NJ-
16 EDRS.

17 (1) The system shall be fully implemented no later than 18 months
18 after the date of enactment of P.L. , c. (pending before the
19 Legislature as this bill), and shall be the required means of death
20 registration and certification for any death or fetal death occurring in
21 this State, subject to any exception that may be approved by the State
22 registrar in the case of a specific death or fetal death. All participants
23 in the death registration process, including, but not limited to, the
24 State registrar, local registrars, deputy registrars, alternate deputy
25 registrars, subregistrars, the State medical examiner, county medical
26 examiners, funeral directors, attending physicians and resident
27 physicians, licensed health care facilities, and other public or private
28 institutions providing medical care, treatment or confinement to
29 persons, shall be required to utilize the NJ-EDRS to provide the
30 information that is required of them by statute or regulation.

31 (2) The State registrar may provide for a phased implementation
32 of the system, beginning seven months after the date of enactment of
33 P.L. , c. (pending before the Legislature as this bill), by requiring
34 certain users, who are designated by the State registrar on a
35 geographic or other basis for this purpose, to commence utilization of
36 the system.

37 (3) Beginning no later than six months after the date of enactment
38 of P.L. , c. (pending before the Legislature as this bill), the State
39 registrar shall authorize and provide material support, in the form of
40 system access, curriculum guidelines and user registration capability
41 and authority, to the principal trade associations or professional
42 organizations representing persons affected by implementation of the
43 NJ-EDRS, for the purposes of providing training and education with
44 regard to the NJ-EDRS. The State registrar may conduct such
45 education and training, or authorize other entities to do so on his
46 behalf; however, these activities shall not be construed as restricting

1 the training and education activities of any affected trade association
2 or professional organization, including the location, manner, fees or
3 other means of conducting those activities on the part of the
4 association or organization.

5 b. The NJ-EDRS shall, at a minimum, provide for:

6 (1) the direct transmission of burial permit documentation to the
7 originating funeral home in an electronic form capable of output to a
8 local printer;

9 (2) an overnight mail system for the delivery of NJ-EDRS-
10 generated death certificates by the State registrar and local registrars,
11 the cost of which shall be chargeable to the funeral director of record;

12 (3) an automated notification system to alert other responsible
13 parties to pending cases, including notification to or from alternate
14 local registrars;

15 (4) a systematic electronic payment method by which all fees are
16 taken from accounts for which funeral homes are financially
17 responsible and distributed, as appropriate, to the State registrar or
18 local registrars as payment for the issuance of permits, the recording
19 of records, the making of certified copies of death certificates, or for
20 other charges that may be incurred;

21 (5) a legally binding system of digital authentication in lieu of
22 signatures for the responsible parties and a means of assuring database
23 security that permits users to enter the system from multiple sites and
24 includes contemporaneous and remote data security methods to
25 protect the system from catastrophic loss or intrusions, as well as a
26 method of data encryption for transmission;

27 (6) the capacity for authorized users to retrieve data comprising
28 the death certification record;

29 (7) the capacity to electronically amend and correct death records;

30 (8) electronic notification, upon completion of the death record
31 and issuance of a burial permit, of the decedent's name, Social Security
32 number and last known address and the informant to: the federal
33 Social Security Administration, the federal Immigration and
34 Naturalization Service, the Division of Medical Assistance and Health
35 Services in the Department of Human Services, and such other
36 governmental agencies as the State registrar determines will
37 substantially contribute to safeguarding public benefit programs and
38 diminish the criminal use of a decedent's name and other identifying
39 information; and the New Jersey State Funeral Directors Association,
40 in the case of a decedent participating in one of its funeral expense
41 payment programs, in such a manner as to enable it to fulfill its
42 fiduciary obligations for the payment of the decedent's final funeral and
43 burial expenses;

44 (9) sufficient data documentation to meet contemporary and
45 emerging standards and expectations of vital record archiving; and

46 (10) continuous 24-hour-a-day technical support for all authorized

1 users of the system.

2 c. A provider of information that is required to complete a death
3 certificate, or who is subject to the provisions of law governing the
4 NJ-EDRS, shall not be deemed to be acting as a local registrar, deputy
5 registrar, alternate deputy registrar or subregistrar solely by virtue of
6 permitting other providers of information to gain access to the NJ-
7 EDRS by using those other providers' identifying information.

8

9 17. (New section) a. There is established the "New Jersey
10 Electronic Death Registration Support Fund" as a nonlapsing,
11 revolving fund to be administered by the Commissioner of Health and
12 Senior Services and credited with monies received pursuant to
13 subsection c. of R.S.26:8-62.

14 b. The State Treasurer is the custodian of the fund and all
15 disbursements from the fund shall be made by the treasurer upon
16 vouchers signed by the commissioner. The monies in the fund shall be
17 invested and reinvested by the Director of the Division of Investment
18 in the Department of the Treasury as are other trust funds in the
19 custody of the State Treasurer in the manner provided by law. Interest
20 received on the monies in the fund shall be credited to the fund.

21 c. The monies in the fund and the interest earned thereon shall be
22 used to meet the development and operational costs of the NJ-EDRS,
23 including, but not limited to, costs associated with: personnel;
24 hardware purchases and maintenance; software and communications
25 infrastructure; website hosting; and licensing fees, royalties and
26 transaction expenses incurred in the development, installation,
27 maintenance and operation of electronic payment security,
28 authentication and encryption systems, and user training and
29 education.

30

31 18. (New section) The State Medical Examiner, county medical
32 examiners, licensed health care facilities, other public or private
33 institutions providing medical care, treatment or confinement to
34 persons, funeral homes and physicians' private practice offices, as
35 defined by the State registrar, shall acquire the electronic means
36 prescribed by the State registrar to access the NJ-EDRS, or make such
37 other arrangements as are necessary for that purpose, no later than six
38 months after the date of enactment of P.L. , c. (pending before the
39 Legislature as this bill).

40 The State Medical Examiner and each county medical examiner,
41 health care facility, institution, funeral home or physician's office shall
42 employ at least one person who is qualified to use the NJ-EDRS, and
43 is registered with the State registrar as an authorized user of the
44 system, by virtue of completing a course of instruction on the NJ-
45 EDRS provided by the State registrar or an authorized agent thereof,
46 or satisfying such other requirements as may be established by the

1 State registrar for this purpose.

2

3 19. R.S.26:8-25 is amended to read as follows:

4 26:8-25. The local registrar, under the supervision and direction of
5 the State registrar, shall:

6 a. Strictly and thoroughly enforce the law relative to the disposal
7 of dead bodies and the registration of vital records in his registration
8 district;

9 b. Supply blank forms of certificates to such persons as require
10 them or provide access to the NJ-EDRS to responsible parties upon
11 request;

12 c. Supply to every physician, midwife, and funeral director a copy
13 of the law relative to the registration of vital records and the disposal
14 of dead bodies, together with such rules and regulations as may be
15 prepared by the State registrar relative to their enforcement;

16 d. Sign his name and insert the date of filing on each certificate of
17 birth, marriage and death, or otherwise authenticate the local
18 registrar's identity through the NJ-EDRS as prescribed by the State
19 registrar;

20 e. Examine each certificate of birth, marriage, or death when
21 presented for record in order to ascertain whether or not it has been
22 made in accordance with law and the instructions of the State
23 registrar; and, if such certificate is incomplete and unsatisfactory, **[he**
24 **shall]** have the same corrected;

25 f. At the expense of the municipality make a complete and accurate
26 copy of each birth, marriage, and death certificate registered by him on
27 a form or in a manner prescribed by the State registrar, to be preserved
28 in his office as the local record or in the NJ-EDRS as prescribed by the
29 State registrar;

30 g. On the tenth day of each month or sooner if requested by the
31 department, transmit to the State registrar all original birth, marriage,
32 and death certificates received by him for the preceding month, except
33 that a record created on the NJ-EDRS as prescribed by the State
34 registrar shall be deemed to have been transmitted. If no births,
35 marriages or deaths occurred in any month, he shall, on or before the
36 tenth day of the following month, report that fact to the State registrar
37 on a card provided for such purpose;

38 h. Make an immediate report to the State registrar of any violation
39 of this chapter or **[chapter 6 of this Title (R.S.26:6-1 et seq.)]**
40 **R.S.26:6-1 et seq.**, as well as **[chapter 1 of Title 37 of the Revised**
41 **Statutes]** **R.S.37:1-1 et seq.** coming to his knowledge;

42 i. In the case of any birth in his registration district to parents who
43 are residents of another registration district or of the marriage in his
44 registration district of any couple who obtained the marriage license
45 in another registration district, or of the death in his registration
46 district of any person who at the time of **[such]** death was a resident

1 of another registration district notify the registrar of the other
2 registration district, within five days of [such] the birth, marriage, or
3 death, on forms prescribed by the State registrar. All entries relating
4 to cause of death on the original certificate [must] shall be entered on
5 the death form sent to the registrar of the other registration district.
6 A record created on the NJ-EDRS as prescribed by the State registrar
7 shall be deemed to have been transmitted to the registrar of the other
8 registration district; [and]

9 j. Mark the birth certificate of a missing child born in his
10 registration district when notified by the State registrar pursuant to
11 section 3 of P.L.1995, c.395 (C.52:17B-9.8c); and

12 k. Make computer facilities with access to the NJ-EDRS available
13 to funeral directors and physicians registered with the NJ-EDRS,
14 within the regular established business hours of the local registrar, for
15 the purpose of providing information necessary to complete a death
16 record.

17 (cf: P.L.1995, c.395, s.6)

18

19 20. R.S.26:8-26 is amended to read as follows:

20 26:8-26. Each subregistrar shall note, on each certificate of birth
21 or death, over his signature, the date of filing, and shall forward all
22 certificates to the local registrar of the district within [5] five days,
23 with the exception that in any instance where [he] the subregistrar
24 accepts a certificate for a death not occurring in his district, as
25 permitted by [section 26:6-6] R.S.26:6-6, he shall forward [such] the
26 certificate within 12 hours to the local registrar of his district. A
27 record created on the NJ-EDRS as prescribed by the State registrar
28 shall be deemed to have been forwarded as required by this section.

29 (cf: P.L.1965, c.78, s.48)

30

31 21. R.S.26:8-48 is amended to read as follows:

32 26:8-48. A certificate of birth, fetal death, marriage or death
33 heretofore or hereafter filed with the State registrar shall not be altered
34 or changed otherwise than by amendments properly signed, dated and
35 witnessed, or as otherwise recorded and authenticated on the NJ-
36 EDRS as prescribed by the State registrar.

37 (cf: P.L.1965, c.78, s.65)

38

39 22. R.S.26:8-52 is amended to read as follows:

40 26:8-52. Corrections to death certificates shall be signed by the
41 physician, registered professional nurse, county medical examiner,
42 State Medical Examiner, funeral director or informant, whose name
43 appears upon the certificate, or shall be otherwise recorded and
44 authenticated on the NJ-EDRS as prescribed by the State registrar;
45 however, any individual having personal knowledge and substantiating
46 documentary proof of the matters sought to be corrected may apply

1 under oath to the county medical examiner or the State Medical
2 Examiner in a case in which the certificate was signed by the State
3 Medical Examiner, to have the certificate corrected. The authority to
4 sign or otherwise authenticate corrections or amendments to causes or
5 duration of causes of death is restricted to the physician, State Medical
6 Examiner or county medical examiner. Upon denial of an application
7 for correction or amendment of a death certificate, a person who has
8 applied to a county medical examiner may apply to the State Medical
9 Examiner, who shall exercise discretion to review the matter and
10 amend the certificate or to defer to the decision of the county medical
11 examiner. The decision of the county medical examiner shall be
12 deemed the final decision by a public officer in the matter unless the
13 State Medical Examiner amends or corrects the death certificate.

14 (cf: P.L.1996, c.67, s.1)

15

16 23. R.S.26:8-56 is amended to read as follows:

17 26:8-56. The local registrar shall be paid ~~[\$1.00]~~ \$1 for each birth
18 or death certificate properly executed, registered, recorded, and
19 promptly returned, or otherwise transmitted through the NJ-EDRS, to
20 the State Registrar. In the case of a death registration, the fee shall be
21 credited to the account within the NJ-EDRS of the political
22 subdivision comprising the registration district. A local registrar shall
23 not receive ~~[such]~~ the fee if compensated by a fixed salary as provided
24 in ~~[section 26:8-59 of this Title]~~ R.S.26:8-59.

25 (cf: P.L.1983, c.275, s.14)

26

27 24. (New section) Any fee charged, by a local registrar, deputy
28 registrar, alternate deputy registrar, subregistrar, or an incorporated
29 political subdivision comprising a registration district, to a funeral
30 home as the agent for a person in securing a certified copy of a death
31 certificate shall be in the form of a debit against the account of the
32 funeral home and a credit to the applicable political subdivision within
33 the NJ-EDRS.

34

35 25. R.S.26:8-62 is amended to read as follows:

36 26:8-62. a. The State registrar shall, upon request, supply to any
37 applicant a certification or certified copy of the record of any birth,
38 death, fetal death or marriage, registered under the provision of this
39 chapter, for either of which, except as provided by ~~[section 26:8-63~~
40 ~~of the Revised Statutes]~~ R.S.26:8-63, he shall be entitled to ~~[such]~~ a
41 search fee, if any, as ~~[is]~~ provided by ~~[section 26:8-64 of the Revised~~
42 ~~Statutes]~~ R.S.26:8-64, to be paid by the applicant.

43 b. The State registrar shall, upon request, supply to any applicant
44 a certified transcript of any entry contained in the records of the New
45 Jersey State census for which, except as provided by ~~[section 26:8-63~~

1 of the Revised Statutes] R.S.26:8-63, he shall be entitled to [such] a
 2 search fee as [is] provided by [section 26:8-64 of the Revised
 3 Statutes] R.S.26:8-64, to be paid by the applicant.

4 c. For each death registration initiated on the NJ-EDRS, the State
 5 registrar shall be paid a recording fee, in an amount to be determined
 6 by the State registrar but not exceeding \$20, from the account of the
 7 funeral home, which may include this amount in the funeral expenses
 8 charged to the estate or person accepting responsibility for the
 9 disposition of the deceased's human remains and the costs associated
 10 therewith. The State registrar shall deposit the proceeds from the
 11 recording fee into the New Jersey Electronic Death Registration
 12 Support Fund established pursuant to section 17 of P.L. ,
 13 c. (C.) (pending before the Legislature as this bill).

14 (cf: P.L.1965, c.78, s.72)

15

16 26. R.S.26:8-69 is amended to read as follows:

17 26:8-69. Except as otherwise specifically provided in this chapter
 18 and [chapter 1 of Title 37 of the Revised Statutes] R.S.37:1-1 et seq.,
 19 any person who shall:

20 a. Fail or refuse to furnish correctly any information in his
 21 possession; or

22 b. Willfully and knowingly furnish false information affecting any
 23 certificate or record required by this chapter; or

24 c. Willfully alter, otherwise than is provided by [article 6 of this
 25 chapter (Sec.26:8-48 et seq.)] R.S.26:8-48 et seq., or willfully or
 26 knowingly falsify, any certificate or record established by this chapter;
 27 or

28 d. Fail to fill out and transmit any certificate or record in the
 29 manner required by this chapter; or

30 e. Being a local registrar, deputy registrar, alternate deputy
 31 registrar or subregistrar, shall fail to perform his duty as required by
 32 this chapter and by the directions of the State registrar thereunder; or

33 f. Violate any of the provisions of this chapter or fail to discharge
 34 any duty required by this chapter-

35 Shall be subject to a penalty of not less than [~~\$5.00~~] \$100 nor
 36 more than [~~\$50.00~~] \$250 for each first offense and not less than
 37 [~~\$10.00~~] \$250 nor more than [~~\$100.00~~] \$500 for each subsequent
 38 offense.

39 [~~Such~~] The penalties shall be recovered in a civil action in the name
 40 of the [~~State department~~] Department of Health and Senior Services
 41 or local board in any court of competent jurisdiction.

42 The Superior Court or municipal court shall have jurisdiction over
 43 proceedings to enforce and collect any such penalty, if the violation
 44 has occurred within the territorial jurisdiction of the court. The
 45 proceedings shall be summary and in accordance with ["the penalty

1 enforcement law" (N.J.S.2A:58-1 et seq.)] the "Penalty Enforcement
2 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

3 Notwithstanding the provisions of this section to the contrary, the
4 State registrar may refer a violation of this chapter by a physician,
5 nurse or funeral director who is licensed pursuant to Title 45 of the
6 Revised Statutes to the appropriate professional board in the Division
7 of Consumer Affairs in the Department of Law and Public Safety,
8 which shall, in accordance with the "Administrative Procedure Act,"
9 P.L.1968, c.410 (C.52:14B-1 et seq.), assess the penalty provided for
10 in this subsection and assume enforcement responsibility on the same
11 basis as it would for a violation of the statute or regulations governing
12 the practice of those persons regulated by that board.
13 (cf: P.L.1991, c.91, s.301)

14

15 27. (New section) For the purpose of issuing a certified copy of
16 a death record, the funeral director and employees of the funeral home
17 shall be the legal representative of the subject of a death certificate or
18 the subject's parent, legal guardian, spouse, child or sibling, or a
19 majority of the subject's children or siblings.

20

21 28. (New section) The State registrar may suspend the authority
22 of a local registrar, deputy registrar, alternate deputy registrar or
23 subregistrar to participate in the NJ-EDRS, and thereby preclude that
24 person from doing burial permitting or death registration, if the State
25 registrar determines that the applicable registration district is
26 insufficiently equipped or provides untimely service with respect to the
27 review and final authentication of records. In that event, the State
28 registrar may assign a local registrar, deputy registrar, alternate deputy
29 registrar or subregistrar from another registration district to substitute
30 for the person in question until such time as the applicable registration
31 district meets the standards established by the State registrar.

32

33 29. The Commissioner of Health and Senior Services, pursuant to
34 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
35 seq.), shall adopt rules and regulations to effectuate the purposes of
36 this act.

37

38 30. This act shall take effect immediately.

39

40

41

STATEMENT

42

43 This bill mandates the use of the New Jersey Electronic Death
44 Registration System (NJ-EDRS), which is a method of death
45 recordation and certification that is already deployed on a limited,
46 voluntary basis. The objectives of the NJ-EDRS cannot be fulfilled

1 without its use being made compulsory on a Statewide basis.

2 The purposes of the NJ-EDRS are to:

- 3 C expedite the collection of information for statistical purposes;
- 4 C emphasize the quality of the data provided, rather than the
5 mechanical process of data compilation;
- 6 C eliminate the burdensome logistics that are currently associated
7 with the requirement to obtain multiple signatures of remote
8 persons in order to complete the necessary documentation;
- 9 C avoid duplication of data entry work;
- 10 C provide a ready and broad means of obtaining archival data; and
- 11 C protect the integrity of social welfare programs and thwart the theft
12 of identity-related information through the prompt reporting of
13 recipient deaths.

14 Specifically, the bill requires the State registrar of vital statistics in
15 the Department of Health and Senior Services to establish and
16 maintain the NJ-EDRS. The system is to be fully implemented no later
17 than 18 months after the date of enactment of the bill, and is to be the
18 required means of death registration and certification for any death or
19 fetal death occurring in New Jersey, subject to any exception that may
20 be approved by the State registrar in the case of a specific death or
21 fetal death. All participants in the death registration process,
22 including, but not limited to, the State registrar, local registrars,
23 deputy registrars, alternate deputy registrars, subregistrars, the State
24 medical examiner, county medical examiners, funeral directors,
25 attending, covering and resident physicians, licensed health care
26 facilities, and other public or private institutions providing medical
27 care, treatment or confinement to persons, will be required to utilize
28 the NJ-EDRS to provide the information that is required of them by
29 statute or regulation.

30 The bill requires that the NJ-EDRS, at a minimum, provide for:

- 31 -- the direct transmission of burial permit documentation to the
32 originating funeral home in an electronic form capable of output to a
33 local printer;
- 34 -- an overnight mail system for the delivery of NJ-EDRS-generated
35 death certificates by local registrars, the cost of which is to be
36 chargeable to the funeral director of record;
- 37 -- an e-mail notification system to alert other responsible parties to
38 pending cases, including notification to or from alternate local
39 registrars;
- 40 -- a systematic electronic payment method by which all fees are
41 taken from accounts for which funeral homes are financially
42 responsible and distributed, as appropriate, to the State registrar or
43 local registrars as payment for the issuance of permits, the recording
44 or records, the making of certified copies of death certificates, or for
45 other charges that may be incurred;
- 46 -- a legally binding system of digital authentication in lieu of

1 signatures for the responsible parties and a means of ensuring database
2 security that permits users to enter the system from multiple sites and
3 includes contemporaneous and remote data security methods to
4 protect the system from catastrophic loss or intrusions, as well as a
5 method of data encryption for transmission;

6 -- the capacity for authorized users to retrieve data comprising the
7 death certification record;

8 -- the capacity to electronically amend and correct death records;

9 -- electronic notification, upon completion of the death record and
10 issuance of a burial permit, of the decedent's name, Social Security
11 number and last known address and the informant to: the federal
12 Social Security Administration, the federal Immigration and
13 Naturalization Service, the Division of Medical Assistance and Health
14 Services in the Department of Human Services, and such other
15 governmental agencies as the State registrar determines will
16 substantially contribute to safeguarding public benefit programs and
17 diminish the criminal use of a decedent's name and other identifying
18 information; and the New Jersey State Funeral Directors Association,
19 in the case of a decedent participating in one of its funeral expense
20 payment programs, in such a manner as to enable it to fulfill its
21 fiduciary obligations for the payment of the decedent's final funeral and
22 burial expenses;

23 -- sufficient data documentation to meet contemporary and
24 emerging standards and expectations of vital record archiving; and

25 -- continuous 24-hour-a-day technical support for all authorized
26 users of the system.

27 The bill establishes a "New Jersey Electronic Death Registration
28 Support Fund" as a nonlapsing, revolving fund to be administered by
29 the Commissioner of Health and Senior Services and credited with
30 monies received from death registration recording fees paid by funeral
31 homes pursuant to the bill. The monies in the fund and the interest
32 earned thereon are to be used to meet the development and operational
33 costs of the NJ-EDRS, including, but not limited to, costs associated
34 with: personnel; hardware purchases and maintenance; software and
35 communications infrastructure; website hosting; and licensing fees,
36 royalties and transaction expenses incurred in the development,
37 installation, maintenance and operation of electronic payment security,
38 authentication and encryption systems, and user training and
39 education.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2476

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 25, 2002

The Assembly Health and Human Services Committee reports favorably and with committee amendments Assembly Bill No. 2476.

As amended by the committee, this bill mandates the Statewide use of the New Jersey Electronic Death Registration System (NJ-EDRS), which is a method of death recordation and certification that is already deployed on a limited, voluntary basis.

Specifically, the bill directs the State registrar of vital statistics in the Department of Health and Senior Services to establish and maintain the NJ-EDRS. The system is to be fully implemented no later than 18 months after the date of enactment of the bill, and is to be the required means of death registration and certification for any death or fetal death occurring in New Jersey, subject to any exception that may be approved by the State registrar in the case of a specific death or fetal death. All participants in the death registration process, including, but not limited to, the State registrar, local registrars, deputy registrars, alternate deputy registrars, subregistrars, the State medical examiner, county medical examiners, funeral directors, attending, covering and resident physicians, licensed health care facilities, and other public or private institutions providing medical care, treatment or confinement to persons, will be required to utilize the NJ-EDRS to provide the information that is required of them by statute or regulation.

The bill requires that the NJ-EDRS, at a minimum, provide for:

- C the direct transmission of burial permit documentation to the originating funeral home in an electronic form capable of output to a local printer;
- C an overnight mail system for the delivery of NJ-EDRS-generated death certificates by local registrars, the cost of which is to be chargeable to the funeral director of record;
- C an e-mail notification system to alert other responsible parties to pending cases, including notification to or from alternate local registrars;
- C a systematic electronic payment method by which all fees are taken from accounts for which funeral homes are financially responsible and distributed, as appropriate, to the State registrar or local

registrars as payment for the issuance of permits, the recording or records, the making of certified copies of death certificates, or for other charges that may be incurred;

- C a legally binding system of digital authentication in lieu of signatures for the responsible parties and a means of ensuring database security that permits users to enter the system from multiple sites and includes contemporaneous and remote data security methods to protect the system from catastrophic loss or intrusions, as well as a method of data encryption for transmission;
- C the capacity for authorized users to retrieve data comprising the death certification record;
- C the capacity to electronically amend and correct death records;
- C electronic notification, upon completion of the death record and issuance of a burial permit, of the decedent's name, Social Security number and last known address and the informant to: the federal Social Security Administration, the federal Immigration and Naturalization Service, the Division of Medical Assistance and Health Services in the Department of Human Services, and such other governmental agencies as the State registrar determines will substantially contribute to safeguarding public benefit programs and diminish the criminal use of a decedent's name and other identifying information; and the New Jersey State Funeral Directors Association, in the case of a decedent participating in one of its funeral expense payment programs, in such a manner as to enable it to fulfill its fiduciary obligations for the payment of the decedent's final funeral and burial expenses;
- C sufficient data documentation to meet contemporary and emerging standards and expectations of vital record archiving; and
- C continuous 24-hour-a-day technical support for all authorized users of the system.

The bill establishes a "New Jersey Electronic Death Registration Support Fund" as a nonlapsing, revolving fund to be administered by the Commissioner of Health and Senior Services and credited with monies received from death registration recording fees paid by funeral homes pursuant to the bill. The monies in the fund and the interest earned thereon are to be used to meet the development and operational costs of the NJ-EDRS, including, but not limited to, costs associated with: personnel; hardware purchases and maintenance; software and communications infrastructure; website hosting; and licensing fees, royalties and transaction expenses incurred in the development, installation, maintenance and operation of electronic payment security, authentication and encryption systems, and user training and education.

The bill stipulates that:

- the State Medical Examiner, county medical examiners, licensed health care facilities, other public or private institutions providing medical care, treatment or confinement to persons, funeral homes and physicians' private practice offices, as defined by the State registrar,

are to acquire the electronic means prescribed by the State registrar to access the NJ-EDRS, or make other arrangements necessary for that purpose, no later than six months after enactment of the bill; and

-- the State Medical Examiner and each county medical examiner, health care facility, institution, funeral home or physician's office are to employ at least one person who is qualified to use the NJ-EDRS, and is registered with the State registrar as an authorized user of the system, by virtue of completing a course of instruction on the NJ-EDRS provided by the State registrar or an authorized agent thereof, or satisfying other requirements established by the State registrar for this purpose.

A person who violates the provisions of this bill, including a local registrar, deputy registrar, alternate deputy registrar or subregistrar, who fails to perform his duty as required by law and by the directions of the State registrar thereunder, would be subject to a penalty of not less than \$100 nor more than \$250 for each first offense and not less than \$250 nor more than \$500 for each subsequent offense. The penalty would be recovered in a civil action in the name of the Department of Health and Senior Services or the local board of health in a court of competent jurisdiction, pursuant to the "Penalty Enforcement Law of 1999," N.J.S.A.2A:58-10 et seq. The State registrar would be authorized to refer a violation by a licensed physician, nurse or funeral director to the appropriate professional board in the Division of Consumer Affairs, which would assess the applicable penalty and assume enforcement responsibility on the same basis as it would for a violation of the statute or regulations governing the practice of those persons regulated by that board.

The bill also empowers the State registrar to suspend the authority of a local registrar, deputy registrar, alternate deputy registrar or subregistrar to participate in the NJ-EDRS, and thereby preclude that person from doing burial permitting or death registration, if the State registrar determines that the applicable registration district is insufficiently equipped or provides untimely service with respect to the review and final authentication of records. In that event, the State registrar may assign a local registrar, deputy registrar, alternate deputy registrar or subregistrar from another registration district to substitute for the person in question until the applicable registration district meets the standards established by the State registrar.

As reported by the committee, this bill is similar to Senate Bill No. 2023 (Codey), which is currently pending in the Senate Health, Human Services and Senior Citizens Committee.

COMMITTEE AMENDMENTS

The committee amendments to the bill:

- C provide that persons authorized to obtain and receive a certification or certified copy of a death certificate from a local registrar, deputy registrar, alternate deputy registrar, subregistrar,

or an incorporated political subdivision comprising a registration district, are to include those individuals who establish themselves as one of the following: the parent, legal guardian or other legal representative of the subject of that record; the subject's spouse, child, grandchild or sibling, if of legal age, or the subject's legal representative; an agency of State or federal government for official purposes; a person possessing an order of a court of competent jurisdiction; or a person who is authorized under other emergent circumstances as determined by the Commissioner of Health and Senior Services;

- C stipulate that, for the above purposes, any employee of a registered mortuary, or a licensed funeral director who is affiliated with a registered mortuary, if the mortuary was recorded on the original certificate of death, is to be construed as the subject's legal representative and entitled to obtain full and complete copies of death certificates or certifications thereof;
- C amend N.J.S.A.26:8-62 to require that the State registrar (upon request and for a fee) supply to a person who establishes himself as one of the following: the subject of the record of a birth, death, fetal death or marriage, as applicable; the subject's parent, legal guardian or other legal representative; the subject's spouse, child, grandchild or sibling, if of legal age, or the subject's legal representative; an agency of State or federal government for official purposes; a person possessing an order of a court of competent jurisdiction; or a person who is authorized under other emergent circumstances as determined by the commissioner, a certification or certified copy of that record;
- C stipulate that, for the purposes of N.J.S.A.26:8-62 as amended above, any employee of a registered mortuary, or a licensed funeral director who is affiliated with a registered mortuary, if the mortuary was recorded on the original certificate of death, is to be construed as the subject's legal representative and entitled to obtain full and complete copies of death certificates or certifications thereof;
- C provide that for each death registration initiated on the NJ-EDRS, the State registrar is to be paid a recording fee for each record filed, whether by means of the current paper process or electronically, from the account of the funeral home; and
- C omit section 27 of the bill (concerning a funeral director and employees of a funeral home being the legal representative of the subject of a death certificate or the subject's parent, legal guardian, or other family members for the purpose of issuing a certified copy of a death record), which is obviated by these amendments.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2476

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MARCH 10, 2003

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2476 (1R), with committee amendments.

Assembly Bill No. 2476 (1R), as amended, mandates the Statewide use of the New Jersey Electronic Death Registration System (NJ-EDRS).

Currently, the NJ-EDRS is already deployed on a limited, voluntary basis. Generally, doctors, hospital officials, nursing home administrators, funeral directors and local registrars and medical examiners need to fill out informational forms to complete the entry of a death certificate which is then reviewed by the local registrar and forwarded to the State registrar of vital statistics. This is a complex, paper-driven system that can create bottlenecks: death certificates must be issued before burial permits can be issued, and death certificates are an important requirement in the administration of decedent estates and the management of the assets of those estates for the survivors

NJ-EDRS allows faster, more accurate, and more detailed filings, which can speed the provision of registry data, make it faster and easier to issue certified death records, and allows the Department of Health and Senior Services to collect and provide better statistics on mortality in New Jersey.

Specifically, the bill directs the State registrar of vital statistics in the Department of Health and Senior Services to establish and maintain the NJ-EDRS. The system is to be fully implemented no later than 18 months after the date of enactment of the bill, and is to be the required means of death registration and certification for any death or fetal death occurring in New Jersey, subject to any exception that may be approved by the State registrar in the case of a specific death or fetal death. All participants in the death registration process, including, but not limited to, the State registrar, local registrars, deputy registrars, alternate deputy registrars, subregistrars, the State medical examiner, county medical examiners, funeral directors, attending, covering and resident physicians, licensed health care

facilities, and other public or private institutions providing medical care, treatment or confinement to persons, will be required by the bill to use the NJ-EDRS to provide the information that is required of them by statute or regulation.

The bill requires that the NJ-EDRS, at a minimum, provide for:

- C the direct transmission of burial permit documentation to the originating funeral home in an electronic form capable of output to a local printer;
- C an overnight mail system for the delivery of NJ-EDRS-generated death certificates by local registrars, the cost of which is to be chargeable to the funeral director of record;
- C an e-mail notification system to alert other responsible parties to pending cases, including notification to or from alternate local registrars;
- C a systematic electronic payment method by which all fees are taken from accounts for which funeral homes are financially responsible and distributed, as appropriate, to the State registrar or local registrars as payment for the issuance of permits, the recording or records, the making of certified copies of death certificates, or for other charges that may be incurred;
- C a legally binding system of digital authentication in lieu of signatures for the responsible parties and a means of ensuring database security that permits users to enter the system from multiple sites and includes contemporaneous and remote data security methods to protect the system from catastrophic loss or intrusions, as well as a method of data encryption for transmission;
- C the capacity for authorized users to retrieve data comprising the death certification record;
- C the capacity to electronically amend and correct death records;
- C electronic notification, upon completion of the death record and issuance of a burial permit, of the decedent's name, Social Security number and last known address and the informant to: the federal Social Security Administration, the federal Immigration and Naturalization Service, the Division of Medical Assistance and Health Services in the Department of Human Services, and such other governmental agencies as the State registrar determines will substantially contribute to safeguarding public benefit programs and diminish the criminal use of a decedent's name and other identifying information; and the New Jersey State Funeral Directors Association, in the case of a decedent participating in one of its funeral expense payment programs, in such a manner as to enable it to fulfill its fiduciary obligations for the payment of the decedent's final funeral and burial expenses;
- C sufficient data documentation to meet contemporary and emerging standards and expectations of vital record archiving; and
- C continuous 24-hour-a-day technical support for all authorized users of the system.

The bill establishes a "New Jersey Electronic Death Registration

Support Fund" as a nonlapsing, revolving fund to be administered by the Commissioner of Health and Senior Services and credited with monies received from death registration recording fees paid by funeral homes pursuant to the bill. The monies in the fund and the interest earned thereon are to be used to meet the development and operational costs of the NJ-EDRS.

The bill stipulates that: the State Medical Examiner, county medical examiners, licensed health care facilities, other public or private institutions providing medical care, treatment or confinement to persons, funeral homes and physicians' private practice offices, as defined by the State registrar, are to acquire the electronic means prescribed by the State registrar to access the NJ-EDRS, or make other arrangements necessary for that purpose, no later than six months after enactment of the bill. Each shall employ at least one person who is qualified to use the NJ-EDRS, and is registered with the State registrar as an authorized user of the system, by virtue of completing a course of instruction on the NJ-EDRS provided by the State registrar or an authorized agent thereof, or satisfying other requirements established by the State registrar for this purpose.

The bill makes a person who violates the provisions of this bill, including a local registrar, deputy registrar, alternate deputy registrar or subregistrar, who fails to perform his duty as required by law and by the directions of the State registrar thereunder, subject to a penalty of not less than \$100 nor more than \$250 for each first offense and not less than \$250 nor more than \$500 for each subsequent offense, recoverable in a civil action pursuant to the "Penalty Enforcement Law of 1999," N.J.S.A.2A:58-10 et seq. The bill authorizes the State registrar to refer a violation by a licensed physician, nurse or funeral director to the appropriate professional board in the Division of Consumer Affairs, which would assess the applicable penalty and assume enforcement responsibility on the same basis as it would for a violation of the statute or regulations governing the practice of those persons regulated by that board.

The bill also empowers the State registrar to suspend the authority of a local registrar, deputy registrar, alternate deputy registrar or subregistrar to participate in the NJ-EDRS, and thereby preclude that person from issuing burial permits or registering deaths, if the State registrar determines that the applicable registration district is insufficiently equipped or provides untimely service with respect to the review and final authentication of records. In that event, the State registrar may assign a local registrar, deputy registrar, alternate deputy registrar or subregistrar from another registration district to substitute for the person in question until the applicable registration district meets the standards established by the State registrar.

The bill also tightens standards for obtaining a vital record. A local registrar, deputy registrar, alternate deputy registrar, subregistrar, or registration district may only supply a copy of death certificate to - and the State registrar may only supply the record of

a birth, death, fetal death or marriage to - a person of listed relationship to the subject of the record or a legal authority. Those listed relationships and legal authorities are: the subject of the record; the parent, legal guardian or other legal representative of the subject of that record; the subject's spouse, child, grandchild or sibling, if of legal age, or the subject's legal representative; an agency of State or federal government for official purposes; a person possessing an order of a court of competent jurisdiction; or a person who is authorized under other emergent circumstances as determined by the Commissioner of Health and Senior Services. For these purposes, an employee of a registered mortuary, or a licensed funeral director who is affiliated with a registered mortuary if the mortuary was recorded on the original certificate of death, is to be construed as the subject's legal representative.

FISCAL IMPACT:

Program funding is provided through a recording fee to the State registrar from the funeral home for each death registration initiated, whether electronically or through the current paper process, for the first 36 months following enactment of the bill. The fee will be determined by the State registrar but may not exceed \$10.

The Department of Health and Senior Services receives about 75,000 death certificates annually, so the fee will generate a maximum of about \$750,000 annually for the development and operational costs of the NJ-EDRS, including but not limited to: personnel; hardware purchases and maintenance; software and communications infrastructure; website hosting; licensing fees, royalties and transaction expenses incurred in the development, installation, maintenance and operation of electronic payment security, authentication and encryption systems; and user training and education.

COMMITTEE AMENDMENTS:

The amendments reduce the maximum fee that can be set by the State registrar for each death registration initiated from \$20 to \$10; limit the period in which the fee will be imposed to the first 36 months following enactment: provide an exemption from the fee (corresponding to a exemption for current State registrar death fees) for persons who die while in the military or naval or maritime or merchant marine service of the United States; and require the Commissioner of Health and Senior Services to report to the legislature by 30 months after enactment of the bill on the fees set by the State registrar, the monies raised by the fee, the expenditure of the monies in implementing the program, and any recommendations of the State registrar or the commissioner for changes in the NJ-EDRS or the fees.

STATEMENT TO
[Second Reprint]
ASSEMBLY, No. 2476

with Assembly Floor Amendments
(Proposed By Assemblyman CONAWAY)

ADOPTED: MAY 15, 2003

These amendments would:

- C permit out-of-State physicians to continue to sign New Jersey death certificates; and
- C sunset the provision for an increase in the fee that a local registrar may charge, from \$1 to \$5, for each burial or removal, or transit permit issued (with the increase to be limited to the period from the first day of the first month following enactment of the bill until the first day of the thirty-seventh month following its enactment).

SENATE, No. 2023

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED OCTOBER 28, 2002

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex)

Senator ROBERT W. SINGER

District 30 (Burlington, Mercer, Monmouth and Ocean)

SYNOPSIS

Mandates use of New Jersey Electronic Death Registration System.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/10/2003)

1 AN ACT concerning death records, amending R.S.26:6-1 et seq., and
2 amending and supplementing R.S.26:8-1 et seq.

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

6
7 1. R.S.26:6-1 is amended to read as follows:

8 26:6-1. As used in this chapter: "Local registrar" or "registrar"
9 means the local registrar of vital statistics. "State registrar" means
10 the State Registrar of Vital Statistics.

11 "Registration district" or "district" means the district established
12 by law for the registration of vital events.

13 "Fetal death" or "stillbirth" means death prior to the complete
14 expulsion or extraction from its mother of a product of conception,
15 irrespective of the duration of pregnancy; the death is indicated by the
16 fact that after such separation, the fetus does not breathe or show any
17 other evidence of life such as beating of the heart, pulsation of the
18 umbilical cord, or definite movement of voluntary muscles.

19 "Dead body" means the dead body of a human being.

20 The definition of the term "communicable disease" as contained in
21 [section 26:4-1 of this Title] R.S.26:4-1 shall also apply to this
22 chapter.

23 "Authentication" means the entry by the State Medical Examiner or
24 a county medical examiner, funeral director or physician into the New
25 Jersey Electronic Death Registration System of a personal
26 identification code, digital signature or other identifier unique to that
27 user, by which the information entered into the system by the user is
28 authenticated by the user who assumes responsibility for its accuracy.

29 "Authentication" also means the process by which the State registrar
30 or a local registrar, deputy registrar, alternate deputy registrar or
31 subregistrar indicates that person's review and approval of information
32 entered into the system by the State Medical Examiner or a county
33 medical examiner, funeral director or physician.

34 "Electronic registration system" means any electronic method,
35 including, but not limited to, one based on Internet technology, of
36 collecting, transmitting, recording and authenticating information from
37 one or more responsible parties, which is necessary to complete a vital
38 record, and is designed to replace a manual, paper-based data
39 collection, recordation and signature system.

40 "New Jersey Electronic Death Registration System" or "NJ-EDRS"
41 is an electronic registration system for completing a certification of
42 death or fetal death record that is authorized, designed and maintained

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

Matter underlined thus is new matter.

1 by the State registrar.

2 (cf: P.L.1965, c.78, s.1)

3

4 2. R.S.26:6-4 is amended to read as follows:

5 26:6-4. In computing the death rate of any municipality or health
6 district in which there is located a hospital or other institution, any
7 death which shall take place at such hospital or institution shall not be
8 included among deaths occurring in said municipality or health district
9 unless the death is of a person whose last place of residence was in
10 said municipality or health district.

11 Any death occurring at any such hospital or institution, of any
12 person whose last place of residence as shown on the death certificate
13 was outside of the limits of said municipality or health district, shall,
14 for the purpose of computing the death rate, be included among the
15 deaths occurring in the municipality or health district named in the
16 certificate as the last place of residence of the decedent.

17 [It] Except where a death record is created on the NJ-EDRS, it
18 shall be the duty of the registrar of the district in which such a death
19 occurred promptly to notify the registrar of the district which was the
20 last place of residence of the decedent.

21 (cf: P.L.1965, c.78, s.2)

22

23 3. R.S.26:6-6 is amended to read as follows:

24 26:6-6. a. The funeral director in charge of the funeral or
25 disposition of the body of any person dying in this State shall be
26 responsible for the proper execution of a death certificate[, which
27 shall be filled out in durable black or blue ink,] in a legible manner, or
28 by means of the NJ-EDRS, and filed in exchange for a burial or
29 removal or transit permit with the local registrar of the district in
30 which the death occurred or the body was found or with the registrar
31 of the district in which the funeral director has his funeral home or
32 where the burial or other disposition is to take place. In the event the
33 death certificate is filed with the registrar of a district other than that
34 in which the death took place or the body was found, [such] that
35 registrar shall, within 24 hours after issuing the permit, sign and
36 forward the certificate of death to the registrar of the district where
37 the death took place or the body was found, with a statement that the
38 permit was issued. In case the death certificate is filed with the deputy
39 registrar, alternate deputy registrar or subregistrar, he shall within 12
40 hours forward [such] the certificate to his own registrar, who in turn
41 shall forward the certificate as heretofore directed. A record created
42 on the NJ-EDRS shall be deemed to have been transmitted to the other
43 local registrar, or by the deputy registrar, alternate deputy registrar or
44 subregistrar, as applicable, in accordance with the requirements of this
45 subsection.

46 b. Any funeral director filing a death certificate in a registration

1 district other than that in which the death occurred or the body was
2 found shall immediately send the State registrar written notice by first
3 class mail, except that a record created on the NJ-EDRS shall be
4 deemed to have been transmitted to the State registrar in accordance
5 with the requirements of this subsection. The notice shall contain the
6 name of the deceased, the place and date of death, the date the
7 certificate was filed, the name and address of the registrar with whom
8 the certificate was filed, and the name and address of the funeral
9 director. Failure of the State registrar to receive [such] the notice
10 shall be considered as failure of the funeral director to have sent it. In
11 [such] that case, the funeral director shall be subject to a penalty of
12 ~~[\$25.00]~~ \$25, and the State registrar shall notify the State Board of
13 Mortuary Science of the facts in the matter.

14 (cf: P.L.1977, c.147, s.1)

15

16 4. R.S.26:6-7 is amended to read as follows:

17 26:6-7. The certificate of death shall contain such items as shall be
18 listed on death certificate forms or in the NJ-EDRS provided or
19 approved by the department under the authority of subsection c. of
20 R.S.26:8-24. [The certificate of death shall include a space for the
21 signature of the person who makes the actual determination and
22 pronouncement of death and a box that designates the person's official
23 capacity as attending physician, attending registered professional nurse
24 or medical examiner.]

25 (cf: P.L.1983, c.308, s.1)

26

27 5. R.S.26:6-8 is amended to read as follows:

28 26:6-8. In the execution of a death certificate, the personal
29 particulars shall be obtained by the funeral director from the person
30 best qualified to supply them. The death and last sickness particulars
31 shall be supplied by the attending, covering or resident physician
32 licensed by the State Board of Medical Examiners pursuant to
33 R.S.45:9-1 et seq.; or if there is no attending, covering or resident
34 physician, by an attending registered professional nurse licensed by the
35 New Jersey Board of Nursing under P.L.1947, c.262 (C.45:11-23 et
36 seq.); or if there is no attending, covering or resident physician or
37 attending registered professional nurse, by the county medical
38 examiner. Within a reasonable time, not to exceed 24 hours after the
39 pronouncement of death, the attending, covering or resident
40 physician or the county medical examiner shall execute the death
41 certification. The burial particulars shall be supplied by the funeral
42 director. The attending, covering or resident physician, the attending
43 registered professional nurse, or the county medical examiner and the
44 funeral director shall certify to the particulars supplied by them by
45 signing their names below the list of items furnished, or by otherwise
46 authenticating their identities and the information that they have

1 provided through the NJ-EDRS. If a person acting under the direct
2 supervision of the State Medical Examiner, a county medical examiner,
3 funeral director, attending, covering or resident physician, or licensed
4 health care facility or other public or private institution providing
5 medical care, treatment or confinement to persons, which is registered
6 with the NJ-EDRS, is not authorized to authenticate the information
7 required on a certificate of death or fetal death, that person may enter
8 that information into the NJ-EDRS in anticipation of its authentication
9 by the State Medical Examiner or a county medical examiner, funeral
10 director, attending, covering or resident physician, local registrar,
11 deputy registrar, alternate deputy registrar or subregistrar, as
12 applicable.

13 (cf: P.L.1983, c.308, s.2)

14

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

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

26 b. The provisions of subsection a. of this section shall only apply
27 in the case of a death which occurs in the home or place of residence
28 of the deceased, in a hospice, or in a long-term care facility or nursing
29 home.

30 (cf: P.L.1983, c.308, s.4)

31

32 7. R.S.26:6-9 is amended to read as follows:

33 26:6-9. In case of any death occurring without medical attendance,
34 the funeral director shall notify the county medical examiner, or local
35 registrar. In case the local registrar[,] shall be notified, he shall
36 immediately inform the county medical examiner and refer the case to
37 him for investigation. The county medical examiner shall furnish the
38 funeral director with the necessary data and last sickness particulars to
39 make the death certificate, or shall enter the information directly into
40 the NJ-EDRS.

41 (cf: P.L.1971, c.2, s.14)

42

43 8. R.S.26:6-10 is amended to read as follows:

44 26:6-10. In case the physician who last attended the deceased is
45 **[absent or sick]** unavailable, so that a certificate of death cannot be
46 obtained from him in time for burial or removal[, then any physician];

1 a. the designated covering physician shall have the primary
2 responsibility, after examining the dead body, and being satisfied that
3 death did not result from some unlawful means, [may] to issue a death
4 certificate; and

5 b. in the absence of the designated covering physician, any other
6 physician, after examining the dead body, and being satisfied that death
7 did not result from some unlawful means, may issue a death certificate.

8 (cf: R.S.26:6-10)

9

10 9. R.S.26:6-14 is amended to read as follows:

11 26:6-14. Upon receipt of a death certificate, the local registrar
12 shall:

13 a. If the certificate is properly executed and complete, issue a
14 burial or removal permit when requested; and

15 b. If the certificate of death is incomplete and unsatisfactory, call
16 attention to the defects in the return, and withhold the burial or
17 removal permit until the defects are corrected. Any person certifying
18 to any of the particulars in the certificate shall complete the same as
19 directed by the local registrar in accordance with such terms as may
20 be defined by the State registrar.

21 For the purposes of the NJ-EDRS, the death certificate shall be
22 complete when the attending, covering or resident physician or the
23 county medical examiner, and the funeral director in charge, have
24 completed their respective portions of the death registration record.

25 (cf: P.L.1965, c.78, s.10)

26

27 10. R.S.26:6-16 is amended to read as follows:

28 26:6-16. The burial or removal permit shall be issued upon a form
29 or through the NJ-EDRS as prescribed by the [state] department,
30 signed or authenticated through the NJ-EDRS by the local registrar,
31 and shall state:

32 a. The name, age, sex, cause of death, and other necessary details
33 required by the [state] department;

34 b. That a satisfactory certificate of death has been filed as required
35 by law; and

36 c. That permission is granted to inter, remove, or otherwise
37 dispose of the body.

38 (cf: R.S.26:6-16)

39

40 11. R.S.26:6-17 is amended to read as follows:

41 26:6-17. The local registrar shall be entitled to receive a fee of
42 [\$1.00] \$5 for each burial or removal, or transit permit issued.

43 (cf: P.L.1965, c.78, s.11)

44

45 12. R.S.26:8-1 is amended to read as follows:

46 26:8-1. As used in this chapter:

1 "Vital statistics" means statistics concerning birth, deaths, fetal
2 deaths and marriages.

3 "Vital records" means the birth, death, fetal death and marriage
4 records from which vital statistics are produced.

5 "State registrar" means the State registrar of vital statistics; "Local
6 registrar" or "registrar" means the local registrar of vital statistics of
7 any district; and "registration district" or "district" means a registration
8 district as constituted by this article.

9 "Live birth" or "birth" means the complete expulsion or extraction
10 from its mother of a product of conception, irrespective of the
11 duration of pregnancy, which, after such separation, breathes or shows
12 any other evidence of life such as beating of the heart, pulsation of the
13 umbilical cord, or definite movement of voluntary muscles, whether or
14 not the umbilical cord has been cut or the placenta attached.

15 "Authentication" means the entry by the State Medical Examiner or
16 a county medical examiner, funeral director or physician into the New
17 Jersey Electronic Death Registration System of a personal
18 identification code, digital signature or other identifier unique to that
19 user, by which the information entered into the system by the user is
20 authenticated by the user who assumes responsibility for its accuracy.

21 "Authentication" also means the process by which the State registrar
22 or a local registrar, deputy registrar, alternate deputy registrar or
23 subregistrar indicates that person's review and approval of information
24 entered into the system by the State Medical Examiner or a county
25 medical examiner, funeral director or physician.

26 "Electronic registration system" means any electronic method,
27 including, but not limited to, one based on Internet technology, of
28 collecting, transmitting, recording and authenticating information from
29 one or more responsible parties, which is necessary to complete a vital
30 record, and is designed to replace a manual, paper-based data
31 collection, recordation and signature system.

32 "New Jersey Electronic Death Registration System" or "NJ-EDRS"
33 means an electronic registration system for completing a certification
34 of death or fetal death record that is authorized, designed and
35 maintained by the State registrar.

36 (cf: P.L.1965, c.78, s.32).

37

38 13. R.S.26:8-4 is amended to read as follows:

39 26:8-4. Upon demand of the State registrar in person, by mail, by
40 means of the NJ-EDRS, or through the local registrar, every physician,
41 midwife, informant, funeral director, or other person having
42 knowledge of the facts relative to any birth, death, fetal death, or
43 marriage, shall supply such information as he may possess, upon a
44 form provided by the State registrar, or through the NJ-EDRS, or
45 upon the original birth, death, fetal death, or marriage certificate or its

1 electronic facsimile or digitized form thereof.

2 (cf: P.L.1965, c.78, s.33)

3

4 14. R.S.26:8-6 is amended to read as follows:

5 26:8-6. a. Every midwife and [undertaker] funeral director shall
6 register annually his name, address and occupation, and his license
7 number, with the local registrar of the district in which he resides[.
8 Such registration shall also be made] and shall register that
9 information with the local registrar immediately upon [removing]
10 moving to another registration district.

11 b. The provisions of subsection a. of this section, with respect to
12 funeral directors, shall be satisfied by the implementation of periodic
13 data exchanges between the State Board of Mortuary Science and the
14 State registrar, which shall begin no later than 18 months after the date
15 of enactment of P.L. , c. (pending before the Legislature as this
16 bill), in a manner to be prescribed by the State registrar.

17 (cf: R.S.26:8-6)

18

19 15. R.S.26:8-24 is amended to read as follows:

20 26:8-24. The State registrar shall:

21 a. Have general supervision throughout the State of the registration
22 of vital records;

23 b. Have supervisory power over local registrars, deputy local
24 registrars, alternate deputy local registrars and subregistrars, in the
25 enforcement of the law relative to the disposal of dead bodies and the
26 registration of vital records;

27 c. Prepare, print, and supply to all registrars, upon request
28 therefor, all blanks and forms used in registering the records required
29 by said law, and provide for and prescribe the use of the NJ-EDRS.
30 No other blanks or methods of registration shall be used than those
31 supplied or approved by the State registrar;

32 d. Carefully examine the certificates or electronic files received
33 [monthly] periodically from the local registrars[,] or originating from
34 their jurisdiction; and, if any [such] are incomplete or unsatisfactory
35 [he shall], require such further information to be supplied as may be
36 necessary to make the record complete and satisfactory;

37 e. Arrange[,] or bind, and permanently preserve the certificates of
38 vital records, or the information comprising those records, in a
39 systematic manner and in a form that is deemed most consistent with
40 contemporary and developing standards of vital statistical archival
41 record keeping;

42 f. Prepare and maintain a comprehensive and continuous index of
43 all vital records registered, the index to be arranged alphabetically;

44 1. In the case of deaths, by the name of the decedent;

45 2. In the case of births, by the name of child, if given, and if not,
46 then by the name of father or mother;

1 3. In the case of marriages, by the surname of the husband and also
2 by the maiden name of the wife; [and]

3 g. Mark the birth certificate of a missing child when notified by the
4 Missing Persons Unit in the Department of Law and Public Safety
5 pursuant to section 3 of P.L.1995, c.395 (C.52:17B-9.8c); and

6 h. Develop and provide to local registrars an education and training
7 program, which the State registrar may require each local registrar to
8 complete as a condition of retaining that position, and which may be
9 offered to deputy local registrars, alternate deputy local registrars and
10 subregistrars at the discretion of the State registrar, that includes
11 material designed to implement the NJ-EDRS and to familiarize local
12 registrars with the statutory requirements applicable to their duties and
13 any rules and regulations adopted pursuant thereto, as deemed
14 appropriate by the State registrar.

15 (cf: P.L.1995, c.395, s.5)

16
17 16. (New section) a. The State registrar shall establish and
18 maintain the New Jersey Electronic Death Registration System or NJ-
19 EDRS.

20 (1) The system shall be fully implemented no later than 18 months
21 after the date of enactment of P.L. , c. (pending before the
22 Legislature as this bill), and shall be the required means of death
23 registration and certification for any death or fetal death occurring in
24 this State, subject to any exception that may be approved by the State
25 registrar in the case of a specific death or fetal death. All participants
26 in the death registration process, including, but not limited to, the
27 State registrar, local registrars, deputy registrars, alternate deputy
28 registrars, subregistrars, the State medical examiner, county medical
29 examiners, funeral directors, attending physicians and resident
30 physicians, licensed health care facilities, and other public or private
31 institutions providing medical care, treatment or confinement to
32 persons, shall be required to utilize the NJ-EDRS to provide the
33 information that is required of them by statute or regulation.

34 (2) The State registrar may provide for a phased implementation
35 of the system, beginning seven months after the date of enactment of
36 P.L. , c. (pending before the Legislature as this bill), by requiring
37 certain users, who are designated by the State registrar on a
38 geographic or other basis for this purpose, to commence utilization of
39 the system.

40 (3) Beginning no later than six months after the date of enactment
41 of P.L. , c. (pending before the Legislature as this bill), the State
42 registrar shall authorize and provide material support, in the form of
43 system access, curriculum guidelines and user registration capability
44 and authority, to the principal trade associations or professional
45 organizations representing persons affected by implementation of the
46 NJ-EDRS, for the purposes of providing training and education with

1 regard to the NJ-EDRS. The State registrar may conduct such
2 education and training, or authorize other entities to do so on his
3 behalf; however, these activities shall not be construed as restricting
4 the training and education activities of any affected trade association
5 or professional organization, including the location, manner, fees or
6 other means of conducting those activities on the part of the
7 association or organization.

8 b. The NJ-EDRS shall, at a minimum, provide for:

9 (1) the direct transmission of burial permit documentation to the
10 originating funeral home in an electronic form capable of output to a
11 local printer;

12 (2) an overnight mail system for the delivery of NJ-EDRS-
13 generated death certificates by the State registrar and local registrars,
14 the cost of which shall be chargeable to the funeral director of record;

15 (3) an automated notification system to alert other responsible
16 parties to pending cases, including notification to or from alternate
17 local registrars;

18 (4) a systematic electronic payment method by which all fees are
19 taken from accounts for which funeral homes are financially
20 responsible and distributed, as appropriate, to the State registrar or
21 local registrars as payment for the issuance of permits, the recording
22 of records, the making of certified copies of death certificates, or for
23 other charges that may be incurred;

24 (5) a legally binding system of digital authentication in lieu of
25 signatures for the responsible parties and a means of assuring database
26 security that permits users to enter the system from multiple sites and
27 includes contemporaneous and remote data security methods to
28 protect the system from catastrophic loss or intrusions, as well as a
29 method of data encryption for transmission;

30 (6) the capacity for authorized users to retrieve data comprising
31 the death certification record;

32 (7) the capacity to electronically amend and correct death records;

33 (8) electronic notification, upon completion of the death record
34 and issuance of a burial permit, of the decedent's name, Social Security
35 number and last known address and the informant to: the federal
36 Social Security Administration, the federal Immigration and
37 Naturalization Service, the Division of Medical Assistance and Health
38 Services in the Department of Human Services, and such other
39 governmental agencies as the State registrar determines will
40 substantially contribute to safeguarding public benefit programs and
41 diminish the criminal use of a decedent's name and other identifying
42 information; and the New Jersey State Funeral Directors Association,
43 in the case of a decedent participating in one of its funeral expense
44 payment programs, in such a manner as to enable it to fulfill its
45 fiduciary obligations for the payment of the decedent's final funeral and
46 burial expenses;

1 (9) sufficient data documentation to meet contemporary and
2 emerging standards and expectations of vital record archiving; and

3 (10) continuous 24-hour-a-day technical support for all authorized
4 users of the system.

5 c. A provider of information that is required to complete a death
6 certificate, or who is subject to the provisions of law governing the
7 NJ-EDRS, shall not be deemed to be acting as a local registrar, deputy
8 registrar, alternate deputy registrar or subregistrar solely by virtue of
9 permitting other providers of information to gain access to the NJ-
10 EDRS by using those other providers' identifying information.

11

12 17. (New section) a. There is established the "New Jersey
13 Electronic Death Registration Support Fund" as a nonlapsing,
14 revolving fund to be administered by the Commissioner of Health and
15 Senior Services and credited with monies received pursuant to
16 subsection c. of R.S.26:8-62.

17 b. The State Treasurer is the custodian of the fund and all
18 disbursements from the fund shall be made by the treasurer upon
19 vouchers signed by the commissioner. The monies in the fund shall be
20 invested and reinvested by the Director of the Division of Investment
21 in the Department of the Treasury as are other trust funds in the
22 custody of the State Treasurer in the manner provided by law. Interest
23 received on the monies in the fund shall be credited to the fund.

24 c. The monies in the fund and the interest earned thereon shall be
25 used to meet the development and operational costs of the NJ-EDRS,
26 including, but not limited to, costs associated with: personnel;
27 hardware purchases and maintenance; software and communications
28 infrastructure; website hosting; and licensing fees, royalties and
29 transaction expenses incurred in the development, installation,
30 maintenance and operation of electronic payment security,
31 authentication and encryption systems, and user training and
32 education.

33

34 18. (New section) The State Medical Examiner, county medical
35 examiners, licensed health care facilities, other public or private
36 institutions providing medical care, treatment or confinement to
37 persons, funeral homes and physicians' private practice offices, as
38 defined by the State registrar, shall acquire the electronic means
39 prescribed by the State registrar to access the NJ-EDRS, or make such
40 other arrangements as are necessary for that purpose, no later than six
41 months after the date of enactment of P.L. , c. (pending before the
42 Legislature as this bill).

43 The State Medical Examiner and each county medical examiner,
44 health care facility, institution, funeral home or physician's office shall
45 employ at least one person who is qualified to use the NJ-EDRS, and
46 is registered with the State registrar as an authorized user of the

1 system, by virtue of completing a course of instruction on the NJ-
2 EDRS provided by the State registrar or an authorized agent thereof,
3 or satisfying such other requirements as may be established by the
4 State registrar for this purpose.

5
6 19. R.S.26:8-25 is amended to read as follows:

7 26:8-25. The local registrar, under the supervision and direction of
8 the State registrar, shall:

9 a. Strictly and thoroughly enforce the law relative to the disposal
10 of dead bodies and the registration of vital records in his registration
11 district;

12 b. Supply blank forms of certificates to such persons as require
13 them or provide access to the NJ-EDRS to responsible parties upon
14 request;

15 c. Supply to every physician, midwife, and funeral director a copy
16 of the law relative to the registration of vital records and the disposal
17 of dead bodies, together with such rules and regulations as may be
18 prepared by the State registrar relative to their enforcement;

19 d. Sign his name and insert the date of filing on each certificate of
20 birth, marriage and death, or otherwise authenticate the local
21 registrar's identity through the NJ-EDRS as prescribed by the State
22 registrar;

23 e. Examine each certificate of birth, marriage, or death when
24 presented for record in order to ascertain whether or not it has been
25 made in accordance with law and the instructions of the State
26 registrar; and, if such certificate is incomplete and unsatisfactory, [he
27 shall] have the same corrected;

28 f. At the expense of the municipality make a complete and accurate
29 copy of each birth, marriage, and death certificate registered by him on
30 a form or in a manner prescribed by the State registrar, to be preserved
31 in his office as the local record or in the NJ-EDRS as prescribed by the
32 State registrar;

33 g. On the tenth day of each month or sooner if requested by the
34 department, transmit to the State registrar all original birth, marriage,
35 and death certificates received by him for the preceding month, except
36 that a record created on the NJ-EDRS as prescribed by the State
37 registrar shall be deemed to have been transmitted. If no births,
38 marriages or deaths occurred in any month, he shall, on or before the
39 tenth day of the following month, report that fact to the State registrar
40 on a card provided for such purpose;

41 h. Make an immediate report to the State registrar of any violation
42 of this chapter or [chapter 6 of this Title (R.S.26:6-1 et seq.)]
43 R.S.26:6-1 et seq., as well as [chapter 1 of Title 37 of the Revised
44 Statutes] R.S.37:1-1 et seq. coming to his knowledge;

45 i. In the case of any birth in his registration district to parents who
46 are residents of another registration district or of the marriage in his

1 registration district of any couple who obtained the marriage license
2 in another registration district, or of the death in his registration
3 district of any person who at the time of [such] death was a resident
4 of another registration district notify the registrar of the other
5 registration district, within five days of [such] the birth, marriage, or
6 death, on forms prescribed by the State registrar. All entries relating
7 to cause of death on the original certificate [must] shall be entered on
8 the death form sent to the registrar of the other registration district.
9 A record created on the NJ-EDRS as prescribed by the State registrar
10 shall be deemed to have been transmitted to the registrar of the other
11 registration district; [and]

12 j. Mark the birth certificate of a missing child born in his
13 registration district when notified by the State registrar pursuant to
14 section 3 of P.L.1995, c.395 (C.52:17B-9.8c); and

15 k. Make computer facilities with access to the NJ-EDRS available
16 to funeral directors and physicians registered with the NJ-EDRS,
17 within the regular established business hours of the local registrar, for
18 the purpose of providing information necessary to complete a death
19 record.

20 (cf: P.L.1995, c.395, s.6)

21

22 20. R.S.26:8-26 is amended to read as follows:

23 26:8-26. Each subregistrar shall note, on each certificate of birth
24 or death, over his signature, the date of filing, and shall forward all
25 certificates to the local registrar of the district within [5] five days,
26 with the exception that in any instance where [he] the subregistrar
27 accepts a certificate for a death not occurring in his district, as
28 permitted by [section 26:6-6] R.S.26:6-6, he shall forward [such] the
29 certificate within 12 hours to the local registrar of his district. A
30 record created on the NJ-EDRS as prescribed by the State registrar
31 shall be deemed to have been forwarded as required by this section.

32 (cf: P.L.1965, c.78, s.48)

33

34 21. R.S.26:8-48 is amended to read as follows:

35 26:8-48. A certificate of birth, fetal death, marriage or death
36 heretofore or hereafter filed with the State registrar shall not be altered
37 or changed otherwise than by amendments properly signed, dated and
38 witnessed, or as otherwise recorded and authenticated on the NJ-
39 EDRS as prescribed by the State registrar.

40 (cf: P.L.1965, c.78, s.65)

41

42 22. R.S.26:8-52 is amended to read as follows:

43 26:8-52. Corrections to death certificates shall be signed by the
44 physician, registered professional nurse, county medical examiner,
45 State Medical Examiner, funeral director or informant, whose name
46 appears upon the certificate, or shall be otherwise recorded and

1 authenticated on the NJ-EDRS as prescribed by the State registrar;
2 however, any individual having personal knowledge and substantiating
3 documentary proof of the matters sought to be corrected may apply
4 under oath to the county medical examiner or the State Medical
5 Examiner in a case in which the certificate was signed by the State
6 Medical Examiner, to have the certificate corrected. The authority to
7 sign or otherwise authenticate corrections or amendments to causes or
8 duration of causes of death is restricted to the physician, State Medical
9 Examiner or county medical examiner. Upon denial of an application
10 for correction or amendment of a death certificate, a person who has
11 applied to a county medical examiner may apply to the State Medical
12 Examiner, who shall exercise discretion to review the matter and
13 amend the certificate or to defer to the decision of the county medical
14 examiner. The decision of the county medical examiner shall be
15 deemed the final decision by a public officer in the matter unless the
16 State Medical Examiner amends or corrects the death certificate.
17 (cf: P.L.1996, c.67, s.1)

18

19 23. R.S.26:8-56 is amended to read as follows:

20 26:8-56. The local registrar shall be paid ~~[\$1.00]~~ \$1 for each birth
21 or death certificate properly executed, registered, recorded, and
22 promptly returned, or otherwise transmitted through the NJ-EDRS, to
23 the State Registrar. In the case of a death registration, the fee shall be
24 credited to the account within the NJ-EDRS of the political
25 subdivision comprising the registration district. A local registrar shall
26 not receive ~~[such]~~ the fee if compensated by a fixed salary as provided
27 in ~~[section 26:8-59 of this Title]~~ R.S.26:8-59.

28 (cf: P.L.1983, c.275, s.14)

29

30 24. (New section) Any fee charged, by a local registrar, deputy
31 registrar, alternate deputy registrar, subregistrar, or an incorporated
32 political subdivision comprising a registration district, to a funeral
33 home as the agent for a person in securing a certified copy of a death
34 certificate shall be in the form of a debit against the account of the
35 funeral home and a credit to the applicable political subdivision within
36 the NJ-EDRS.

37

38 25. R.S.26:8-62 is amended to read as follows:

39 26:8-62. a. The State registrar shall, upon request, supply to any
40 applicant a certification or certified copy of the record of any birth,
41 death, fetal death or marriage, registered under the provision of this
42 chapter, for either of which, except as provided by ~~[section 26:8-63~~
43 ~~of the Revised Statutes]~~ R.S.26:8-63, he shall be entitled to ~~[such]~~ a
44 search fee, if any, as ~~[is]~~ provided by ~~[section 26:8-64 of the Revised~~
45 ~~Statutes]~~ R.S.26:8-64, to be paid by the applicant.

46 b. The State registrar shall, upon request, supply to any applicant

1 a certified transcript of any entry contained in the records of the New
2 Jersey State census for which, except as provided by [section 26:8-63
3 of the Revised Statutes] R.S.26:8-63, he shall be entitled to [such] a
4 search fee as [is] provided by [section 26:8-64 of the Revised
5 Statutes] R.S.26:8-64, to be paid by the applicant.

6 c. For each death registration initiated on the NJ-EDRS, the State
7 registrar shall be paid a recording fee, in an amount to be determined
8 by the State registrar but not exceeding \$20, from the account of the
9 funeral home, which may include this amount in the funeral expenses
10 charged to the estate or person accepting responsibility for the
11 disposition of the deceased's human remains and the costs associated
12 therewith. The State registrar shall deposit the proceeds from the
13 recording fee into the New Jersey Electronic Death Registration
14 Support Fund established pursuant to section 17 of P.L. .
15 c. (C.)(pending before the Legislature as this bill).

16 (cf: P.L.1965, c.78, s.72)

17
18 26. R.S.26:8-69 is amended to read as follows:

19 26:8-69. Except as otherwise specifically provided in this chapter
20 and [chapter 1 of Title 37 of the Revised Statutes] R.S.37:1-1 et seq.,
21 any person who shall:

22 a. Fail or refuse to furnish correctly any information in his
23 possession; or

24 b. Willfully and knowingly furnish false information affecting any
25 certificate or record required by this chapter; or

26 c. Willfully alter, otherwise than is provided by [article 6 of this
27 chapter (Sec.26:8-48 et seq.)] R.S.26:8-48 et seq., or willfully or
28 knowingly falsify, any certificate or record established by this chapter;
29 or

30 d. Fail to fill out and transmit any certificate or record in the
31 manner required by this chapter; or

32 e. Being a local registrar, deputy registrar, alternate deputy
33 registrar or subregistrar, shall fail to perform his duty as required by
34 this chapter and by the directions of the State registrar thereunder; or

35 f. Violate any of the provisions of this chapter or fail to discharge
36 any duty required by this chapter-

37 Shall be subject to a penalty of not less than ~~[\$5.00]~~ \$100 nor
38 more than ~~[\$50.00]~~ \$250 for each first offense and not less than
39 ~~[\$10.00]~~ \$250 nor more than ~~[\$100.00]~~ \$500 for each subsequent
40 offense.

41 ~~[Such]~~ The penalties shall be recovered in a civil action in the name
42 of the ~~[State department]~~ Department of Health and Senior Services
43 or local board in any court of competent jurisdiction.

44 The Superior Court or municipal court shall have jurisdiction over
45 proceedings to enforce and collect any such penalty, if the violation

1 has occurred within the territorial jurisdiction of the court. The
2 proceedings shall be summary and in accordance with ["the penalty
3 enforcement law" (N.J.S.2A:58-1 et seq.)] the "Penalty Enforcement
4 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

5 Notwithstanding the provisions of this section to the contrary, the
6 State registrar may refer a violation of this chapter by a physician,
7 nurse or funeral director who is licensed pursuant to Title 45 of the
8 Revised Statutes to the appropriate professional board in the Division
9 of Consumer Affairs in the Department of Law and Public Safety,
10 which shall, in accordance with the "Administrative Procedure Act,"
11 P.L.1968, c.410 (C.52:14B-1 et seq.), assess the penalty provided for
12 in this subsection and assume enforcement responsibility on the same
13 basis as it would for a violation of the statute or regulations governing
14 the practice of those persons regulated by that board.

15 (cf: P.L.1991, c.91, s.301)

16
17 27. (New section) For the purpose of issuing a certified copy of
18 a death record, the funeral director and employees of the funeral home
19 shall be the legal representative of the subject of a death certificate or
20 the subject's parent, legal guardian, spouse, child or sibling, or a
21 majority of the subject's children or siblings.

22
23 28. (New section) The State registrar may suspend the authority
24 of a local registrar, deputy registrar, alternate deputy registrar or
25 subregistrar to participate in the NJ-EDRS, and thereby preclude that
26 person from doing burial permitting or death registration, if the State
27 registrar determines that the applicable registration district is
28 insufficiently equipped or provides untimely service with respect to the
29 review and final authentication of records. In that event, the State
30 registrar may assign a local registrar, deputy registrar, alternate deputy
31 registrar or subregistrar from another registration district to substitute
32 for the person in question until such time as the applicable registration
33 district meets the standards established by the State registrar.

34
35 29. The Commissioner of Health and Senior Services, pursuant to
36 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
37 seq.), shall adopt rules and regulations to effectuate the purposes of
38 this act.

39
40 30. This act shall take effect immediately.

41
42
43 STATEMENT

44
45 This bill mandates the use of the New Jersey Electronic Death
46 Registration System (NJ-EDRS), which is a method of death

1 recordation and certification that is already deployed on a limited,
2 voluntary basis. The objectives of the NJ-EDRS cannot be fulfilled
3 without its use being made compulsory on a Statewide basis.

4 The purposes of the NJ-EDRS are to:

- 5 C expedite the collection of information for statistical purposes;
- 6 C emphasize the quality of the data provided, rather than the
7 mechanical process of data compilation;
- 8 C eliminate the burdensome logistics that are currently associated
9 with the requirement to obtain multiple signatures of remote
10 persons in order to complete the necessary documentation;
- 11 C avoid duplication of data entry work;
- 12 C provide a ready and broad means of obtaining archival data; and
- 13 C protect the integrity of social welfare programs and thwart the theft
14 of identity-related information through the prompt reporting of
15 recipient deaths.

16 Specifically, the bill requires the State registrar of vital statistics in
17 the Department of Health and Senior Services to establish and
18 maintain the NJ-EDRS. The system is to be fully implemented no later
19 than 18 months after the date of enactment of the bill, and is to be the
20 required means of death registration and certification for any death or
21 fetal death occurring in New Jersey, subject to any exception that may
22 be approved by the State registrar in the case of a specific death or
23 fetal death. All participants in the death registration process,
24 including, but not limited to, the State registrar, local registrars,
25 deputy registrars, alternate deputy registrars, subregistrars, the State
26 medical examiner, county medical examiners, funeral directors,
27 attending, covering and resident physicians, licensed health care
28 facilities, and other public or private institutions providing medical
29 care, treatment or confinement to persons, will be required to utilize
30 the NJ-EDRS to provide the information that is required of them by
31 statute or regulation.

32 The bill requires that the NJ-EDRS, at a minimum, provide for:

- 33 -- the direct transmission of burial permit documentation to the
34 originating funeral home in an electronic form capable of output to a
35 local printer;
- 36 -- an overnight mail system for the delivery of NJ-EDRS-generated
37 death certificates by local registrars, the cost of which is to be
38 chargeable to the funeral director of record;
- 39 -- an e-mail notification system to alert other responsible parties to
40 pending cases, including notification to or from alternate local
41 registrars;
- 42 -- a systematic electronic payment method by which all fees are
43 taken from accounts for which funeral homes are financially
44 responsible and distributed, as appropriate, to the State registrar or
45 local registrars as payment for the issuance of permits, the recording
46 or records, the making of certified copies of death certificates, or for

1 other charges that may be incurred;

2 -- a legally binding system of digital authentication in lieu of
3 signatures for the responsible parties and a means of ensuring database
4 security that permits users to enter the system from multiple sites and
5 includes contemporaneous and remote data security methods to
6 protect the system from catastrophic loss or intrusions, as well as a
7 method of data encryption for transmission;

8 -- the capacity for authorized users to retrieve data comprising the
9 death certification record;

10 -- the capacity to electronically amend and correct death records;

11 -- electronic notification, upon completion of the death record and
12 issuance of a burial permit, of the decedent's name, Social Security
13 number and last known address and the informant to: the federal
14 Social Security Administration, the federal Immigration and
15 Naturalization Service, the Division of Medical Assistance and Health
16 Services in the Department of Human Services, and such other
17 governmental agencies as the State registrar determines will
18 substantially contribute to safeguarding public benefit programs and
19 diminish the criminal use of a decedent's name and other identifying
20 information; and the New Jersey State Funeral Directors Association,
21 in the case of a decedent participating in one of its funeral expense
22 payment programs, in such a manner as to enable it to fulfill its
23 fiduciary obligations for the payment of the decedent's final funeral and
24 burial expenses;

25 -- sufficient data documentation to meet contemporary and
26 emerging standards and expectations of vital record archiving; and

27 -- continuous 24-hour-a-day technical support for all authorized
28 users of the system.

29 The bill establishes a "New Jersey Electronic Death Registration
30 Support Fund" as a nonlapsing, revolving fund to be administered by
31 the Commissioner of Health and Senior Services and credited with
32 monies received from death registration recording fees paid by funeral
33 homes pursuant to the bill. The monies in the fund and the interest
34 earned thereon are to be used to meet the development and operational
35 costs of the NJ-EDRS, including, but not limited to, costs associated
36 with: personnel; hardware purchases and maintenance; software and
37 communications infrastructure; website hosting; and licensing fees,
38 royalties and transaction expenses incurred in the development,
39 installation, maintenance and operation of electronic payment security,
40 authentication and encryption systems, and user training and
41 education.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 2023

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 9, 2003

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 2023.

As amended by committee, this bill mandates the Statewide use of the New Jersey Electronic Death Registration System (NJ-EDRS), which is a method of death recordation and certification. The NJ-EDRS is currently deployed on a limited, voluntary basis, but the objectives of the NJ-EDRS cannot be fulfilled without compulsory, Statewide use.

The purpose of the NJ-EDRS is to allow faster, more accurate, and more detailed filings, which can speed the provision of registry data, make it faster and easier to issue certified death records, and allow the Department of Health and Senior Services to collect and provide better statistics on mortality in New Jersey. In addition, the NJ-EDRS is intended to protect the integrity of social welfare programs and thwart the theft of identity-related information through the prompt reporting of recipient deaths.

Specifically, the bill requires the State registrar of vital statistics in the Department of Health and Senior Services to establish and maintain the NJ-EDRS. The system is to be fully implemented no later than 18 months after the date of enactment of the bill, and is to be the required means of death registration and certification for any death or fetal death occurring in New Jersey, subject to any exception that may be approved by the State registrar in the case of a specific death or fetal death. All participants in the death registration process, including, but not limited to, the State registrar, local registrars, deputy registrars, alternate deputy registrars, subregistrars, the State medical examiner, county medical examiners, funeral directors, attending, covering and resident physicians, licensed health care facilities, and other public or private institutions providing medical care, treatment or confinement to persons, will be required to use the NJ-EDRS to provide the information that is required of them by statute or regulation.

The bill requires that the NJ-EDRS, at a minimum, provide for:

- the direct transmission of burial permit documentation to the originating funeral home in an electronic form capable of output to a local printer;

- an overnight mail system for the delivery of NJ-EDRS-generated death certificates by local registrars, the cost of which is to be chargeable to the funeral director of record;

- an e-mail notification system to alert other responsible parties to pending cases, including notification to or from alternate local registrars;

- a systematic electronic payment method by which all fees are taken from accounts for which funeral homes are financially responsible and distributed, as appropriate, to the State registrar or local registrars as payment for the issuance of permits, the recording of records, the making of certified copies of death certificates, or for other charges that may be incurred;

- a legally binding system of digital authentication in lieu of signatures for the responsible parties and a means of ensuring database security that permits users to enter the system from multiple sites and includes contemporaneous and remote data security methods to protect the system from catastrophic loss or intrusions, as well as a method of data encryption for transmission;

- the capacity for authorized users to retrieve data comprising the death certification record;

- the capacity to electronically amend and correct death records;

- electronic notification, upon completion of the death record and issuance of a burial permit, of the decedent's name, Social Security number and last known address and the informant to: the federal Social Security Administration, the federal Immigration and Naturalization Service, the Division of Medical Assistance and Health Services in the Department of Human Services, and such other governmental agencies as the State registrar determines will substantially contribute to safeguarding public benefit programs and diminish the criminal use of a decedent's name and other identifying information; and the New Jersey State Funeral Directors Association, in the case of a decedent participating in one of its funeral expense payment programs, in such a manner as to enable it to fulfill its fiduciary obligations for the payment of the decedent's final funeral and burial expenses;

- sufficient data documentation to meet contemporary and emerging standards and expectations of vital record archiving; and

- continuous 24-hour-a-day technical support for all authorized users of the system.

The bill establishes a "New Jersey Electronic Death Registration Support Fund" as a nonlapsing, revolving fund to be administered by the Commissioner of Health and Senior Services and credited with monies received from death registration recording fees paid by funeral homes pursuant to the bill. The monies in the fund and the interest

earned thereon are to be used to meet the development and operational costs of the NJ-EDRS, including, but not limited to, costs associated with: personnel; hardware purchases and maintenance; software and communications infrastructure; website hosting; and licensing fees, royalties and transaction expenses incurred in the development, installation, maintenance and operation of electronic payment security, authentication and encryption systems, and user training and education.

The bill stipulates that: the State Medical Examiner, county medical examiners, licensed health care facilities, other public or private institutions providing medical care, treatment or confinement to persons, funeral homes and physicians' private practice offices, as defined by the State registrar, are to acquire the electronic means prescribed by the State registrar to access the NJ-EDRS, or make other arrangements necessary for that purpose, no later than six months after enactment of the bill. Each shall employ at least one person who is qualified to use the NJ-EDRS, and is registered with the State registrar as an authorized user of the system, by virtue of completing a course of instruction on the NJ-EDRS provided by the State registrar or an authorized agent thereof, or satisfying other requirements established by the State registrar for this purpose.

The bill provides that a person who violates the provisions of this bill, including a local registrar, deputy registrar, alternate deputy registrar or subregistrar, who fails to perform his duty as required by law and by the directions of the State registrar thereunder, subject to a penalty of not less than \$100 nor more than \$250 for each first offense and not less than \$250 nor more than \$500 for each subsequent offense. (Penalties currently range from \$5 to \$50 for a first offense and \$10 to \$100 for each subsequent offense.) The penalty would be recovered in a civil action in the name of the Department of Health and Senior Services or the local board of health in a court of competent jurisdiction, pursuant to the "Penalty Enforcement Law of 1999," N.J.S.A.2A:58-10 et seq. The bill authorizes the State registrar to refer a violation by a licensed physician, nurse or funeral director to the appropriate professional board in the Division of Consumer Affairs, which would assess the applicable penalty and assume enforcement responsibility on the same basis as it would for a violation of the statute or regulations governing the practice of those persons regulated by that board.

The bill also empowers the State registrar to suspend the authority of a local registrar, deputy registrar, alternate deputy registrar or subregistrar to participate in the NJ-EDRS, and thereby preclude that person from issuing burial permits or registering deaths, if the State registrar determines that the applicable registration district is insufficiently equipped or provides untimely service with respect to the review and final authentication of records. In that event, the State registrar may assign a local registrar, deputy registrar, alternate deputy registrar or subregistrar from another registration district to substitute

for the person in question until the applicable registration district meets the standards established by the State registrar.

The bill also tightens standards for obtaining a vital record. A local registrar, deputy registrar, alternate deputy registrar, subregistrar, or registration district may only supply a copy of death certificate to - and the State registrar may only supply the record of a birth, death, fetal death or marriage to - a person of listed relationship to the subject of the record or a legal authority. Those listed relationships and legal authorities are: the subject of the record; the parent, legal guardian or other legal representative of the subject of that record; the subject's spouse, child, grandchild or sibling, if of legal age, or the subject's legal representative; an agency of State or federal government for official purposes; a person possessing an order of a court of competent jurisdiction; or a person who is authorized under other emergent circumstances as determined by the Commissioner of Health and Senior Services. For these purposes, an employee of a registered mortuary, or a licensed funeral director who is affiliated with a registered mortuary if the mortuary was recorded on the original certificate of death, is to be construed as the subject's legal representative.

The committee amendments:

- C permit out-of-State physicians to continue to sign New Jersey death certificates by deleting the requirement that the death and last sickness particulars be provided by physicians licensed by the State Board of Medical Examiners;
- C sunset the provision for an increase in the fee that a local registrar may charge, from \$1 to \$5, for each burial or removal, or transit permit issued (with the increase to be limited to the period from the first day of the first month following enactment of the bill until the first day of the 37th month following its enactment);
- C require the Commissioner of Health and Senior Services to report to the Legislature within 30 months after enactment of the bill on the fees set by the State registrar, the monies raised by the fee, the expenditure of the monies in implementing the program, and any recommendations of the State registrar or the commissioner for changes in the NJ-EDRS or the fees;
- C specify, in sections 24 and 25 of the bill, those persons authorized to obtain and receive a certification or certified copy of a death certificate from a local registrar, deputy registrar, alternate deputy registrar, subregistrar, or an incorporated political subdivision comprising a registration district;
- C stipulate that, for the above purposes, an employee of a registered mortuary, or a licensed funeral director who is affiliated with a registered mortuary, if the mortuary was recorded on the original certificate of death, is to be construed as the subject's legal representative and entitled to obtain full and complete copies of death certificates or certifications thereof;
- C reduce the maximum fee that can be set by the State registrar for

each death registration initiated from \$20 to \$10, limit the period in which the fee will be imposed to the first 36 months following enactment, and provide an exemption from the fee (corresponding to a exemption for current State registrar death fees) for persons who die while in the military or naval or maritime or merchant marine service of the United States; and

- C omit section 27 of the bill (concerning a funeral director and employees of a funeral home being the legal representative of the subject of a death certificate or the subject's parent, legal guardian, or other family members for the purpose of issuing a certified copy of a death record), which is obviated by these amendments.

As amended, this bill is identical to Assembly Bill No.2476 (3R) (Conaway/Connors), which is pending before the General Assembly.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2023

STATE OF NEW JERSEY

DATED: JUNE 19, 2003

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2023 (1R).

This bill mandates the Statewide use of the New Jersey Electronic Death Registration System (NJ-EDRS), which is a method of death recordation and certification. The NJ-EDRS is currently deployed on a limited, voluntary basis, but the objectives of the NJ-EDRS cannot be fulfilled without compulsory, Statewide use.

The purpose of the NJ-EDRS is to allow faster, more accurate, and more detailed filings, which can speed the provision of registry data, make it faster and easier to issue certified death records, and allow the Department of Health and Senior Services to collect and provide better statistics on mortality in New Jersey. In addition, the NJ-EDRS is intended to protect the integrity of social welfare programs and thwart the theft of identity-related information through the prompt reporting of recipient deaths.

Specifically, the bill requires the State registrar of vital statistics in the Department of Health and Senior Services to establish and maintain the NJ-EDRS. The system is to be fully implemented no later than 18 months after the date of enactment of the bill, and is to be the required means of death registration and certification for any death or fetal death occurring in New Jersey, subject to any exception that may be approved by the State registrar in the case of a specific death or fetal death. All participants in the death registration process, including, but not limited to, the State registrar, local registrars, deputy registrars, alternate deputy registrars, subregistrars, the State medical examiner, county medical examiners, funeral directors, attending, covering and resident physicians, licensed health care facilities, and other public or private institutions providing medical care, treatment or confinement to persons, will be required to use the NJ-EDRS to provide the information that is required of them by statute or regulation.

The bill requires that the NJ-EDRS, at a minimum, provide for:

--the direct transmission of burial permit documentation to the originating funeral home in an electronic form capable of output to a local printer;

--an overnight mail system for the delivery of NJ-EDRS-generated death certificates by local registrars, the cost of which is to be chargeable to the funeral director of record;

--an e-mail notification system to alert other responsible parties to pending cases, including notification to or from alternate local registrars;

--a systematic electronic payment method by which all fees are taken from accounts for which funeral homes are financially responsible and distributed, as appropriate, to the State registrar or local registrars as payment for the issuance of permits, the recording of records, the making of certified copies of death certificates, or for other charges that may be incurred;

--a legally binding system of digital authentication in lieu of signatures for the responsible parties and a means of ensuring database security that permits users to enter the system from multiple sites and includes contemporaneous and remote data security methods to protect the system from catastrophic loss or intrusions, as well as a method of data encryption for transmission;

--the capacity for authorized users to retrieve data comprising the death certification record;

--the capacity to electronically amend and correct death records;

--electronic notification, upon completion of the death record and issuance of a burial permit, of the decedent's name, Social Security number and last known address and the informant to: the federal Social Security Administration, the federal Immigration and Naturalization Service, the Division of Medical Assistance and Health Services in the Department of Human Services, and such other governmental agencies as the State registrar determines will substantially contribute to safeguarding public benefit programs and diminish the criminal use of a decedent's name and other identifying information; and the New Jersey State Funeral Directors Association, in the case of a decedent participating in one of its funeral expense payment programs, in such a manner as to enable it to fulfill its fiduciary obligations for the payment of the decedent's final funeral and burial expenses;

--sufficient data documentation to meet contemporary and emerging standards and expectations of vital record archiving; and

--continuous 24-hour-a-day technical support for all authorized users of the system.

The bill establishes a "New Jersey Electronic Death Registration Support Fund" as a nonlapsing, revolving fund to be administered by the Commissioner of Health and Senior Services and credited with monies received from death registration recording fees paid by funeral homes pursuant to the bill. The monies in the fund and the interest earned thereon are to be used to meet the development and operational costs of the NJ-EDRS, including, but not limited to, costs associated with: personnel; hardware purchases and maintenance; software and communications infrastructure; website hosting; and licensing fees,

royalties and transaction expenses incurred in the development, installation, maintenance and operation of electronic payment security, authentication and encryption systems, and user training and education.

The bill stipulates that: the State Medical Examiner, county medical examiners, licensed health care facilities, other public or private institutions providing medical care, treatment or confinement to persons, funeral homes and physicians' private practice offices, as defined by the State registrar, are to acquire the electronic means prescribed by the State registrar to access the NJ-EDRS, or make other arrangements necessary for that purpose, no later than six months after enactment of the bill. Each shall employ at least one person who is qualified to use the NJ-EDRS, and is registered with the State registrar as an authorized user of the system, by virtue of completing a course of instruction on the NJ-EDRS provided by the State registrar or an authorized agent thereof, or satisfying other requirements established by the State registrar for this purpose.

The bill provides that a person who violates the provisions of this bill, including a local registrar, deputy registrar, alternate deputy registrar or subregistrar, who fails to perform his duty as required by law and by the directions of the State registrar thereunder, subject to a penalty of not less than \$100 nor more than \$250 for each first offense and not less than \$250 nor more than \$500 for each subsequent offense. (Penalties currently range from \$5 to \$50 for a first offense and \$10 to \$100 for each subsequent offense.) The penalty would be recovered in a civil action in the name of the Department of Health and Senior Services or the local board of health in a court of competent jurisdiction, pursuant to the "Penalty Enforcement Law of 1999," N.J.S.A.2A:58-10 et seq. The bill authorizes the State registrar to refer a violation by a licensed physician, nurse or funeral director to the appropriate professional board in the Division of Consumer Affairs, which would assess the applicable penalty and assume enforcement responsibility on the same basis as it would for a violation of the statute or regulations governing the practice of those persons regulated by that board.

The bill also empowers the State registrar to suspend the authority of a local registrar, deputy registrar, alternate deputy registrar or subregistrar to participate in the NJ-EDRS, and thereby preclude that person from issuing burial permits or registering deaths, if the State registrar determines that the applicable registration district is insufficiently equipped or provides untimely service with respect to the review and final authentication of records. In that event, the State registrar may assign a local registrar, deputy registrar, alternate deputy registrar or subregistrar from another registration district to substitute for the person in question until the applicable registration district meets the standards established by the State registrar.

The bill also tightens standards for obtaining a vital record. A local registrar, deputy registrar, alternate deputy registrar,

subregistrar, or registration district may only supply a copy of death certificate to - and the State registrar may only supply the record of a birth, death, fetal death or marriage to - a person of listed relationship to the subject of the record or a legal authority. Those listed relationships and legal authorities are: the subject of the record; the parent, legal guardian or other legal representative of the subject of that record; the subject's spouse, child, grandchild or sibling, if of legal age, or the subject's legal representative; an agency of State or federal government for official purposes; a person possessing an order of a court of competent jurisdiction; or a person who is authorized under other emergent circumstances as determined by the Commissioner of Health and Senior Services. For these purposes, an employee of a registered mortuary, or a licensed funeral director who is affiliated with a registered mortuary if the mortuary was recorded on the original certificate of death, is to be construed as the subject's legal representative.

The provisions of this bill are identical to those of Assembly Bill No. 2476 (3R), now pending before the General Assembly.

FISCAL IMPACT

Program funding is provided through a recording fee to the State registrar from the funeral home for each death registration initiated, whether electronically or through the current paper process, for the first 36 months following enactment of the bill. The fee will be determined by the State registrar but may not exceed \$10.

The Department of Health and Senior Services receives about 75,000 death certificates annually, so the fee will generate a maximum of about \$750,000 annually for the development and operational costs of the NJ-EDRS, including but not limited to: personnel; hardware purchases and maintenance; software and communications infrastructure; website hosting; licensing fees, royalties and transaction expenses incurred in the development, installation, maintenance and operation of electronic payment security, authentication and encryption systems; and user training and education.