

[First Reprint]

ASSEMBLY, No. 2206

STATE OF NEW JERSEY

213th LEGISLATURE

INTRODUCED FEBRUARY 25, 2008

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington and Camden)

SYNOPSIS

“Revised Uniform Anatomical Gift Act.”

CURRENT VERSION OF TEXT

As amended by the General Assembly on June 16, 2008.



1 AN ACT concerning anatomical gifts, revising parts of the statutory
2 law and supplementing Title 26 of the Revised Statutes.

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

6
7 1. (New section) a. This act shall be known and may be cited
8 as the “Revised Uniform Anatomical Gift Act.”

9 b. Whenever the term "Uniform Anatomical Gift Act" occurs or
10 any reference is made thereto in any law, contract or document, the
11 same shall be deemed to mean or refer to the "Revised Uniform
12 Anatomical Gift Act."

13
14 2. (New section) As used in this act:

15 “Adult” means a person who is at least 18 years of age.

16 “Advance directive for health care” means an advance directive
17 for health care that is executed pursuant to P.L.1991, c.201
18 (C.26:2H-53 et seq.).

19 “Agent” means a person who is authorized to act as a health care
20 representative by an advance directive for health care or is
21 expressly authorized to make an anatomical gift on a donor’s behalf
22 by any other record signed by the donor.

23 “Anatomical gift” means a donation of all or part of a human
24 body to take effect after the donor’s death for the purpose of
25 transplantation, therapy, research, or education.

26 “Civil union partner” means one partner in a civil union couple
27 as defined in section 2 of P.L.2006, c.103 (C.37:1-29 ‘[et al.]’¹.

28 “Decedent” means a deceased person whose body or part is or
29 may be the source of an anatomical gift, and includes a stillborn
30 infant or fetus.

31 “Designated requester” means a hospital employee who has
32 completed a course offered or approved by an organ procurement
33 organization.

34 “Disinterested witness” means a witness other than: the spouse,
35 civil union partner, domestic partner, child, parent, sibling,
36 grandchild, grandparent, or guardian of the person who makes,
37 amends, revokes, or refuses to make an anatomical gift; another
38 adult who exhibited special care and concern for the decedent; or a
39 person to whom an anatomical gift may pass pursuant to section 10
40 of this act.

41 “Document of gift” means a donor card or other record used to
42 make an anatomical gift, and includes a statement or symbol on a
43 driver’s license, identification card, or donor registry.

44 “Domestic partner” means a domestic partner as defined in
45 section 3 of P.L.2003, c.246 (C.26:8A-3).

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted June 16, 2008.

1 “Donor” means a person whose body or part is the subject of an
2 anatomical gift.

3 “Donor registry” means a database that contains records of
4 anatomical gifts.

5 “Driver’s license” means a license or permit issued by the New
6 Jersey Motor Vehicle Commission to operate a vehicle, whether or
7 not conditions are attached to the license or permit.

8 “Eye bank” means an entity that is licensed, accredited, or
9 regulated under federal or State law to engage in the recovery,
10 screening, testing, processing, storage, or distribution of human
11 eyes or portions of human eyes.

12 “Guardian” means a person appointed by a court to make
13 decisions regarding the support, care, education, health, or welfare
14 of another individual, but does not include a guardian ad litem.

15 “Hospital” means an institution, whether operated for profit or
16 not, whether maintained, supervised or controlled by an agency of
17 State government or a county or municipality or not, which
18 maintains and operates facilities for the diagnosis, treatment, or care
19 of two or more non-related individuals suffering from illness,
20 injury, or deformity, and where emergency, outpatient, surgical,
21 obstetrical, convalescent, or other medical and nursing care is
22 rendered for periods exceeding 24 hours.

23 “Identification card” means an identification card issued by the
24 New Jersey Motor Vehicle Commission.

25 “Medical examiner” means the State Medical Examiner, a county
26 medical examiner, or another person performing the duties of a
27 medical examiner pursuant to P.L.1967, c.234 (C.52:17B-78 et
28 seq.).

29 “Minor” means a person who is under 18 years of age.

30 “Organ procurement organization” means an entity designated by
31 the United States Secretary of Health and Human Services as an
32 organ procurement organization.

33 “Parent” means a parent whose parental rights have not been
34 terminated.

35 “Part” means an organ, eye, or tissue of a human being, but does
36 not include the whole body.

37 “Physician” means a person authorized to practice medicine or
38 osteopathy under the laws of any state.

39 “Procurement organization” means an eye bank, organ
40 procurement organization, or tissue bank.

41 “Prospective donor” means a person who is dead or **‘[near]**
42 **whose**¹ death **‘is imminent’**¹ and has been determined by a
43 procurement organization to have a part that could be medically
44 suitable for transplantation, therapy, research, or education, but
45 does not include an individual who has made a refusal.

46 “Reasonably available” means able to be contacted by a
47 procurement organization without undue effort and willing and able

1 to act in a timely manner consistent with existing medical criteria
2 necessary for the making of an anatomical gift.

3 “Recipient” means a person into whose body a decedent’s part
4 has been or is intended to be transplanted.

5 “Record” means information that is inscribed on a tangible
6 medium or stored in an electronic or other medium and is
7 retrievable in perceivable form.

8 “Refusal” means a record created pursuant to this act that
9 expressly states an intent to bar other persons from making an
10 anatomical gift of a person’s body or part.

11 “Sign” means, with the present intent to authenticate or adopt a
12 record, to execute or adopt a tangible symbol, or to attach to or
13 logically associate with the record an electronic symbol, sound, or
14 process.

15 “State” means a state of the United States, the District of
16 Columbia, Puerto Rico, the United States Virgin Islands, or any
17 territory or insular possession subject to the jurisdiction of the
18 United States.

19 “Technician” means a person who is determined to be qualified
20 to remove or process parts by an appropriate organization that is
21 licensed, accredited, or regulated under federal or State law, and
22 includes an enucleator.

23 “Tissue” means a portion of the human body other than an organ
24 or an eye, but does not include blood unless it is needed to facilitate
25 the use of other parts or is donated for the purpose of research or
26 education.

27 “Tissue bank” means an entity that is licensed, accredited, or
28 regulated under federal or State law to engage in the recovery,
29 screening, testing, processing, storage, or distribution of tissue.

30 “Transplant hospital” means a hospital that furnishes organ
31 transplants and other medical and surgical specialty services
32 required for the care of transplant patients.

33

34 3. (New section) The provisions of this act shall apply to an
35 anatomical gift, or an amendment to, revocation of, or refusal to
36 make an anatomical gift, whenever made.

37

38 4. (New section) Subject to the provisions of section 8 of this
39 act, an anatomical gift of a donor’s body or part may be made
40 during the life of the donor for the purpose of transplantation,
41 therapy, research, or education in the manner provided in section 5
42 of this act by:

43 a. the donor, if the donor is an adult, or if the donor is a minor
44 and is emancipated or is authorized under the laws of this State to
45 apply for a driver’s license;

46 b. an agent of the donor, unless the advance directive for health
47 care or other record prohibits the agent from making an anatomical
48 gift;

1 c. a parent of the donor, if the donor is an unemancipated minor;
2 or

3 d. the donor's guardian.
4

5 5. (New section) a. A person may make an anatomical gift
6 and thereby become a donor:

7 (1) by authorizing a statement or symbol indicating that the
8 donor has made an anatomical gift to be imprinted on the donor's
9 driver's license or identification card;

10 (2) in a will;

11 (3) during a terminal illness or injury of the donor, by any form
12 of communication addressed to at least two adults, at least one of
13 whom shall be a disinterested witness; or

14 (4) as provided in subsection b. of this section.

15 b. A donor or other person authorized to make an anatomical
16 gift pursuant to section 4 of this act may make a gift by a donor
17 card or other record signed by the donor or other person making the
18 gift or by authorizing that a statement or symbol indicating that the
19 donor has made an anatomical gift be included on a donor registry.

20 If the donor or other person is physically unable to sign a record,
21 the record may be signed by another individual at the direction of
22 the donor or other person and shall:

23 (1) be witnessed by at least two adults, at least one of whom
24 shall be a disinterested witness, who have signed at the request of
25 the donor or other person; and

26 (2) state that it has been signed and witnessed as provided in
27 paragraph (1) of this subsection.

28 c. The revocation, suspension, expiration, or cancellation of a
29 driver's license or identification card upon which an anatomical gift
30 is indicated shall not invalidate the gift.

31 d. An anatomical gift made by will shall take effect upon the
32 donor's death, whether or not the will is probated. Invalidation of
33 the will after the donor's death shall not invalidate the gift.
34

35 6. (New section) a. Subject to the provisions of section 8 of
36 this act, a donor or other person authorized to make an anatomical
37 gift pursuant to section 4 of this act may amend or revoke an
38 anatomical gift by:

39 (1) a record signed by:

40 (a) the donor or other person; or

41 (b) subject to the provisions of subsection b. of this section,
42 another individual acting at the direction of the donor or the other
43 person if the donor or other person is physically unable to sign; or

44 (2) a later-executed document of gift that amends or revokes a
45 previous anatomical gift or portion of an anatomical gift, either
46 expressly or by inconsistency.

47 b. A record signed pursuant to subparagraph (b) of paragraph (1)
48 of subsection a. of this section shall:

1 (1) be witnessed by at least two adults, at least one of whom
2 shall be a disinterested witness, who have signed at the request of
3 the donor or other person; and

4 (2) state that it has been signed and witnessed as provided in
5 paragraph (1) of this subsection.

6 c. Subject to the provisions of section 8 of this act, a donor or
7 other person authorized to make an anatomical gift pursuant to
8 section 4 of this act may revoke an anatomical gift by the
9 destruction or cancellation of the document of gift, or the portion of
10 the document of gift used to make the gift, with the intent to revoke
11 the gift.

12 d. A donor may amend or revoke an anatomical gift that was not
13 made in a will by any form of communication during a terminal
14 illness or injury addressed to at least two adults, at least one of
15 whom shall be a disinterested witness.

16 e. A donor who makes an anatomical gift in a will may amend or
17 revoke the gift in the manner provided for amendment or revocation
18 of wills or as provided in subsection a. of this section.

19
20 7. (New section) a. A person may refuse to make an anatomical
21 gift of the person's body or part by:

22 (1) a record signed by:

23 (a) the person; or

24 (b) subject to subsection b. of this section, another individual
25 acting at the person's direction if the person is physically unable to
26 sign;

27 (2) the person's will, whether or not the will is admitted to
28 probate or invalidated after the person's death; or

29 (3) any form of communication made by the person during the
30 person's terminal illness or injury addressed to at least two adults,
31 at least one of whom shall be a disinterested witness.

32 b. A record signed pursuant to subparagraph (b) of paragraph (1)
33 of subsection a. of this section shall:

34 (1) be witnessed by at least two adults, at least one of whom
35 shall be a disinterested witness, who have signed at the request of
36 the person who is making a refusal; and

37 (2) state that it has been signed and witnessed as provided in
38 paragraph (1) of this subsection.

39 c. A person who has made a refusal may amend or revoke the
40 refusal:

41 (1) in the manner provided in subsection a. of this section for
42 making a refusal;

43 (2) by subsequently making an anatomical gift that is
44 inconsistent with the refusal; or

45 (3) by destroying or canceling the record evidencing the refusal,
46 or the portion of the record used to make the refusal, with the intent
47 to revoke the refusal.

1 d. Except as otherwise provided in subsection h. of section 8 of
2 this act, in the absence of an express, contrary indication by the
3 person set forth in the refusal, a person's unrevoked refusal to make
4 an anatomical gift of the person's body or part shall preclude
5 another individual from making an anatomical gift of the person's
6 body or part.

7
8 8. (New section) a. In the absence of an express, contrary
9 indication by the donor, a person other than the donor shall be
10 prohibited from making, amending, or revoking an anatomical gift
11 of a donor's body or part if the donor made an anatomical gift of the
12 donor's body or part or an amendment to an anatomical gift of the
13 donor's body or part.

14 b. A donor's revocation of an anatomical gift pursuant to section
15 6 of this act shall not be deemed to be a refusal and shall not
16 preclude another person as specified in section 4 or section 9 of this
17 act from making an anatomical gift of the donor's body or part.

18 c. If a person other than the donor makes an unrevoked
19 anatomical gift of the donor's body or part pursuant to section 5 of
20 this act or an amendment to an anatomical gift of the donor's body
21 or part pursuant to section 6 of this act, another person shall not
22 make, amend, or revoke the gift of the donor's body or part.

23 d. A revocation of an anatomical gift by a person other than the
24 donor pursuant to section 6 of this act shall not preclude another
25 person from making an anatomical gift of the body or part.

26 e. In the absence of an express, contrary indication by a donor or
27 other person authorized to make an anatomical gift under this act,
28 an anatomical gift of a part shall not be deemed to be a refusal to
29 give another part nor a limitation on the making of an anatomical
30 gift of another part at a later time by the donor or other person.

31 f. In the absence of an express, contrary indication by the donor
32 or other person authorized to make an anatomical gift under this act,
33 an anatomical gift of a part for any of the purposes set forth in
34 section 4 of this act shall not be deemed to limit the making of an
35 anatomical gift of the part for any of those other purposes by the
36 donor or other person.

37 g. Notwithstanding the provisions of this section to the contrary,
38 in the event of the death of a donor who is an unemancipated minor,
39 a parent of the donor who is reasonably available may revoke or
40 amend an anatomical gift of the donor's body or part.

41 h. In the event of the death of an unemancipated minor who has
42 signed a refusal, a parent of the minor who is reasonably available
43 may revoke the minor's refusal.

44
45 9. (New section) a. (1) Subject to the provisions of this act, an
46 anatomical gift of a decedent's body or part may be made by any
47 member of the following classes of persons who is reasonably
48 available, in the order of priority listed:

- 1 (a) an agent of the decedent at the time of the decedent's death
2 who could have made an anatomical gift immediately before the
3 decedent's death pursuant to section 4 of this act;
- 4 (b) the spouse, civil union partner, or domestic partner of the
5 decedent;
- 6 (c) an adult child of the decedent;
- 7 (d) either parent of the decedent;
- 8 (e) an adult sibling of the decedent;
- 9 (f) another adult who is related to the decedent by blood,
10 marriage, or adoption, or exhibited special care and concern for the
11 decedent;
- 12 (g) a person who was acting as the guardian of the person of the
13 decedent at the time of the decedent's death; and
- 14 (h) any other person having the authority to dispose of the
15 decedent's body, including the administrator of a hospital in which
16 the decedent was a patient or resident immediately preceding death.
17 In the absence of actual notice of contrary indication by the
18 decedent, the administrator shall make an anatomical gift of a
19 decedent's body or part.
- 20 (2) If there is more than one member of a class as specified in
21 subparagraphs (a) through (g) of paragraph (1) of this subsection
22 who is entitled to make an anatomical gift, a member of the class
23 may make an anatomical gift unless that member or a person to
24 whom the gift may pass pursuant to section 10 of this act knows of
25 an objection by another member of the class. If an objection is
26 known, the gift shall be made only by a majority of the members of
27 the class who are reasonably available. Nothing in this subsection
28 shall be construed to require that all members of the class authorize
29 the making of the gift or participate in the decision to make the gift.
- 30 (3) A person may not make an anatomical gift if, at the time of
31 the decedent's death, a person in a prior class as specified in
32 paragraph (1) of this subsection is reasonably available to make or
33 object to the making of an anatomical gift.
- 34 b. (1) A person authorized to make an anatomical gift pursuant
35 to subsection a. of this section may make an anatomical gift by a
36 document of gift signed by the person making the gift or by that
37 person's oral communication that is electronically recorded or is
38 contemporaneously reduced to a record and signed by the individual
39 receiving the oral communication.
- 40 (2) Subject to the provisions of paragraph (3) of this subsection,
41 an anatomical gift by a person authorized to make the gift pursuant
42 to subsection a. of this section may be amended or revoked orally or
43 in a record by any member of a prior class who is reasonably
44 available. If more than one member of the prior class is reasonably
45 available, the gift made by the authorized person may be:
- 46 (a) amended only if a majority of the reasonably available
47 members agree to amending the gift; or

1 (b) revoked only if a majority of the reasonably available
2 members agree to revoking the gift or if they are equally divided as
3 to whether to revoke the gift.

4 (3) A revocation made pursuant to paragraph (2) of this
5 subsection shall be effective only if, before an incision has been
6 made to remove a part from the donor's body or before invasive
7 procedures have begun to prepare the recipient, the procurement
8 organization, transplant hospital, or physician or technician knows
9 of the revocation. A procurement organization, transplant hospital,
10 or physician or technician with knowledge of a revocation shall
11 make a best effort to communicate that information to the other
12 parties involved in order to stop the anatomical gift recovery
13 process.

14
15 10. (New section) a. An anatomical gift may be made to the
16 following persons or entities named in the document of gift:

17 (1) a hospital; accredited medical school, dental school, college,
18 or university; organ procurement organization; or other appropriate
19 person, for research or education;

20 (2) subject to the provisions of subsection b. of this section, an
21 individual designated by the person making the anatomical gift if
22 the individual is the recipient of the part; or

23 (3) an eye bank or tissue bank.

24 b. If an anatomical gift to an individual cannot be transplanted
25 into the individual, the part shall pass in accordance with subsection
26 f. of this section in the absence of an express, contrary indication by
27 the person making the anatomical gift.

28 c. If there is more than one purpose of an anatomical gift set
29 forth in the document of gift but the purposes are not set forth in
30 any priority, the gift shall be used for transplantation or therapy, if
31 suitable. If the gift cannot be used for transplantation or therapy,
32 the gift may be used for research or education.

33 d. If an anatomical gift of one or more specific parts is made in a
34 document of gift that does not name a person or entity as described
35 in subsection a. of this section and does not identify the purpose of
36 the gift, the gift shall be used only for transplantation or therapy,
37 and shall pass in accordance with subsection f. of this section.

38 e. If a document of gift specifies only a general intent to make
39 an anatomical gift by words such as "donor," "organ donor," or
40 "body donor," or by a symbol or statement of similar import, the
41 gift shall include all parts, may be used only for transplantation or
42 therapy, and shall pass in accordance with subsection f. of this
43 section.

44 f. For the purposes of subsections b., d., and e. of this
45 subsection, the following shall apply:

46 (1) if the part is an eye, the gift shall pass to the appropriate eye
47 bank;

1 (2) if the part is tissue, the gift shall pass to the appropriate
2 tissue bank; and

3 (3) if the part is an organ, the gift shall pass to the appropriate
4 organ procurement organization as custodian of the organ.

5 g. An anatomical gift of an organ for transplantation or therapy,
6 other than an anatomical gift under paragraph (2) of subsection a. of
7 this section, shall pass to the organ procurement organization as
8 custodian of the organ.

9 h. If an anatomical gift does not pass pursuant to subsections a.
10 through g. of this section or the decedent's body or part is not used
11 for transplantation, therapy, research, or education, custody of the
12 body or part shall pass to the person or entity under obligation to
13 dispose of the body or part.

14 i. A person or entity shall not accept an anatomical gift if the
15 person or entity knows that the gift was not effectively made
16 pursuant to this act or that the decedent made a refusal pursuant to
17 this act that was not revoked. For the purposes of the subsection, if
18 a person or entity knows that an anatomical gift was made on a
19 document of gift, the person or entity shall be deemed to know of
20 any amendment or revocation of the gift or any refusal to make an
21 anatomical gift on the same document of gift.

22 j. Except as otherwise provided in paragraph (2) of subsection a.
23 of this section, nothing in this act shall be construed to affect the
24 allocation of organs for transplantation or therapy.

25

26 11. (New section) a. Upon the request of an organ procurement
27 organization, the following persons shall make a reasonable search
28 of an individual who the person reasonably believes is dead or
29 '【near】 whose' death 'is imminent' for a document of gift or other
30 information identifying the individual as a donor or as an individual
31 who made a refusal:

32 (1) a law enforcement officer, firefighter, paramedic, or other
33 emergency rescuer finding the individual; and

34 (2) if no other source of the information is immediately
35 available, a hospital, as soon as practical after the individual's
36 arrival at the hospital.

37 b. If a document of gift or a refusal to make an anatomical gift is
38 located by the search required pursuant to subsection a. of this
39 section, the person responsible for conducting the search shall make
40 the document of gift or refusal immediately available to the organ
41 procurement organization.

42 c. A person shall not be subject to criminal or civil liability, but
43 may be subject to administrative sanctions, for a failure to discharge
44 the duties imposed pursuant to this section.

45

46 12. (New section) a. A document of gift need not be delivered
47 during the donor's lifetime to be effective.

1 b. Upon or after an individual's death, a person in possession of
2 a document of gift or a refusal to make an anatomical gift with
3 respect to the individual shall allow examination and copying of the
4 document of gift or refusal by a person authorized to make or object
5 to the making of an anatomical gift with respect to the individual or
6 by a person to whom the gift may pass pursuant to section 10 of this
7 act.

8
9 13. (New section) a. A hospital shall notify an organ
10 procurement organization or a third party designated by that
11 organization of a person whose death is imminent or who has died
12 in the hospital, in a timely manner sufficient to ensure that the
13 examination, evaluation, and ascertainment of donor status as set
14 forth in subsection d. of this section can be completed within a time
15 frame compatible with the donation of organs and tissues for
16 transplant. The notification shall be made without regard to
17 whether the person has executed an advance directive for health
18 care.

19 b. When a hospital refers a person who is dead or '[near]
20 whose' death 'is imminent' to an organ procurement organization,
21 the organization shall make a reasonable search of the records of the
22 New Jersey Motor Vehicle Commission and any donor registry that
23 it knows exists for the geographical area in which the person resides
24 in order to ascertain whether the person has made an anatomical
25 gift.

26 c. (1) If the patient has a validly executed donor card, donor
27 designation on a driver's license, advance directive for health care,
28 will, other document of gift, or registration with a Statewide organ
29 and tissue donor registry, the procurement organization
30 representative or the designated requester shall attempt to notify a
31 person listed in section 9 of this act of the gift.

32 If no document of gift is known to the procurement organization
33 representative or the designated requester, one of those two
34 individuals shall ask the persons listed in section 9 of this act
35 whether the decedent had a validly executed document of gift. If
36 there is no evidence of an anatomical gift or '[actual notice of
37 contrary indications] refusal' by the decedent, the procurement
38 organization representative or the designated requester shall attempt
39 to notify a person listed in section 9 of this act of the option to
40 donate organs or tissues.

41 (2) The person in charge of the hospital or that person's
42 designated representative shall indicate in the medical record of the
43 decedent whether or not a document of gift is known to exist, or
44 otherwise whether consent was granted, the name of the person
45 granting or refusing the consent, and that person's relationship to
46 the decedent.

- 1 d. When a hospital refers an individual who is dead or ¹[near]
2 whose¹ death ¹is imminent¹ to a procurement organization, ¹and the
3 organization has determined based upon a medical record review
4 that the individual may be a prospective donor, then¹ the
5 organization may conduct any ¹blood or tissue¹ test or ¹minimally
6 invasive¹ examination that is reasonably necessary to evaluate the
7 medical suitability of a part that is or may be the subject of an
8 anatomical gift for transplantation, therapy, research, or education
9 from a donor or a prospective donor. The hospital shall not
10 withdraw any measures that are necessary to maintain the medical
11 suitability of the part until the procurement organization has had the
12 opportunity to advise the applicable persons as set forth in section 9
13 of this act of the option to make an anatomical gift or has
14 ascertained that the individual expressed a contrary intent. ¹The
15 results of such tests and examinations shall be used or disclosed
16 only for purposes of evaluating medical suitability for donation and
17 to facilitate the donation process, and as required or permitted by
18 existing law.¹
- 19 e. At any time after a donor's death, the person to whom an
20 anatomical gift may pass pursuant to section 10 of this act may
21 conduct any test or examination that is reasonably necessary to
22 evaluate the medical suitability of the body or part for its intended
23 purpose.
- 24 f. An examination conducted pursuant to this section may
25 include an examination of all medical and dental records of the
26 donor or prospective donor.
- 27 g. Upon the death of a minor who was a donor or had signed a
28 refusal, the procurement organization shall, unless it knows the
29 minor is emancipated, conduct a reasonable search for the parents
30 of the minor and provide the parents with an opportunity to revoke
31 or amend the anatomical gift or revoke the refusal.
- 32 h. Subject to the provisions of this act, the rights of a person or
33 entity to whom a part passes pursuant to section 10 of this act shall
34 be superior to the rights of all others with respect to that part. The
35 person or entity may accept or reject an anatomical gift in whole or
36 in part. Subject to the terms of the document of gift and the
37 provisions of this act, a person or entity who accepts an anatomical
38 gift of an entire body may allow embalming, burial or cremation,
39 and the use of remains in a funeral service. If the gift is of a part,
40 the person or entity to which the part passes pursuant to section 10
41 of this act, upon the death of the donor and before embalming,
42 burial or cremation, shall cause the part to be removed without
43 unnecessary mutilation.
- 44 i. Neither the physician or registered professional nurse who
45 attends the decedent at death nor the physician or registered
46 professional nurse who determines the time of the decedent's death

1 may participate in the procedures for removing or transplanting a
2 part from the decedent.

3 j. A physician or technician may remove a donated part from the
4 body of a donor that the physician or technician is qualified to
5 remove.

6 k. Each hospital or other licensed health care facility in this
7 State shall be authorized to enter into such agreements or
8 affiliations with procurement organizations as are necessary for the
9 coordination of procurement and use of anatomical gifts.

10

11 14. (New section) A person who seeks to facilitate the making
12 of an anatomical gift, for the purposes of transplantation or therapy,
13 from a decedent who was not a hospital patient at the time of death
14 shall notify the procurement organization at or around the time of
15 the person's death in order to allow the organization to at least
16 initially evaluate the potential donation and coordinate the donation
17 process, as applicable.

18

19 15. (New section) a. A person or entity shall be immune from
20 liability for actions taken in accordance with, or in a good faith
21 attempt to act in accordance with, the provisions of this act or the
22 applicable anatomical gift law of another state.

23 b. Neither the person making an anatomical gift nor the donor's
24 estate shall be liable for any injury or damage that results from the
25 making or use of the gift.

26 c. In determining whether an anatomical gift has been made,
27 amended, or revoked pursuant to this act, a person or entity shall
28 rely upon representations made by an individual as specified in
29 section 9 of this act relating to the individual's relationship to the
30 donor or prospective donor unless the person knows that the
31 representation is untrue.

32

33 16. (New section) a. A document of gift shall be valid if
34 executed in accordance with:

35 (1) the provisions of this act;

36 (2) the laws of the state or country in which it is executed; or

37 (3) the laws of the state or country in which the person making
38 the anatomical gift is domiciled, has a place of residence, or is a
39 citizen at the time that the document of gift is executed.

40 b. The law of this State shall govern the interpretation of a valid
41 document of gift to which the provisions of this act apply.

42 c. A person shall presume that a document of gift or amendment
43 of an anatomical gift is valid unless the person knows that it was
44 not validly executed or was revoked.

45

46 17. (New section) '[a.]' If a hospital patient who is a
47 prospective donor has executed an advance directive for health care,
48 or has otherwise specified by record the circumstances under which

1 the patient would want life support to be withheld or withdrawn
2 from that person, and the terms of the advance directive or other
3 record are in conflict with the option of making an anatomical gift
4 by precluding the administration of measures necessary to ensure
5 the medical suitability of a part for transplantation or therapy¹, the
6 following requirements shall apply¹:

7 '[(1) the prospective donor and that donor's attending physician
8 shall seek to mutually resolve the conflict; and] a. If the patient is
9 determined to have decision making capacity pursuant to the
10 provisions of P.L.1991, c.201 (C.26:2H-53 et seq.), then the patient
11 shall, after consultation with the patient's attending physician about
12 the donor option and all other relevant factors in end-of-life
13 decision making, make a determination concerning the withholding
14 or withdrawing of treatment pursuant to existing law:¹

15 '[(2) if the patient is unable to resolve the conflict,] b. If the
16 patient is determined to lack decision making capacity pursuant to
17 section 8 of P.L.1991, c.201 (C.26:2H-60), then¹ an agent acting
18 pursuant to the patient's advance directive or other record or, if no
19 such agent has been designated by the patient or the agent is not
20 reasonably available, another person authorized by law other than
21 this act to make decisions on behalf of the patient with regard to the
22 patient's health care shall act for the patient to resolve the conflict.

23 '[b.]¹ The parties specified in 'this¹ subsection '[a. of this
24 section]¹ shall seek to resolve the conflict as set forth therein as
25 expeditiously as possible. 'Information relevant to the resolution of
26 the conflict shall be obtained from the appropriate procurement
27 organization and any other person authorized to make an anatomical
28 gift for the patient pursuant to section 9 of this act.¹

29 '[c. Information relevant to the resolution of the conflict may be
30 obtained from the appropriate procurement organization and any
31 other person authorized to make an anatomical gift for the patient
32 pursuant to section 9 of this act.

33 d.]¹ Measures necessary to ensure the medical suitability of the
34 part shall not be withheld or withdrawn from the patient prior to
35 resolution of the conflict if the withholding or withdrawing is not
36 contraindicated by the requirements of providing appropriate end-
37 of-life care.

38
39 18. (New section) a. Each medical examiner shall cooperate
40 with any procurement organization to maximize the opportunity to
41 recover anatomical gifts for the purpose of transplantation, therapy,
42 research, or education.

43 b. A part shall not be removed from the body of a decedent
44 under a medical examiner's jurisdiction for transplantation, therapy,
45 research, or education, nor delivered to a person for research or
46 education, unless the part is the subject of an anatomical gift. The
47 provisions of this section shall not be construed to preclude a

1 medical examiner from performing an investigation as provided in
2 P.L.1967, c.234 (C.52:17B-78 et seq.) of a decedent under the
3 medical examiner's jurisdiction.

4 c. Upon the request of a procurement organization, the medical
5 examiner shall release to the procurement organization the name,
6 contact information, and available medical and social history of a
7 decedent whose body is under the medical examiner's jurisdiction.
8 If the decedent's body or part is medically suitable for
9 transplantation, therapy, research, or education, the medical
10 examiner shall release the post-mortem examination results to the
11 procurement organization. The procurement organization shall
12 make a subsequent disclosure of the post-mortem examination
13 results or other information received from the medical examiner
14 only if relevant to transplantation, therapy, research, or education.
15

16 19. (New section) In applying and construing this uniform act,
17 consideration shall be given to the need to promote uniformity of
18 the law with respect to its subject matter among the states that enact
19 it.
20

21 20. (New section) This act shall be deemed to modify, limit,
22 and supersede the Electronic Signatures in Global and National
23 Commerce Act, 15 U.S.C.s.7001 et seq., but not to modify, limit, or
24 supersede Section 101(a) of that act, 15 U.S.C.s.7001(a), or to
25 authorize electronic delivery of any of the notices described in
26 Section 103(b) of that act, 15 U.S.C.s.7003(b).
27

28 21. N.J.S.2C:20-2 is amended to read as follows:

29 2C:20-2. a. Consolidation of Theft and Computer Criminal
30 Activity Offenses. Conduct denominated theft or computer
31 criminal activity in this chapter constitutes a single offense, but
32 each episode or transaction may be the subject of a separate
33 prosecution and conviction. A charge of theft or computer criminal
34 activity may be supported by evidence that it was committed in any
35 manner that would be theft or computer criminal activity under this
36 chapter, notwithstanding the specification of a different manner in
37 the indictment or accusation, subject only to the power of the court
38 to ensure fair trial by granting a bill of particulars, discovery, a
39 continuance, or other appropriate relief where the conduct of the
40 defense would be prejudiced by lack of fair notice or by surprise.

41 b. Grading of theft offenses.

42 (1) Theft constitutes a crime of the second degree if:

43 (a) The amount involved is \$75,000.00 or more;

44 (b) The property is taken by extortion;

45 (c) The property stolen is a controlled dangerous substance or
46 controlled substance analog as defined in N.J.S.2C:35-2 and the
47 quantity is in excess of one kilogram;

1 (d) The property stolen is a person's benefits under federal or
2 State law, or from any other source, which the Department of
3 Human Services or an agency acting on its behalf has budgeted for
4 the person's health care and the amount involved is \$75,000.00 or
5 more; or

6 (e) The property stolen is human remains or any part thereof;
7 except that, if the human remains are stolen by deception or
8 falsification of a document by which a gift of all or part of a human
9 body may be made pursuant to 【P.L.1969, c.161 (C.26:6-57 et
10 seq.)】 P.L. , c. (C.)(pending before the Legislature as this bill),
11 the theft constitutes a crime of the first degree.

12 (2) Theft constitutes a crime of the third degree if:

13 (a) The amount involved exceeds \$500.00 but is less than
14 \$75,000.00;

15 (b) The property stolen is a firearm, motor vehicle, vessel, boat,
16 horse, domestic companion animal or airplane;

17 (c) The property stolen is a controlled dangerous substance or
18 controlled substance analog as defined in N.J.S.2C:35-2 and the
19 amount involved is less than \$75,000.00 or is undetermined and the
20 quantity is one kilogram or less;

21 (d) It is from the person of the victim;

22 (e) It is in breach of an obligation by a person in his capacity as
23 a fiduciary;

24 (f) It is by threat not amounting to extortion;

25 (g) It is of a public record, writing or instrument kept, filed or
26 deposited according to law with or in the keeping of any public
27 office or public servant;

28 (h) The property stolen is a person's benefits under federal or
29 State law, or from any other source, which the Department of
30 Human Services or an agency acting on its behalf has budgeted for
31 the person's health care and the amount involved is less than
32 \$75,000.00;

33 (i) The property stolen is any real or personal property related
34 to, necessary for, or derived from research, regardless of value,
35 including, but not limited to, any sample, specimens and
36 components thereof, research subject, including any warm-blooded
37 or cold-blooded animals being used for research or intended for use
38 in research, supplies, records, data or test results, prototypes or
39 equipment, as well as any proprietary information or other type of
40 information related to research;

41 (j) The property stolen is a New Jersey Prescription Blank as
42 referred to in R.S.45:14-14;

43 (k) The property stolen consists of an access device or a defaced
44 access device; or

45 (l) The property stolen consists of anhydrous ammonia and the
46 actor intends it to be used to manufacture methamphetamine.

47 (3) Theft constitutes a crime of the fourth degree if the amount
48 involved is at least \$200.00 but does not exceed \$500.00. If the

1 amount involved was less than \$200.00 the offense constitutes a
2 disorderly persons offense.

3 (4) The amount involved in a theft or computer criminal activity
4 shall be determined by the trier of fact. The amount shall include,
5 but shall not be limited to, the amount of any State tax avoided,
6 evaded or otherwise unpaid, improperly retained or disposed of.
7 Amounts involved in thefts or computer criminal activities
8 committed pursuant to one scheme or course of conduct, whether
9 from the same person or several persons, may be aggregated in
10 determining the grade of the offense.

11 c. Claim of right. It is an affirmative defense to prosecution
12 for theft that the actor:

13 (1) Was unaware that the property or service was that of
14 another;

15 (2) Acted under an honest claim of right to the property or
16 service involved or that he had a right to acquire or dispose of it as
17 he did; or

18 (3) Took property exposed for sale, intending to purchase and
19 pay for it promptly, or reasonably believing that the owner, if
20 present, would have consented.

21 d. Theft from spouse. It is no defense that theft or computer
22 criminal activity was from or committed against the actor's spouse,
23 except that misappropriation of household and personal effects, or
24 other property normally accessible to both spouses, is theft or
25 computer criminal activity only if it occurs after the parties have
26 ceased living together.

27 (cf: P.L.2007, c.36, s.2)

28

29 22. Section 1 of P.L.2007, c.36 (C.2C:22-2) is amended to read
30 as follows:

31 1. a. A person who knowingly, for valuable consideration,
32 purchases or sells a part for transplantation or therapy, if removal of
33 a part from a donor is intended to occur after the donor's death, is
34 guilty of a crime of the third degree and, notwithstanding the
35 provisions of N.J.S.2C:43-3, shall be subject to a fine of not more
36 than \$50,000, as well as the term of imprisonment provided under
37 N.J.S.2C:43-6, or both.

38 Nothing in this subsection shall be construed to prohibit a person
39 from charging a reasonable amount for the removal, processing,
40 disposal, preservation, quality control, storage, transportation, or
41 implantation of a part.

42 b. A person who intentionally falsifies, forges, conceals,
43 defaces, or obliterates a document by which a gift of all or part of a
44 human body may be made pursuant to [P.L.1969, c.161 (C.26:6-57
45 et seq.)] P.L. , c. (C.)(pending before the Legislature as this
46 bill), an amendment or revocation of such a document, or any death
47 record or document of medical or social history pertaining to the
48 body or part of the donor, or a refusal to make a gift, in order to

1 obtain a financial benefit or gain, is guilty of a crime of the second
2 degree and, notwithstanding the provisions of N.J.S.2C:43-3, shall
3 be subject to a fine of not more than \$50,000, as well as the term of
4 imprisonment provided under N.J.S.2C:43-6, or both.

5 c. As used in this section, the terms "decedent," "donor," "part,"
6 and "person" have the meaning ascribed to them in section [1 of
7 P.L.1969, c.161 (C.26:6-57)] 2 of P.L. , c. (C.)(pending before
8 the Legislature as this bill).

9 (cf: P.L.2007, c.36, s.1)

10
11 23. Section 6 of P.L.1995, c.257 (C.26:6-58.5) is amended to
12 read as follows:

13 6. A [transplant recovery specialist] technician as defined in
14 section 2 of P.L. , c. (C.) (pending before the Legislature as this
15 bill) may recover a human body part for any purpose specified in
16 [section 3 of P.L.1969, c.161 (C.26:6-59)] P.L. , c. (C.)
17 (pending before the Legislature as this bill). A physician shall not
18 be required to be present during the recovery procedure. Nothing in
19 this section shall be construed to limit a physician or other person
20 authorized by law to recover human body parts pursuant to law.

21 (cf: P.L.1995, c.257, s.6)

22
23 24. R.S.39:3-10 is amended to read as follows:

24 39:3-10. No person shall drive a motor vehicle on a public
25 highway in this State unless the person is under supervision while
26 participating in a behind-the-wheel driving course pursuant to
27 section 6 of P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a
28 validated permit, or a provisional or basic driver's license issued to
29 him in accordance with this article.

30 No person under 18 years of age shall be issued a basic license to
31 drive motor vehicles, nor shall a person be issued a validated
32 permit, including a validated examination permit, until he has
33 passed a satisfactory examination and other requirements as to his
34 ability as an operator. The examination shall include a test of the
35 applicant's vision, his ability to understand traffic control devices,
36 his knowledge of safe driving practices and of the effects that
37 ingestion of alcohol or drugs has on a person's ability to operate a
38 motor vehicle, his knowledge of such portions of the mechanism of
39 motor vehicles as is necessary to insure the safe operation of a
40 vehicle of the kind or kinds indicated by the applicant and of the
41 laws and ordinary usages of the road. No person shall sit for an
42 examination for any permit without exhibiting photo identification
43 deemed acceptable by the commission, unless that person is a high
44 school student participating in a course of driving education
45 approved by the State Department of Education and conducted in a
46 public, parochial or private school of this State, pursuant to section
47 1 of P.L.1950, c.127 (C.39:3-13.1). The commission may waive the
48 written law knowledge examination for any person 18 years of age

1 or older possessing a valid driver's license issued by any other state,
2 the District of Columbia or the United States Territories of
3 American Samoa, Guam, Puerto Rico or the Virgin Islands. The
4 commission shall be required to provide that person with a booklet
5 that highlights those motor vehicle laws unique to New Jersey. A
6 road test shall be required for a provisional license and serve as a
7 demonstration of the applicant's ability to operate a vehicle of the
8 class designated. No person shall sit for a road test unless that
9 person exhibits photo identification deemed acceptable by the
10 commission. A high school student who has completed a course of
11 behind-the-wheel automobile driving education approved by the
12 State Department of Education and conducted in a public, parochial
13 or private school of this State, who has been issued a special
14 learner's permit pursuant to section 1 of P.L.1950, c.127 (C.39:3-
15 13.1) prior to January 1, 2003, shall not be required to exhibit photo
16 identification in order to sit for a road test. The commission may
17 waive the road test for any person 18 years of age or older
18 possessing a valid driver's license issued by any other state, the
19 District of Columbia or the United States Territories of American
20 Samoa, Guam, Puerto Rico or the Virgin Islands. The road test
21 shall be given on public streets, where practicable and feasible, but
22 may be preceded by an off-street screening process to assess basic
23 skills. The commission shall approve locations for the road test
24 which pose no more than a minimal risk of injury to the applicant,
25 the examiner and other motorists. No new locations for the road
26 test shall be approved unless the test can be given on public streets.

27 The commission shall issue a basic driver's license to operate a
28 motor vehicle other than a motorcycle to a person over 18 years of
29 age who previously has not been licensed to drive a motor vehicle
30 in this State or another jurisdiction only if that person has: (1)
31 operated a passenger automobile in compliance with the
32 requirements of this title for not less than one year, not including
33 any period of suspension or postponement, from the date of
34 issuance of a provisional license pursuant to section 4 of P.L.1950,
35 c.127 (C.39:3-13.4); (2) not been assessed more than two motor
36 vehicle points; (3) not been convicted in the previous year for a
37 violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-
38 50.4a), P.L.1992, c.189 (C.39:4-50.14), R.S.39:4-129, N.J.S.2C:11-
39 5, subsection c. of N.J.S.2C:12-1, or any other motor vehicle-
40 related violation the commission determines to be significant and
41 applicable pursuant to regulation; and (4) passed an examination of
42 his ability to operate a motor vehicle pursuant to this section.

43 The commission shall expand the driver's license examination by
44 20%. The additional questions to be added shall consist solely of
45 questions developed in conjunction with the State Department of
46 Health and Senior Services concerning the use of alcohol or drugs
47 as related to highway safety. The commission shall develop in
48 conjunction with the State Department of Health and Senior

1 Services supplements to the driver's manual which shall include
2 information necessary to answer any question on the driver's license
3 examination concerning alcohol or drugs as related to highway
4 safety.

5 Up to 20 questions may be added to the examination on subjects
6 to be determined by the commission that are of particular relevance
7 to youthful drivers, after consultation with the Director of the
8 Office of Highway Traffic Safety.

9 The commission shall expand the driver's license examination to
10 include a question asking whether the applicant is aware of the
11 provisions of the ["Uniform Anatomical Gift Act," P.L.1969, c.161
12 (C.26:6-57 et seq.)] "Revised Uniform Anatomical Gift Act,"
13 P.L. , c. (C.)(pending before the Legislature as this bill) and
14 the procedure for indicating on the driver's license the intention to
15 make a donation of body organs or tissues pursuant to P.L.1978,
16 c.181 (C.39:3-12.2).

17 Any person applying for a driver's license to operate a motor
18 vehicle or motorized bicycle in this State shall surrender to the
19 commission any current driver's license issued to him by another
20 state or jurisdiction upon his receipt of a driver's license for this
21 State. The commission shall refuse to issue a driver's license if the
22 applicant fails to comply with this provision. An applicant for a
23 permit or license who is less than 18 years of age, and who holds a
24 permit or license for a passenger automobile issued by another state
25 or country that is valid or has expired within a time period
26 designated by the commission, shall be subject to the permit and
27 license requirements and penalties applicable to State permit and
28 license applicants who are of the same age; except that if the other
29 state or country has permit or license standards substantially similar
30 to those of this State, the credentials of the other state or country
31 shall be acceptable.

32 The commission shall create classified licensing of drivers
33 covering the following classifications:

34 a. Motorcycles, except that for the purposes of this section,
35 motorcycle shall not include any three-wheeled motor vehicle
36 equipped with a single cab with glazing enclosing the occupant,
37 seats similar to those of a passenger vehicle or truck, seat belts and
38 automotive steering.

39 b. Omnibuses as classified by R.S.39:3-10.1 and school buses
40 classified under N.J.S.18A:39-1 et seq.

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

42 d. All motor vehicles not included in classifications a. and b. A
43 license issued pursuant to this classification d. shall be referred to
44 as the "basic driver's license."

45 Every applicant for a license under classification b. shall be a
46 holder of a basic driver's license. Any issuance of a license under
47 classification b. shall be by endorsement on the basic driver's
48 license.

1 A driver's license for motorcycles may be issued separately, but
2 if issued to the holder of a basic driver's license, it shall be by
3 endorsement on the basic driver's license.

4 The commission, upon payment of the lawful fee and after it or a
5 person authorized by it has examined the applicant and is satisfied
6 of the applicant's ability as an operator, may, in its discretion, issue
7 a license to the applicant to drive a motor vehicle. The license shall
8 authorize him to drive any registered vehicle, of the kind or kinds
9 indicated, and shall expire, except as otherwise provided, on the last
10 day of the 48th calendar month following the calendar month in
11 which such license was issued.

12 The commission may, at its discretion and for good cause shown,
13 issue licenses which shall expire on a date fixed by it. If the
14 commission issues a license to a person who has demonstrated
15 authorization to be present in the United States for a period of time
16 shorter than the standard period of the license, the commission shall
17 fix the expiration date of the license at a date based on the period in
18 which the person is authorized to be present in the United States
19 under federal immigration laws. The commission may renew such a
20 license only if it is demonstrated that the person's continued
21 presence in the United States is authorized under federal law. The
22 fee for licenses with expiration dates fixed by the commission shall
23 be fixed by the commission in amounts proportionately less or
24 greater than the fee herein established.

25 The required fee for a license for the 48-month period shall be as
26 follows:

27 Motorcycle license or endorsement: \$18.

28 Omnibus or school bus endorsement: \$18.

29 Basic driver's license: \$18.

30 The commission shall waive the payment of fees for issuance of
31 omnibus endorsements whenever an applicant establishes to the
32 commission's satisfaction that said applicant will use the omnibus
33 endorsement exclusively for operating omnibuses owned by a
34 nonprofit organization duly incorporated under Title 15 or 16 of the
35 Revised Statutes or Title 15A of the New Jersey Statutes.

36 The commission shall issue licenses for the following license
37 period on and after the first day of the calendar month immediately
38 preceding the commencement of such period, such licenses to be
39 effective immediately.

40 All applications for renewals of licenses shall be made in a
41 manner prescribed by the commission and in accordance with
42 procedures established by it.

43 The commission in its discretion may refuse to grant a permit or
44 license to drive motor vehicles to a person who is, in its estimation,
45 not a proper person to be granted such a permit or license, but no
46 defect of the applicant shall debar him from receiving a permit or
47 license unless it can be shown by tests approved by the commission

1 that the defect incapacitates him from safely operating a motor
2 vehicle.

3 In addition to requiring an applicant for a driver's license to
4 submit satisfactory proof of identity and age, the commission also
5 shall require the applicant to provide, as a condition for obtaining a
6 permit and license, satisfactory proof that the applicant's presence
7 in the United States is authorized under federal law.

8 If the commission has reasonable cause to suspect that any
9 document presented by an applicant as proof of identity, age or
10 legal residency is altered, false or otherwise invalid, the
11 commission shall refuse to grant the permit or license until such
12 time as the document may be verified by the issuing agency to the
13 commission's satisfaction.

14 A person violating this section shall be subject to a fine not
15 exceeding \$500 or imprisonment in the county jail for not more
16 than 60 days, but if that person has never been licensed to drive in
17 this State or any other jurisdiction, he shall be subject to a fine of
18 not less than \$200 and, in addition, the court shall issue an order to
19 the commission requiring the commission to refuse to issue a
20 license to operate a motor vehicle to the person for a period of not
21 less than 180 days. The penalties provided for by this paragraph
22 shall not be applicable in cases where failure to have actual
23 possession of the operator's license is due to an administrative or
24 technical error by the commission.

25 Nothing in this section shall be construed to alter or extend the
26 expiration of any license issued prior to the date this amendatory
27 and supplementary act becomes operative.

28 (cf: P.L.2003, c.13, s.37)

29

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

32 1. a. The Chief Administrator of the New Jersey Motor Vehicle
33 Commission shall provide with every new license, renewal license,
34 identification card or renewal identification card the opportunity for
35 each person pursuant to the provisions of the ["Uniform
36 Anatomical Gift Act," P.L.1969, c.161 (C.26:6-57 et al.)] "Revised
37 Uniform Anatomical Gift Act," P.L. , c. (C.) (pending before the
38 Legislature as this bill), to designate that the person shall donate all
39 or any [body] organs or [parts] tissues for the purposes of
40 transplantation[,] or therapy[, medical research or education upon
41 his death].

42 b. The designation indicating that a person is a donor pursuant
43 to subsection a. of this section shall be done in accordance with
44 procedures prescribed by the chief administrator. The designation
45 shall be displayed in print in a conspicuous form and manner on the
46 license or identification card, and electronically, by substantially
47 the following statement: "ORGAN DONOR" and shall constitute

1 sufficient legal authority for the removal of **【a body organ】** organs
2 or **【part】** tissues for the purposes of transplantation or therapy upon
3 the death of the licensee or identification cardholder. The
4 designation shall be removed in accordance with procedures
5 prescribed by the chief administrator.

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

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

8 e. The chief administrator, in consultation with those organ
9 procurement organizations designated pursuant to 42
10 U.S.C.s.1320b-8 to serve in the State of New Jersey, shall establish
11 and provide an annual education program for agency employees and
12 personnel. The program shall focus on the benefits associated with
13 organ and tissue donations, the scope and operation of New Jersey's
14 donor program, and how the agency's employees and personnel can
15 effectively inform the public about the donor program and can best
16 assist those wishing to participate in the donor program.

17 f. The chief administrator shall electronically record and store
18 all organ donor designations and identification information, and
19 shall provide the organ procurement organizations designated
20 pursuant to 42U.S.C.s.1320b-8 to serve in the State of New Jersey
21 with real-time electronic access to the organ donor designation
22 information collected pursuant to subsection a. of this section. An
23 organ procurement organization designated pursuant to
24 42U.S.C.s.1320b-8 to serve in the State of New Jersey, or any
25 donor registry established by any such organization, shall have real-
26 time electronic access to those organ donor designations and
27 identification at all times, without exception, for the purposes of
28 verifying organ and tissue donation status and identity. For these
29 purposes, the federally designated organ procurement organization
30 shall have electronic access to each recorded donor's name, address,
31 date of birth, gender, color of eyes, height, and driver's license
32 number. Upon request, the chief administrator shall provide a copy
33 of the donor's original driver's license application.

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

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

45
46 26. R.S.39:3-41 is amended to read as follows:

47 39:3-41. a. At the time of the issuance of an examination permit
48 or a special learner's permit to operate a motor vehicle, the director

1 shall make available to each applicant for the examination permit or
2 special learner's permit a driver's manual containing information
3 required to be known and followed by licensed drivers relating to
4 licensing requirements.

5 b. At the time of any required examination for renewal of a
6 driver's license, the director shall upon request make available to
7 each applicant for renewal a copy of the manual and any
8 supplements thereto.

9 c. The driver's manual and any supplements thereto or any other
10 booklet or writing prepared in connection with examinations for
11 drivers' licenses or for renewals of drivers' licenses shall contain all
12 information necessary to answer any question on an examination for
13 a driver's license or for a renewal of a driver's license.

14 d. The director, following consultation with the **【New Jersey**
15 **Organ and Tissue Sharing Network】** organ procurement
16 organizations designated pursuant to 42 U.S.C.s.1320b-8 to serve in
17 the State of New Jersey, shall include in the driver's manual
18 information explaining the provisions of the **【"Uniform Anatomical**
19 **Gift Act," P.L.1969, c.161 (C.26:6-57 et seq.)】** "Revised Uniform
20 Anatomical Gift Act," P.L. , c. (C.)(pending before the
21 Legislature as this bill), the beneficial uses of donated **【body】**
22 organs and tissues, and the procedure for indicating on the driver's
23 license the intention to make such a donation pursuant to P.L.1978,
24 c.181 (C.39:3-12.2). The director may distribute all remaining
25 copies of the existing driver's manual before reprinting the manual
26 with the information required pursuant to this subsection.

27 (cf: P.L.1992, c.110, s.2)

28
29 27. Section 1 of P.L.1993, c.276 (C.52:17B-88.7) is amended to
30 read as follows:

31 1. Notwithstanding any provision of law to the contrary, if a
32 deceased person whose death is under investigation pursuant to
33 section 9 of P.L.1967, c.234 (C.52:17B-86) is a donor of all or part
34 of his body as evidenced by an advance directive, will, card or other
35 document, or as otherwise provided in the **【"Uniform Anatomical**
36 **Gift Act," P.L.1969, c.161 (C.26:6-57 et seq.)】** "Revised Uniform
37 Anatomical Gift Act," P.L. , c. (C.)(pending before the
38 Legislature as this bill), the State Medical Examiner or the county
39 medical examiner, or his designee, who has notice of the donation
40 shall perform an examination, autopsy or analysis of tissues or
41 organs only in a manner and within a time period compatible with
42 their preservation for the purposes of transplantation.

43 (cf: P.L.1993, c.276, s.1)

- 1 28. The following are repealed:
- 2 P.L.1969, c.161 (C.26:6-57 et seq.); and
- 3 P.L.1987, c.244 (C.26:6-58.1 et seq.).
- 4
- 5 29. This act shall take effect immediately.