

# SENATE, No. 282

## STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator CHRISTOPHER "KIP" BATEMAN**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Co-Sponsored by:**

**Senator Cunningham**

**SYNOPSIS**

“Revised State Medical Examiner Act”; establishes Office of the Chief State Medical Examiner in DOH.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT establishing the Office of the Chief State Medical  
2 Examiner in the Department of Health, supplementing Title 26 of  
3 the Revised States, and amending and repealing parts of the  
4 statutory law.

5

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

8

9 1. (New section) This act shall be known and may be cited as  
10 the “Revised State Medical Examiner Act.”

11

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

13 a. The enactment of a “Revised State Medical Examiner Act”  
14 is necessary in order to reform the current decentralized and  
15 fragmented medical examiner system in this State;

16 b. The linchpin of this reform is to be the establishment of a  
17 new Office of the Chief State Medical Examiner, to be led by a  
18 single officer known as the Chief State Medical Examiner, with  
19 significant statutory authority and operational oversight to ensure  
20 the effective and efficient operation of the entire medical examiner  
21 system in New Jersey;

22 c. This new office is to be established in, but not of, the  
23 Department of Health in order to ensure its independent status, and  
24 the Chief State Medical Examiner is to exercise explicit supervisory  
25 authority over the entire medical examiner system, with the power  
26 to intervene at his discretion in any medicolegal death investigation  
27 in this State;

28 d. The Chief State Medical Examiner is to be responsible for  
29 ensuring that the entire medical examiner system is adequately  
30 equipped to effectively deliver medicolegal death investigation  
31 services throughout the State, including appropriate funding for  
32 staff, equipment, and facilities for all medical examiner offices;

33 e. The Chief State Medical Examiner is to establish operating  
34 and performance standards for every medical examiner office in  
35 New Jersey, including uniform procedures for medicolegal death  
36 investigations; and

37 f. The reforms entailed in this act will result in a more efficient  
38 and effective medical examiner system that will better meet the  
39 needs of this State and thereby serve the public interest.

40

41 3. (New section) As used in this act:

42 “Commissioner” means the Commissioner of Health.

43 “Compelling public necessity” means one or more of the  
44 following:

**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 a. that a dissection or autopsy is essential to the criminal  
2 investigation of a homicide of which the decedent is the victim;  
3 b. that the discovery of the cause of death is necessary to meet  
4 an immediate and substantial threat to the public health, and that a  
5 dissection or autopsy is essential to ascertain the cause of death;  
6 c. that the death was that of an inmate of a prison, jail, or other  
7 correctional facility;  
8 d. that the death was that of a child under the age of 12 years  
9 suspected of having been abused or neglected or suspected of being  
10 a threat to public health, and the cause of whose death is not  
11 apparent after diligent investigation by the medical examiner; or  
12 e. that the need for a dissection or autopsy is established  
13 pursuant to the provisions of this act.

14 "Department" means the Department of Health.

15 "Friend" means any person who, prior to the decedent's death,  
16 maintained close contact with the decedent sufficient to render that  
17 person knowledgeable of the decedent's activities, health, and  
18 religious beliefs, and who presents an affidavit stating the facts and  
19 circumstances upon which the claim that the person is a friend is  
20 based, and stating that the person will assume responsibility for the  
21 lawful disposition of the body of the deceased.

22 "Person in interest" means the spouse, civil union partner,  
23 domestic partner, adult child, parent, adult sibling, grandparent, or  
24 guardian of the person of the deceased at the time of the deceased's  
25 death.

26  
27 4. (New section) There is established in the Executive Branch  
28 of the State Government the Office of the Chief State Medical  
29 Examiner. For the purpose of complying with the provisions of  
30 Article V, Section IV, paragraph 1 of the New Jersey Constitution,  
31 the Office of the Chief State Medical Examiner is allocated within  
32 the Department of Health; but, notwithstanding that allocation, the  
33 office shall be independent of any supervision or control by the  
34 department or by any board or officer thereof.

35  
36 5. (New section) a. The Office of the State Medical Examiner  
37 in the Department of Law and Public Safety, established pursuant to  
38 section 2 of P.L.1967, c.234 (C.52:17B-79), is abolished; and all of  
39 its functions, powers, and duties are transferred to the Office of the  
40 Chief State Medical Examiner in the Department of Health  
41 established hereunder, subject to the provisions of this act and in  
42 accordance with the "State Agency Transfer Act," P.L.1971, c.375  
43 (C.52:14D-1 et seq.).

44 b. All appropriations and other monies available, and to  
45 become available, to the Office of the State Medical Examiner in  
46 the Department of Law and Public Safety, established pursuant to  
47 section 2 of P.L.1967, c.234 (C.52:17B-79) and abolished pursuant  
48 to this act, are continued in the Office of the Chief State Medical

1 Examiner in the Department of Health established hereunder and  
2 shall be available for the objects and purposes for which these  
3 monies are appropriated, subject to the provisions of this act and  
4 any other terms, restrictions, limitations, or other requirements  
5 imposed by law.

6 c. Whenever the term “State Medical Examiner” occurs or any  
7 reference is made thereto in any law, rule, regulation, order,  
8 contract, document, judicial or administrative proceeding, or  
9 otherwise, the same shall be deemed to mean or refer to: the “Chief  
10 State Medical Examiner” designated as the head of the Office of the  
11 Chief State Medical Examiner in the Department of Health  
12 established hereunder; or any person appointed to the position of  
13 “Deputy Chief State Medical Examiner” and acting on behalf of the  
14 Chief State Medical Examiner.

15

16 6. (New section) a. The Office of the Chief State Medical  
17 Examiner shall be under the immediate and sole supervision and  
18 authority of the Chief State Medical Examiner, who shall direct,  
19 control, and oversee the medical examiner system in this State.

20 b. The Chief State Medical Examiner shall be a physician  
21 licensed and in good standing in the State of New Jersey, a graduate  
22 of a regularly chartered and legally constituted medical school or  
23 college, and certified in forensic pathology by the American Board  
24 of Pathology.

25 c. The Chief State Medical Examiner shall be appointed by the  
26 Governor, with the advice and consent of the Senate, and shall serve  
27 for a term of five years and until a successor is appointed and has  
28 qualified. In the case of the death, removal, resignation, or  
29 permanent incapacity of the Chief State Medical Examiner, the  
30 Governor shall appoint a new Chief State Medical Examiner, in the  
31 same manner as the original appointment, within six months.

32 d. The Chief State Medical Examiner shall receive a salary,  
33 which shall be within a salary range established by the Civil Service  
34 Commission with the approval of the Director of the Division of  
35 Budget and Accounting, as provided by section 2 of P.L. 1974, c.55  
36 (C.52:14-15.108), and as approved by the Governor.

37 e. The Chief State Medical Examiner shall report directly to  
38 the Commissioner of Health and shall function independently  
39 within the department with respect to the supervision of the medical  
40 examiner system and the conducting of medicolegal death  
41 investigations.

42 f. During the term of office set forth in this subsection, the  
43 Chief State Medical Examiner may be removed by the Governor  
44 only for cause as set forth in this act, upon notice and opportunity to  
45 be heard.

46

47 7. (New section) The Chief State Medical Examiner shall have  
48 the following general duties, functions, powers, and responsibilities:

- 1 a. The Chief State Medical Examiner shall have the authority to  
2 enforce the provisions of this act.
- 3 b. The Chief State Medical Examiner shall, to the best of his  
4 ability, ensure that the medical examiner system is adequately  
5 equipped and staffed to effectively deliver medicolegal death  
6 investigation services throughout the State, for which purpose the  
7 Chief State Medical Examiner shall:
  - 8 (1) establish standards of funding for the operations and staffing  
9 of the Office of the Chief State Medical Examiner;
  - 10 (2) establish advisory standards of funding for the operations,  
11 staffing, capital equipment, laboratories, and facilities of the county  
12 and intercounty medical examiner offices;
  - 13 (3) oversee the deployment of State funds designated for the  
14 medical examiner system;
  - 15 (4) maintain and supervise the New Jersey State Medical  
16 Examiner Toxicology Laboratory as set forth in this act; and
  - 17 (5) have the authority to apply for and accept funds, including  
18 grants and awarded federal appropriations, for the improvement of  
19 the system of medicolegal death investigation services.
- 20 c. The Chief State Medical Examiner shall:
  - 21 (1) appoint such persons to the position of Deputy Chief State  
22 Medical Examiner, and such other employees, as may be needed for  
23 the Office of the Chief State Medical Examiner to meet its  
24 responsibilities, and prescribe their duties;
  - 25 (2) pursuant to the provisions of this act, provide advice  
26 concerning the appointment, by the governing body of a county or  
27 the governing bodies of two or more counties, of county or  
28 intercounty medical examiners, as applicable, to conduct  
29 medicolegal death investigations within the jurisdiction in which  
30 they may be appointed to serve;
  - 31 (3) provide advice to the governing bodies of two or more  
32 counties seeking to maintain an intercounty medical examiner  
33 office, in accordance with the provisions of this act;
  - 34 (4) establish minimum training and experiential requirements of  
35 eligibility for those persons appointed as Deputy Chief State  
36 Medical Examiner or as a county or intercounty medical examiner,  
37 in addition to the other qualifications set forth in this act;
  - 38 (5) retain direct supervisory power over all operations and  
39 personnel employed by the Office of the Chief State Medical  
40 Examiner;
  - 41 (6) have direct supervision and oversight of any county or  
42 intercounty medical examiner facility that the Chief State Medical  
43 Examiner reasonably determines is experiencing problems that  
44 preclude its effective functioning; and
  - 45 (7) provide professional oversight concerning the operations of  
46 the county and intercounty medical examiner offices as they relate  
47 specifically to the conduct of medicolegal death investigations and  
48 the performance of autopsies.

1 d. The Chief State Medical Examiner, pursuant to the  
2 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et  
3 seq.), shall adopt rules and regulations as necessary to effectuate the  
4 provisions of this act, including, but not limited to, establishing:

5 (1) uniform procedures for conducting medicolegal death  
6 investigations as determined to be necessary to determine identity,  
7 cause of death, and manner of death, and to resolve any issues or  
8 potential issues of public health and legal concern;

9 (2) minimum performance and operating standards for the  
10 Office of the Chief State Medical Examiner and each county or  
11 intercounty medical examiner office; and

12 (3) standards of professional conduct to be followed by the  
13 personnel of the Office of the Chief State Medical Examiner and the  
14 personnel of county and intercounty medical examiner offices.

15 e. The Chief State Medical Examiner shall have direct  
16 supervision and oversight of any medical examiner facility  
17 operating under the jurisdiction of this State.

18 f. The Chief State Medical Examiner is authorized to intervene  
19 in, and to assume control over, any ongoing medicolegal death  
20 investigation taking place in the State, at any time and at his  
21 discretion, regardless of whether the Chief State Medical Examiner  
22 has received permission from, or a request for intervention by, the  
23 county or intercounty medical examiner performing the  
24 investigation.

25  
26 8. (New section) a. The position of Deputy Chief State Medical  
27 Examiner is created in the Office of the Chief State Medical  
28 Examiner.

29 b. The Chief State Medical Examiner may appoint one or more  
30 persons to the position of Deputy Chief State Medical Examiner, as  
31 he determines is needed to provide for appropriate supervision of  
32 the medical examiner system in this State. If the Chief State  
33 Medical Examiner appoints more than one person as Deputy Chief  
34 State Medical Examiner, the Chief State Medical Examiner shall  
35 name one Deputy Chief Medical Examiner as the “First Deputy  
36 Chief State Medical Examiner.”

37 c. The Deputy Chief State Medical Examiner, or the First  
38 Deputy Chief State Medical Examiner if one has been named  
39 pursuant to subsection b. of this section, shall perform all of the  
40 duties of the Chief State Medical Examiner in the case of the  
41 incapacity, prolonged absence, permanent resignation, or removal  
42 of the Chief State Medical Examiner.

43 d. The Deputy Chief State Medical Examiner shall: be a  
44 physician licensed and in good standing in the State; be a graduate  
45 of a regularly chartered and legally constituted medical school or  
46 college, and certified in forensic pathology by the American Board  
47 of Pathology; and possess such minimum training and experiential

1 requirements as are established by the Chief State Medical  
2 Examiner.

3 e. Nothing shall preclude an appointed county or intercounty  
4 medical examiner from also serving as Deputy Chief State Medical  
5 Examiner, provided that person meets the eligibility requirements  
6 set forth in this section.

7 f. The Deputy Chief State Medical Examiner shall ensure  
8 compliance with the rules and regulations adopted by the Chief  
9 State Medical Examiner, and shall perform such duties as are  
10 assigned by the Chief State Medical Examiner.

11 g. The Deputy Chief State Medical Examiner may be removed  
12 from office by the Chief State Medical Examiner with or without  
13 cause. The removal shall be independent of any position that the  
14 Deputy Chief State Medical Examiner holds as a county or  
15 intercounty medical examiner.

16

17 9. (New section) a. The governing body of a county shall  
18 establish and maintain an office of the county medical examiner,  
19 except as otherwise provided in this section.

20 b. (1) The governing body of a county or the governing bodies  
21 of two or more counties shall seek the advice of the Chief State  
22 Medical Examiner concerning the appointment of a county medical  
23 examiner or intercounty medical examiner, as applicable, by  
24 forwarding the nomination of the governing body for county  
25 medical examiner or the nomination of the governing bodies for  
26 intercounty medical examiner to the Chief State Medical Examiner  
27 for review.

28 (2) Two or more counties may jointly establish and maintain a  
29 medical examiner office on a cooperative or regional basis, to be  
30 designated as an intercounty medical examiner office, and shall  
31 seek the advice of the Chief State Medical Examiner concerning  
32 such an arrangement before doing so.

33 c. The office of the county medical examiner shall be directed  
34 by a county medical examiner or, in the instances when counties  
35 jointly maintain an office on a cooperative or regional basis, an  
36 intercounty medical examiner, who shall be appointed by the  
37 governing body of the county or the governing bodies of the  
38 counties maintaining such an office, as applicable, in accordance  
39 with the provisions of subsection b. of this section, for a term of  
40 five years and until a successor is appointed and has qualified;  
41 except that any person holding the office of county or intercounty  
42 medical examiner on the effective date of this act shall continue as  
43 county or intercounty medical examiner until the expiration of the  
44 term for which that person was appointed.

45 d. If the county governing body of a county fails, or the  
46 governing bodies of two or more counties fail, to appoint a county  
47 or intercounty medical examiner, as applicable, or if the office of  
48 the county or intercounty medical examiner becomes vacant, upon

1 the written request of an assignment judge of the Superior Court, or  
2 of the governing body of the county or the governing bodies of two  
3 or more counties that made the original appointment or nomination,  
4 the Chief State Medical Examiner shall designate a qualified  
5 representative to perform the duties of the office until a new county  
6 or intercounty medical examiner is appointed. If the Chief State  
7 Medical Examiner assumes the duties of a county or intercounty  
8 medical examiner, the Chief State Medical Examiner shall have all  
9 the authority conferred by law upon a county or intercounty medical  
10 examiner and may appoint such assistants, aides, investigators, or  
11 other personnel as the Chief State Medical Examiner deems  
12 necessary. In that event, the treasurer of the county or the  
13 treasurers of the counties, as the case may be, shall reimburse the  
14 Office of the Chief State Medical Examiner or its designated  
15 representative for all costs incurred in properly conducting death  
16 investigations on behalf of the county or counties and performing  
17 all other functions of the county or intercounty medical examiner.

18 e. The office of county or intercounty medical examiner shall  
19 have at least one New Jersey licensed physician certified in forensic  
20 pathology by the American Board of Pathology on staff, serving as  
21 either the county or intercounty medical examiner, or as the  
22 assistant county or assistant intercounty medical examiner. Any  
23 additional person appointed as a county or intercounty medical  
24 examiner or an assistant county or intercounty medical examiner  
25 shall not be required to be certified in forensic pathology by the  
26 American Board of Pathology.

27 f. Each county and intercounty medical examiner or assistant  
28 county and assistant intercounty medical examiner shall be: a  
29 licensed physician of recognized ability and in good standing in the  
30 State; be a graduate of a regularly chartered and legally constituted  
31 medical school or college; and possess such minimum training and  
32 experience requirements as are established by the Chief State  
33 Medical Examiner.

34 g. The county or intercounty medical examiner, subject to the  
35 approval of the governing body of the county or the governing  
36 bodies of the counties, as applicable, may appoint and prescribe the  
37 duties of any assistant county or intercounty medical examiners and  
38 other personnel as the county or intercounty medical examiner  
39 deems necessary for the proper performance of the duties of the  
40 office. An assistant county or assistant intercounty medical  
41 examiner shall meet the qualifications for that position as provided  
42 for in this section.

43 h. The salaries and expenses incurred by the office of the county  
44 or intercounty medical examiner shall be included in the annual  
45 budget of the county or counties served by that office, and the  
46 governing body of the county or the governing bodies of the  
47 counties shall fix the compensation to be paid to the county or  
48 intercounty medical examiner and assistant medical examiners and



1 other personnel of the office. The governing body of the county or  
2 the governing bodies of the counties shall provide suitable quarters  
3 and equipment necessary for the performance of the duties of the  
4 county or intercounty medical examiner, and shall consult advisory  
5 standards adopted by the Chief State Medical Examiner with regard  
6 to funding for the staff, quarters, and equipment necessary for the  
7 performance of the duties of the office of the county or intercounty  
8 medical examiner. The budget for, and spending by, the office of  
9 the county or intercounty medical examiner shall: be available for  
10 review by the Chief State Medical Examiner; be published and  
11 available to the public as part of the budget approved by the  
12 governing body of the county or the governing bodies of the  
13 counties; and include all direct and indirect costs associated with  
14 the operation of the medical examiner office.

15 i. Each county and intercounty medical examiner shall ensure  
16 compliance with the rules and regulations adopted by the Chief  
17 State Medical Examiner.

18 j. The Chief State Medical Examiner may remove a county or  
19 intercounty medical examiner from office for cause, as set forth in  
20 this act, pending a hearing and final resolution, and in consultation  
21 with the governing body of the county or the governing bodies of  
22 the counties that appointed the county or intercounty medical  
23 examiner, as applicable. The Chief State Medical Examiner shall  
24 provide written notice of the removal to the governing body of the  
25 county or the governing bodies of the counties that appointed the  
26 county or intercounty medical examiner, as applicable, and to the  
27 county or intercounty medical examiner, immediately after making  
28 the removal official. A county or intercounty medical examiner  
29 removed under this provision shall be provided with notice of the  
30 charges against that person and afforded an opportunity for a  
31 hearing before an administrative law judge to contest the removal,  
32 which shall conform with the provisions applicable to such  
33 contested cases in this State as set forth in statute and regulation.

34

35 10. (New section) a. A medical examiner shall conduct a  
36 medicolegal investigation of a death in this State, as determined to  
37 be necessary to establish identity and the cause and manner of  
38 death, and to resolve any issues or potential issues of public health  
39 and of legal concern, in accordance with rules and regulations  
40 adopted by the Chief State Medical Examiner, in any of the  
41 following instances:

42 (1) death where criminal violence appears to have taken place,  
43 regardless of the time interval between the incident and death, and  
44 regardless of whether the violence appears to have been the  
45 immediate cause of death, or a contributory factor thereto;

46 (2) death by accident or unintentional injury, regardless of the  
47 time interval between the incident and death, and regardless of

- 1 whether the injury appears to have been the immediate cause of
- 2 death, or a contributory factor thereto;
- 3 (3) death under suspicious or unusual circumstances;
- 4 (4) death from causes that might constitute a threat to public
- 5 health and safety;
- 6 (5) death not caused by readily recognizable diseases, disability,
- 7 or infirmity;
- 8 (6) sudden death when the decedent was in apparent good
- 9 health;
- 10 (7) suicide;
- 11 (8) death of a child under 18 years of age from any cause;
- 12 (9) sudden or unexpected death of an infant or child under three
- 13 years of age or a fetal death occurring without medical attendance;
- 14 (10) death due to criminal abortion, whether apparently self-
- 15 induced or not;
- 16 (11) death where suspicion of abuse of a child, family or
- 17 household member, or elderly or disabled person exists;
- 18 (12) death within 24 hours of admission to a hospital or a nursing
- 19 home;
- 20 (13) death in custody, in a jail or correctional facility, or in a
- 21 State or county psychiatric hospital, State developmental center, or
- 22 other public or private institution or facility for persons with mental
- 23 illness, developmental disabilities, or brain injury;
- 24 (14) death related to occupational illness or injury;
- 25 (15) death due to thermal, chemical, electrical, or radiation
- 26 injury;
- 27 (16) death due to toxins, poisons, medicinal or recreational
- 28 drugs, or a combination thereof;
- 29 (17) known or suspected non-natural death;
- 30 (18) any person found dead under unexplained circumstances;
- 31 (19) the discovery of skeletal remains; or
- 32 (20) a death occurring under such other circumstances as
- 33 prescribed by regulation of the Chief State Medical Examiner.
- 34 b. For a death that occurs, or appears to have occurred, for any
- 35 of the reasons specified in subsection a. of this section:
- 36 (1) It shall be the duty of any member of the general public
- 37 having knowledge of the death to notify immediately the local law
- 38 enforcement agency of the known facts concerning the time, place,
- 39 manner, and circumstances of that death;
- 40 (2) It shall be the duty of any attending physician, licensed
- 41 nurse, hospital administrator, law enforcement officer, Department
- 42 of Children and Families staff member, or funeral director to notify
- 43 immediately the county or intercounty medical examiner of the
- 44 known facts concerning the time, place, manner, and circumstances
- 45 of that death; and
- 46 (3) A person who willfully neglects or refuses to report the
- 47 death, or who, without an order from the office of the county or
- 48 intercounty medical examiner or the Office of the Chief State

1 Medical Examiner, willfully touches, removes, or disturbs the  
2 decedent's body or touches, removes, or disturbs the clothing upon  
3 or near the body, is a disorderly person.

4 c. In addition to the rules and regulations adopted by the Chief  
5 State Medical Examiner establishing uniform procedures for  
6 conducting medicolegal death investigations, the procedures  
7 concerning the death investigation process as set forth in this  
8 subsection shall be followed by the persons specified herein.

9 (1) Upon the death of a person from any of the causes specified  
10 in subsection a. of this section, it shall be the duty of the physician  
11 in attendance, a law enforcement officer having knowledge of the  
12 death, the funeral director, or any other person present, to  
13 immediately notify the county or intercounty medical examiner and  
14 the county prosecutor of the county in which the death occurred of  
15 the known facts concerning the time, place, manner, and  
16 circumstances of that death. Upon receipt of that notification, the  
17 county or intercounty medical examiner or assistant county or  
18 intercounty medical examiner shall immediately proceed to the  
19 place where the dead body is located and take charge of the body.

20 (2) In cases of apparent homicide or suicide, or of accidental  
21 death, the cause of which is obscure, the scene of the event shall not  
22 be disturbed until the medical examiner in charge provides  
23 authorization to do so.

24 (3) (a) The medical examiner shall: fully investigate the  
25 essential facts concerning the medical causes of death and take the  
26 names and addresses of as many witnesses thereto as may be  
27 practicable to obtain; before leaving the premises, reduce those  
28 facts, as the medical examiner may deem necessary, to writing; file  
29 those facts in the office of the county or intercounty medical  
30 examiner; and make the facts available to the county prosecutor and  
31 the Chief State Medical Examiner at their request.

32 (b) The law enforcement officer present at the investigation, or  
33 the medical examiner if no officer is present, shall, in the absence  
34 of the next-of-kin of the deceased person: take possession of all  
35 property of value found on the decedent; make an exact inventory  
36 thereof on his report; and deliver the property to the law  
37 enforcement agency for the municipality in which the death  
38 occurred, which shall surrender the property to the person entitled  
39 to its custody or possession.

40 (c) The medical examiner shall take possession of any objects or  
41 articles that, in his opinion, may be useful in establishing the cause  
42 or manner of death, or which constitute evidence of criminal  
43 behavior, and, after cataloging each item, deliver them to the county  
44 prosecutor.

45 (4) The Chief State Medical Examiner, Deputy Chief State  
46 Medical Examiner, county or intercounty medical examiner, or  
47 assistant county or intercounty medical examiner shall consult with  
48 law enforcement officers and agencies, county prosecutors, public

1 health agencies, or other appropriate entities in matters within their  
2 expertise, when conducting a medicolegal death investigation.

3 (5) If the cause of death is established within a reasonable  
4 degree of medical certainty and no autopsy is deemed necessary, the  
5 county or intercounty medical examiner or assistant county or  
6 intercounty medical examiner shall reduce the findings to writing  
7 and promptly make a full report thereof to the Chief State Medical  
8 Examiner and to the county prosecutor in a format to be prescribed  
9 by the Chief State Medical Examiner for that purpose.

10 (6) If, in the opinion of the county or intercounty medical  
11 examiner, the Chief State Medical Examiner, an assignment judge  
12 of the Superior Court, the county prosecutor, or the Attorney  
13 General, an autopsy is deemed necessary, the autopsy shall be  
14 performed by:

15 (a) the county or intercounty medical examiner or assistant  
16 county or intercounty medical examiner, provided the individual  
17 performing the autopsy is under the supervision of a pathologist  
18 certified by the American Board of Pathology;

19 (b) the Chief State Medical Examiner, at his discretion, or the  
20 Deputy Chief State Medical Examiner; or

21 (c) such competent forensic pathologists as may be authorized  
22 by the Chief State Medical Examiner.

23 (7) If, in any case in which the suspected cause of death of a  
24 child under one year of age is sudden infant death syndrome, or the  
25 child is between one and three years of age and the death is sudden  
26 and unexpected, and an investigation has been conducted in  
27 accordance with the provisions of this section, and a parent or legal  
28 guardian of the child requests an autopsy, an autopsy shall be  
29 performed by: the county or intercounty medical examiner or  
30 assistant county or intercounty medical examiner, provided the  
31 individual performing the autopsy is under the supervision of a  
32 pathologist certified by the American Board of Pathology; or the  
33 Chief State Medical Examiner, at his discretion, or the Deputy  
34 Chief State Medical Examiner.

35 (a) The medical examiner performing the autopsy shall file a  
36 detailed description of the findings and conclusions of the autopsy  
37 with the Office of the Chief State Medical Examiner, and with the  
38 appropriate county or intercounty medical examiner office and the  
39 county prosecutor.

40 (b) Upon the request of a parent or legal guardian of the child, a  
41 pediatric pathologist, if available, shall assist in the performance of  
42 the autopsy under the direction of a forensic pathologist. The Chief  
43 State Medical Examiner or county or intercounty medical examiner  
44 shall notify the parent or legal guardian of the child that they may  
45 request that a pediatric pathologist assist in the performance of the  
46 autopsy. The medical examiner shall include any findings and  
47 conclusions by the pathologist from the autopsy with the  
48 information filed with the Office of the Chief State Medical

1 Examiner, and with the appropriate county or intercounty medical  
2 examiner office and the county prosecutor, pursuant to  
3 subparagraph (a) of this paragraph. The Chief State Medical  
4 Examiner or the county or intercounty medical examiner shall make  
5 available a copy of these findings and conclusions to the closest  
6 surviving relative of the decedent within 90 days of the receipt of a  
7 request therefor, unless the death is under active investigation by a  
8 law enforcement agency.

9 (c) The medical examiner with jurisdiction for the investigation  
10 shall make the preliminary findings and conclusions of the autopsy  
11 available to the child's parent or legal guardian and the department  
12 within 48 hours after the medical examiner is notified of the death  
13 of the child. The medical examiner shall provide his findings and  
14 conclusions for each reported case to the department upon  
15 completion of the investigation.

16 (8) Notwithstanding the provisions of this act to the contrary, a  
17 county or intercounty medical examiner may request the Chief State  
18 Medical Examiner or Deputy Chief State Medical Examiner, or  
19 other person authorized and designated by the Chief State Medical  
20 Examiner, to conduct an examination or perform an autopsy  
21 whenever it is deemed necessary or desirable.

22 (9) In the case of the death of a resident of a long-term care  
23 facility licensed by the Department of Health pursuant to P.L.1971,  
24 c.136 (C.26:2H-1 et seq.), a State psychiatric hospital operated by  
25 the Department of Human Services and listed in R.S.30:1-7, a  
26 county psychiatric hospital, a facility for persons with  
27 developmental disabilities as defined in section 3 of P.L.1977, c.82  
28 (C.30:6D-3), or a facility for persons with traumatic brain injury as  
29 defined in 42 U.S.C. s.280b-1c that is operated by or under contract  
30 with the Department of Human Services, the psychiatric hospital or  
31 facility, as the case may be, shall, in addition to notifying the next-  
32 of-kin of the resident's death, so notify the county or intercounty  
33 medical examiner and provide that individual with contact  
34 information for the resident's next-of-kin. The county or  
35 intercounty medical examiner, or assistant county or intercounty  
36 medical examiner on his behalf, shall make every practicable effort  
37 to contact the resident's next-of-kin to offer that person the  
38 opportunity to provide the medical examiner with information that  
39 the person deems relevant to: the circumstances of the resident's  
40 death; and whether there is a need to perform a dissection or  
41 autopsy of the decedent.

42  
43 11. (New section) a. The Chief State Medical Examiner, a  
44 county or intercounty medical examiner, an assignment judge of the  
45 Superior Court, a county prosecutor, the Attorney General or other  
46 law enforcement official, or the commissioner may deem an  
47 autopsy necessary after a preliminary death investigation is  
48 performed.

1       b. Notwithstanding any other provision of law to the contrary,  
2 no dissection or autopsy shall be performed, in the absence of a  
3 compelling public necessity, if a member of the decedent's  
4 immediate family or, in the absence thereof, a friend of the decedent  
5 objects to the procedure on the grounds that it is contrary to the  
6 religious belief of the decedent, or if there is an obvious reason to  
7 believe that a dissection or autopsy is contrary to the decedent's  
8 religious beliefs.

9       c. If, in the opinion of a medical examiner, there is a  
10 compelling public necessity to perform a dissection or autopsy, and  
11 a member of the decedent's immediate family or, in the absence  
12 thereof, a friend of the decedent objects to the procedure on the  
13 grounds that it is contrary to the religious beliefs of the decedent, or  
14 if there is an obvious reason to believe that the dissection or  
15 autopsy is contrary to the religious beliefs of the decedent, no  
16 dissection or autopsy shall be performed until 48 hours after notice  
17 thereof is given by the medical examiner to the objecting party, or,  
18 if there is no objecting party, to such other party as the court may  
19 name. During that 48-hour period, the objecting party or the party  
20 named by the court may institute action in the Superior Court to  
21 determine the propriety of the dissection or autopsy; however, the  
22 court may dispense with the waiting period upon ex parte motion if  
23 it determines that the delay may prejudice the accuracy of the  
24 dissection or autopsy, or may precipitate or prolong an immediate  
25 and substantial threat to public health or safety.

26       d. (1) If, in the opinion of a medical examiner, there is a  
27 compelling public necessity to perform a dissection or autopsy for  
28 reasons not otherwise provided in this act, and a member of the  
29 decedent's immediate family or, in the absence thereof, a friend of  
30 the decedent objects that the dissection or autopsy is contrary to the  
31 religious beliefs of the decedent, or there is an obvious reason to  
32 believe that the dissection or autopsy is contrary to the religious  
33 beliefs of the decedent, the medical examiner may institute an  
34 action in the Superior Court for an order authorizing the dissection  
35 or autopsy. The action shall be instituted by an order to show cause  
36 on notice to the member of the decedent's immediate family or  
37 friend of the decedent, or, if no such individual is known, to such  
38 other party as the court may direct.

39       (2) An action brought pursuant to paragraph (1) of this  
40 subsection shall have preference over all other cases and shall be  
41 determined summarily upon the petition and oral or written proof, if  
42 any, offered by the parties. The court shall permit the dissection or  
43 autopsy to be performed if it finds that the medical examiner  
44 established a compelling public necessity, for reasons not otherwise  
45 provided for in this act, for the autopsy or dissection under all of the  
46 circumstances of the case, or if the objecting party or party named  
47 by the court fails to swear or affirm that an autopsy or dissection  
48 would be contrary to the decedent's religious beliefs. If permission

1 to perform a dissection or autopsy is denied and no stay is granted  
2 by the court or by the appellate division, the decedent's body shall  
3 be immediately released for burial.

4 e. A dissection or autopsy performed pursuant to this act shall  
5 be the least intrusive procedure consistent with the compelling  
6 public necessity.

7  
8 12. (New section) a. Notwithstanding any other provision of  
9 law to the contrary, if a decedent, whose death is under  
10 investigation pursuant to this act, is a donor of all or part of his  
11 body as evidenced by an advance directive for health care, will,  
12 card, or other document, or as otherwise provided in the "Revised  
13 Uniform Anatomical Gift Act," P.L.2008, c.50 (C.26:6-77 et seq.),  
14 the Chief State Medical Examiner, Deputy Chief State Medical  
15 Examiner, county or intercounty medical examiner, or assistant  
16 county or intercounty medical examiner, who has notice of the  
17 donation shall perform an examination, autopsy, or analysis of  
18 tissues or organs only in a manner and within a time period  
19 compatible with their preservation for the purposes of  
20 transplantation.

21 b. A health care professional, who is authorized to remove an  
22 anatomical gift from a donor whose death is under investigation  
23 pursuant to this act, may remove the donated part from the donor's  
24 body for acceptance by a person authorized to become a donee,  
25 after giving notice to the Chief State Medical Examiner, Deputy  
26 Chief State Medical Examiner, county or intercounty medical  
27 examiner, or assistant county or intercounty medical examiner, as  
28 applicable, if the examination, autopsy, or analysis has not been  
29 undertaken in the manner and within the time provided for in this  
30 act. The Chief State Medical Examiner, Deputy Chief State  
31 Medical Examiner, county or intercounty medical examiner, or  
32 assistant county or intercounty medical examiner, as applicable,  
33 shall be present during removal of the anatomical gift if, in that  
34 medical examiner's judgment, those tissues or organs may be  
35 involved in the cause of death. In that case, the applicable medical  
36 examiner may request a biopsy of those tissues or organs or deny  
37 removal of the anatomical gift. The applicable medical examiner  
38 shall explain in writing the reasons for determining that those  
39 tissues or organs may be involved in the cause of death, and shall  
40 include that explanation in the records maintained pursuant to this  
41 act.

42 c. A health care professional, who is performing a transplant  
43 from a donor whose death is under investigation pursuant to this  
44 act, shall file with the Chief State Medical Examiner a report  
45 detailing the condition of the part of the body that is the anatomical  
46 gift and its relationship to the cause of death. If appropriate, the  
47 report shall include a biopsy or medically approved sample from the

1 anatomical gift. The health care professional's report shall become  
2 part of the Chief State Medical Examiner's report.

3

4 13. (New section) a. (1) The Chief State Medical Examiner, in  
5 consultation with the commissioner, shall develop standardized  
6 protocols for autopsies performed in those cases in which the  
7 suspected cause of death of a child under one year of age is sudden  
8 infant death syndrome and in which the child is between one and  
9 three years of age and the death is sudden and unexpected.

10 (2) The Chief State Medical Examiner shall establish a Sudden  
11 Child Death Autopsy Protocol Committee to assist in developing  
12 and reviewing the protocols. The committee shall include, but not  
13 be limited to: the Chief State Medical Examiner, the Assistant  
14 Commissioner of the Division of Family Health Services in the  
15 Department of Health, and the Director of the Division of Youth  
16 and Family Services in the Department of Children and Families, or  
17 their designees; the director of the SIDS Resource Center  
18 established pursuant to section 4 of P.L.1987, c.331 (C.26:5D-4); an  
19 epidemiologist; a forensic pathologist; a pediatric pathologist, a  
20 county or intercounty medical examiner; a pediatrician who is  
21 knowledgeable about sudden infant death syndrome and child  
22 abuse; a law enforcement officer; an emergency medical technician  
23 or paramedic; a family member of a sudden infant death syndrome  
24 victim; and a family member of a sudden unexpected death victim  
25 who was between one and three years of age at the time of death.  
26 The committee shall annually review the protocol and make  
27 recommendations to the Chief State Medical Examiner to revise the  
28 protocol, as appropriate.

29 (3) The protocols shall include requirements and standards for  
30 scene investigation, criteria for ascertaining the cause of death  
31 based on autopsy, criteria for specific tissue sampling, and such  
32 other requirements as the committee deems appropriate. The  
33 protocols shall take into account nationally recognized standards for  
34 pediatric autopsies.

35 (4) The Chief State Medical Examiner shall be responsible for  
36 ensuring that the protocols are followed by all medical examiners  
37 and other persons authorized to conduct autopsies in those cases in  
38 which the suspected cause of death is sudden infant death syndrome  
39 or in which the child is between one and three years of age and the  
40 death is sudden and unexpected.

41 (5) The protocols shall authorize the medical examiner or other  
42 authorized person to take tissue samples for research purposes if the  
43 parent or legal guardian of the deceased child provides written  
44 consent for the taking of tissue samples for research purposes  
45 pursuant to subsection b. of this section.

46 (6) The sudden infant death syndrome autopsy protocol shall  
47 provide that if the findings in the autopsy are consistent with the  
48 definition of sudden infant death syndrome specified in the



1 protocol, the person who conducts the autopsy shall state on the  
2 death certificate that sudden infant death syndrome is the cause of  
3 death.

4 b. (1) The Legislature finds and declares that: advances in  
5 genetics, biochemistry, and other areas of medical research have  
6 yielded new information about the specific causes of sudden death  
7 in infancy and early childhood; these findings are of great  
8 importance because the largest subgroup of these deaths, sudden  
9 infant death syndrome, remains a “rule-out” diagnosis for which the  
10 family learns what did not, rather than what did, cause the death of  
11 their child; without knowing the actual cause, families are not able  
12 to determine if there is a genetic basis that places their other  
13 children at risk, and physicians are not able to prevent a death by  
14 prospectively diagnosing and treating a potentially fatal medical  
15 problem; and, if the State is to meet its public health goal of  
16 reducing infant mortality, it is in the public interest to accelerate  
17 efforts to identify actual causes of death in infants and young  
18 children.

19 (2) The Chief State Medical Examiner, in consultation with the  
20 commissioner and the Sudden Child Death Autopsy Protocol  
21 Committee established pursuant to this section, shall establish, and  
22 periodically revise as necessary, a protocol for participation by  
23 medical examiners in research activities concerning deaths of  
24 children three years of age and younger. The research shall include  
25 all autopsies in which the suspected cause of death of a child under  
26 one year of age is sudden infant death syndrome and the suspected  
27 cause of death of a child three years of age and younger is not  
28 considered a violent death that is subject to the provisions of  
29 subsection a. of section 10 of this act.

30 (a) The protocol shall authorize the Chief State Medical  
31 Examiner, Deputy Chief State Medical Examiner, county or  
32 intercounty medical examiner, or other authorized person to take  
33 and transfer tissue samples to an approved research project prior to  
34 obtaining the consent of the parent or legal guardian of the deceased  
35 infant or young child, but the research project shall not be permitted  
36 to use the tissue prior to its obtaining consent as provided in this  
37 subsection.

38 (b) Notwithstanding the provisions of this section to the  
39 contrary, the protocol shall provide that no tissue sample shall be  
40 taken from a deceased infant or young child whose parent or legal  
41 guardian has objected to an autopsy because it is contrary to the  
42 religious beliefs of the decedent in accordance with the provisions  
43 of this act.

44 (c) The protocol shall stipulate, at a minimum, that:

45 (i) the research project first be approved by the institutional  
46 review board of the facility at which the research is to be  
47 conducted, then by the Sudden Child Death Autopsy Protocol  
48 Committee, and finally by the Institutional Review Board of the

- 1 department; and that if a research project is submitted by the  
2 department, the final review of the project be conducted by an  
3 independent review board;
- 4 (ii) the research project delineate the information, other than the  
5 tissue sample, that will be required from the investigation of the  
6 death of the infant or young child;
- 7 (iii) the research project develop a plan for the release by the  
8 Chief State Medical Examiner or county or intercounty medical  
9 examiner, as applicable, of a decedent's tissue, as well as obtaining  
10 written consent for the use of the tissue and other identifying  
11 information from the parent or legal guardian of the deceased infant  
12 or young child;
- 13 (iv) the research project develop a plan for the disposal of a  
14 decedent's tissue in the event that the parent or guardian does not  
15 give consent for use of the tissue, and for disposal of the decedent's  
16 tissue upon completion of the research in those cases in which  
17 consent is given; and that the plan incorporate accepted procedures  
18 for disposal of surgical biopsies and biohazardous materials, and  
19 procedures to inform the parent or guardian and the Sudden Child  
20 Death Autopsy Protocol Committee of the disposal plan;
- 21 (v) the research project reimburse the Chief State Medical  
22 Examiner, Deputy Chief State Medical Examiner, county or  
23 intercounty medical examiner, or other authorized person  
24 participating in the research for reasonable costs incurred in taking,  
25 storing, and providing tissue samples for the project; and that the  
26 estimated costs subject to reimbursement be reviewed and approved  
27 by the Chief State Medical Examiner;
- 28 (vi) the research project provide the Chief State Medical  
29 Examiner and the Sudden Child Death Autopsy Protocol Committee  
30 with periodic updates on the status of the project; and
- 31 (vii) the Sudden Child Death Autopsy Protocol Committee may  
32 terminate a research project that is not in compliance with the  
33 provisions of this subsection or the proposal for that research  
34 project that was approved pursuant thereto.
- 35 (3) Upon receiving notification from the research project that  
36 the research project has obtained written consent from the parent or  
37 legal guardian of the deceased infant or young child for the use of  
38 tissue samples and identifying information, the Chief State Medical  
39 Examiner, Deputy Chief State Medical Examiner, county or  
40 intercounty medical examiner, or other authorized person, as  
41 applicable, shall provide the research project with copies of the  
42 autopsy reports and any reports generated by the Chief State  
43 Medical Examiner, Deputy Chief State Medical Examiner, or  
44 county or intercounty medical examiner concerning the subject of  
45 the research.
- 46 (4) The information and tissue samples provided to the research  
47 project by the Chief State Medical Examiner, Deputy Chief State  
48 Medical Examiner, county or intercounty medical examiner, or

1 other authorized person, shall be used by the research project only  
2 for the purposes approved by the Sudden Child Death Autopsy  
3 Protocol Committee and as specified in the protocol, and shall not  
4 otherwise be divulged or made public so as to disclose the identity  
5 of any person to whom they relate. The information provided to the  
6 research project shall not be considered a public or government  
7 record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001,  
8 c.404 (C.47:1A-5 et al.).

9 (5) The Sudden Child Death Autopsy Protocol Committee shall  
10 oversee each research project approved pursuant to this subsection.

11 (6) The Chief State Medical Examiner, Deputy Chief State  
12 Medical Examiner, county or intercounty medical examiner, their  
13 employees, and other persons authorized by the Chief State Medical  
14 Examiner to provide tissue samples and identifying information to  
15 the research project, and the members of the Sudden Child Death  
16 Autopsy Protocol Committee, shall not be liable for civil damages  
17 as the result of any actions or omissions performed in good faith  
18 and in accordance with the provisions of this act.

19

20 14. (New section) a. All law enforcement officers, State and  
21 county prosecutors, and other officials and members of the public  
22 shall cooperate fully with the Office of the Chief State Medical  
23 Examiner and county and intercounty medical examiners in making  
24 the investigations and conducting the autopsies provided for under  
25 this act. These officials and all physicians, funeral directors, and  
26 other persons shall assist in making dead bodies and related  
27 evidence available to such medical examiners for investigations and  
28 autopsies.

29 b. It shall be the duty of each county or intercounty medical  
30 examiner to fully cooperate with the Chief State Medical Examiner  
31 when the latter chooses to intervene in an ongoing medicolegal  
32 death investigation.

33

34 15. (New section) a. (1) The Chief State Medical Examiner  
35 may order a disinterment of a dead body, following the receipt of  
36 approval by the Superior Court, when an investigation of the cause  
37 of death is authorized. The disinterment shall be performed under  
38 the supervision and direction of the Chief State Medical Examiner  
39 or his designee. The court shall direct the giving of or dispensing  
40 with notice.

41 (2) The Superior Court, upon the application of a proper party,  
42 may order the disinterment of a dead body, when an investigation of  
43 the cause of death is authorized, under the supervision and direction  
44 of the Chief State Medical Examiner or his designee, and authorize  
45 the Chief State Medical Examiner or his designee to remove the  
46 body to a public morgue for the purpose of examination or autopsy.  
47 The court shall direct the giving of or dispensing with notice.

1       b. The Chief State Medical Examiner and a county or  
2 intercounty medical examiner may order, at his discretion, an  
3 inquest in any case under his jurisdiction for the purpose of vetting  
4 an unclear or controversial case or issue.

5       c. The Chief State Medical Examiner, Deputy Chief State  
6 Medical Examiner, county and intercounty medical examiner, and  
7 assistant county and intercounty medical examiner shall have the  
8 power to administer oaths and affirmations, and take affidavits and  
9 make examinations, as to any matter within the jurisdiction of their  
10 respective offices.

11       d. (1) The Chief State Medical Examiner and a county or  
12 intercounty medical examiner shall be authorized to, and shall,  
13 issue a subpoena to compel the attendance of any witness that the  
14 medical examiner deems necessary to interrogate in a death under  
15 investigation, returnable forthwith or at such place and time as is  
16 directed by the medical examiner.

17       (2) The Chief State Medical Examiner and a county or  
18 intercounty medical examiner shall be authorized to, and shall,  
19 issue a subpoena duces tecum to require a witness to bring any  
20 books, records, documents, files, or things under the control of the  
21 person served as the medical examiner deems necessary for the  
22 purpose of a medicolegal death investigation.

23       (3) The Chief State Medical Examiner and a county or  
24 intercounty medical examiner shall be authorized to, and shall,  
25 issue a subpoena for the production of confidential medical records,  
26 mental health records, drug and alcohol abuse records, and other  
27 relevant information from a physician, health care facility, or other  
28 health care provider as the medical examiner deems necessary for  
29 the purpose of a medicolegal death investigation.

30       (4) A subpoena issued pursuant to this subsection may be  
31 enforced by order of a court of competent jurisdiction under threat  
32 of contempt of court.

33  
34       16. (New section) a. It shall be the duty of the Office of the  
35 Chief State Medical Examiner and the office of each county or  
36 intercounty medical examiner to maintain full and complete  
37 records, properly indexed, for all medicolegal death investigations  
38 that they have conducted, including the name, if known, of every  
39 such person, the place where the body was found, date and cause of  
40 death, and all other available information relating thereto.

41       b. The original reports of the Chief State Medical Examiner,  
42 Deputy Chief State Medical Examiner, county or intercounty  
43 medical examiner, and assistant county or intercounty medical  
44 examiner, and the detailed findings of the autopsy, if any, along  
45 with the records of death notification, postmortem inspections and  
46 examinations, personal effects taken into possession, and any other  
47 information deemed necessary by the Chief State Medical

1 Examiner, shall be attached to the case record for each medicolegal  
2 death investigation.

3 c. The Office of the Chief State Medical Examiner and the  
4 office of each county or intercounty medical examiner shall  
5 promptly deliver to the county prosecutor of the county in which the  
6 death occurred, copies of all records relating to every death in  
7 which, in the applicable medical examiner's judgment, further  
8 investigation may be deemed advisable. The county prosecutor  
9 may obtain copies of such records or other information from those  
10 offices as the county prosecutor deems necessary for his  
11 investigation.

12 d. The records maintained by the Office of the Chief State  
13 Medical Examiner and the office of each county or intercounty  
14 medical examiner, including those made by the applicable medical  
15 examiner or anyone under his direction or supervision, or  
16 transcripts thereof certified by the medical examiner, shall be  
17 received as competent evidence in any court in this State of the  
18 matters and facts therein contained.

19 e. The Office of the Chief State Medical Examiner and the  
20 office of each county or intercounty medical examiner may charge a  
21 reasonable fee to private persons for copies of such records and  
22 upon such conditions as may be prescribed by the Chief State  
23 Medical Examiner; provided, however, that no person with a proper  
24 interest in such records shall be denied access thereto. All such fees  
25 collected by the Office of the Chief State Medical Examiner and by  
26 the office of each county or intercounty medical examiner shall be  
27 paid into the State Treasury or county treasury, as applicable, on or  
28 before the 10th day of each month.

29

30 17. (New section) a. The Medical Examiner Review Team  
31 shall be established as a mechanism for peer review and  
32 collaboration and to provide recourse in the event of a dispute  
33 between medical examiners.

34 b. The Medical Examiner Review Team shall include seven  
35 members, as follows:

36 (1) the commissioner, the Commissioner of Human Services, the  
37 Attorney General, and the Chief State Medical Examiner, or their  
38 designees, who shall serve ex officio; and

39 (2) three public members, to be appointed by the Governor, who  
40 shall be representatives of the public health, hospital, and medical  
41 communities, respectively.

42 c. The Medical Examiner Review Team shall review the  
43 following matters, and shall issue a recommendation for further  
44 action or resolution in each case upon completion of its review:

45 (1) disputed medicolegal death investigation findings that are the  
46 subject of a dispute between the Chief State Medical Examiner and  
47 any county or intercounty medical examiner, when referred by any

- 1 such medical examiner to the commissioner with a complete  
2 statement as to the basis of the referral; and
- 3 (2) any removal of the Chief State Medical Examiner by the  
4 Governor, as well as any removal of a county or intercounty  
5 medical examiner by the Chief State Medical Examiner, except that  
6 the Chief State Medical Examiner shall be required to recuse  
7 himself from any deliberations or other actions by the Medical  
8 Examiner Review Team concerning any removal of him by the  
9 Governor.
- 10 d. The Medical Examiner Review Team shall meet at least once  
11 annually and shall meet within 45 days after receiving a report of a  
12 dispute, or after receiving notification of a removal from office, as  
13 provided in this section.
- 14 e. The Medical Examiner Review Team shall elect one of its  
15 members as chairman, who shall serve for a term of two years.
- 16 f. Of the public members of the Medical Examiner Review  
17 Team first appointed, two shall be appointed for a term of three  
18 years and one for a term of two years. Thereafter, members shall be  
19 appointed for terms of three years. The public members shall be  
20 eligible for reappointment and shall serve until the appointment and  
21 qualification of their successors.
- 22 g. Vacancies in the Medical Examiner Review Team shall be  
23 filled for the unexpired terms in the same manner as the original  
24 appointments were made.
- 25 h. The members of the Medical Examiner Review Team shall  
26 not receive any compensation, but shall be reimbursed for expenses  
27 incurred in the performance of their duties, within the limits of  
28 funds appropriated or otherwise made available to the team for its  
29 purpose.
- 30 i. The department shall provide such staff and other support as  
31 the Medical Examiner Review Team deems necessary to perform its  
32 duties.
- 33
- 34 18. (New section) a. The Office of the Chief State Medical  
35 Examiner, in conjunction with the Medical Examiner Review Team,  
36 shall issue an annual report, which shall be made publicly available.
- 37 b. The annual report shall contain, at a minimum:
- 38 (1) the budget and expenditures for each medical examiner  
39 office in this State, including its direct and indirect expenses,  
40 including a summary of the terms and conditions of each contract  
41 for the professional services of the Office of the Chief State  
42 Medical Examiner and the office of each county or intercounty  
43 medical examiner;
- 44 (2) the total number of cases received, reviewed, accepted, and  
45 investigated by each medical examiner office;
- 46 (3) statistics of determined causes of death; and
- 47 (4) an evaluation of the overall performance of each medical  
48 examiner office and the medical examiner system as a whole.

1       19. (New section) The Governor shall be authorized to remove  
2 the Chief State Medical Examiner from office, and the Chief State  
3 Medical Examiner shall be authorized to remove any county or  
4 intercounty medical examiner from office, for any of the following  
5 causes:

- 6       a. engaging in illegal activity;
- 7       b. intentional substantive noncompliance with rules and  
8 regulations;
- 9       c. willful misconduct;
- 10      d. professional incompetence and neglect of duty;
- 11      e. insubordination; or
- 12      f. excessive inefficiency in the performance of his duties.

13  
14       20. (New section) After making a diligent effort to ascertain the  
15 identity of remains in its possession, and to contact relatives or  
16 friends to take control of remains in its possession, the Office of the  
17 Chief State Medical Examiner, and the office of each county or  
18 intercounty medical examiner, shall offer any such unidentified or  
19 unclaimed remains to any qualified mortuary science program  
20 within the State consistent with the provisions of R.S.26:6-9.

21  
22       21. (New section) a. The Office of the Chief State Medical  
23 Examiner shall maintain and supervise a toxicology laboratory, to  
24 be designated as the New Jersey State Medical Examiner  
25 Toxicology Laboratory, in order to provide necessary toxicology  
26 services to the Chief State Medical Examiner, Deputy Chief State  
27 Medical Examiner, each county or intercounty medical examiner,  
28 and each assistant county or assistant intercounty medical examiner  
29 in the performance of medicolegal death investigations in this State.

30       b. The Chief State Medical Examiner, Deputy Chief State  
31 Medical Examiner, county or intercounty medical examiner, and  
32 assistant county or assistant intercounty medical examiner requiring  
33 the services of a toxicology laboratory shall enlist the services of  
34 the New Jersey State Medical Examiner Toxicology Laboratory  
35 unless the Chief State Medical Examiner provides express  
36 permission for their use of another laboratory.

37       c. The Chief State Medical Examiner shall adopt such rules  
38 and regulations as may be necessary concerning the operations and  
39 use of the New Jersey State Medical Examiner Toxicology  
40 Laboratory.

41  
42       22. (New section) a. Except in a case in which there is a  
43 finding of homicide, a person in interest may request the Office of  
44 the Chief State Medical Examiner to correct the findings and  
45 conclusions on the cause and manner of death recorded on a death  
46 certificate within 60 days after the Chief State Medical Examiner,  
47 Deputy Chief State Medical Examiner, county or intercounty

- 1 medical examiner, or assistant county or assistant intercounty  
2 medical examiner files those findings and conclusions.
- 3 b. The request to correct the findings and conclusions on a  
4 death certificate shall:
- 5 (1) be made in writing to the Chief State Medical Examiner,  
6 regardless of which medical examiner made the initial filing;
- 7 (2) describe the requested change precisely; and  
8 (3) state the reasons for the change.
- 9 c. Within 60 days after receiving the request, the Chief State  
10 Medical Examiner shall notify the person in interest in writing of  
11 the action taken.
- 12 d. If the Chief State Medical Examiner denies the request to  
13 change findings and conclusions on the cause of death, the person  
14 in interest may appeal the denial in writing within 15 days of the  
15 denial to the commissioner; and the commissioner, within 15 days  
16 of receipt of the appeal, shall refer the matter to the Office of  
17 Administrative Law.
- 18 e. An administrative law judge shall conduct a hearing both on  
19 the denial and the establishment of the findings and conclusions on  
20 the cause of death. Upon reviewing the findings of fact submitted  
21 by an administrative law judge, the commissioner, or the  
22 commissioner's designee, shall issue an order within 60 days to:
- 23 (1) adopt the findings of the administrative law judge; or  
24 (2) reject the findings of the administrative law judge and affirm  
25 the findings of the medical examiner.
- 26 f. If the commissioner, or the commissioner's designee, rejects  
27 the findings of an administrative law judge, the person in interest  
28 may appeal that rejection to a court of competent jurisdiction under  
29 State law.
- 30 g. If the final decision of the commissioner, or the  
31 commissioner's designee, or of a court of competent jurisdiction on  
32 appeal, establishes findings or conclusions on the cause or manner  
33 of death of a decedent other than that recorded on the certificate of  
34 death, the medical examiner responsible for the initial filing, or if  
35 unavailable, another medical examiner with jurisdiction in this  
36 State, shall amend the certificate to reflect the different findings or  
37 conclusions.
- 38 h. The Chief State Medical Examiner shall send a change letter  
39 to the Bureau of Vital Statistics and Registration in the department  
40 to amend the certificate of death, to reflect the final decision of the  
41 commissioner, or the commissioner's designee, or a court of  
42 competent jurisdiction.
- 43 i. The final decision of the commissioner, or the  
44 commissioner's designee, or of a court in an appeal under this  
45 section, shall not give rise to any presumption concerning the  
46 application of any provision, or the resolution, of any claim  
47 concerning an insurance policy or contract relating to the decedent.



1 j. If the findings of the medical examiner are upheld by the  
2 commissioner, or the commissioner's designee, the appellant shall  
3 be responsible for the cost of the contested case hearing, based on  
4 the billing rate established by the Office of Administrative Law.  
5 Otherwise, the department shall be responsible for the costs.

6  
7 23. 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  
16 the fact that after such separation, the fetus does not breathe or  
17 show any other evidence of life such as beating of the heart,  
18 pulsation of the umbilical cord, or definite movement of voluntary  
19 muscles.

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

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

23 "Authentication" means the entry by the Chief State Medical  
24 Examiner, Deputy Chief State Medical Examiner, or a county or  
25 intercounty medical examiner or assistant county or intercounty  
26 medical examiner, funeral director or physician into the New Jersey  
27 Electronic Death Registration System of a personal identification  
28 code, digital signature or other identifier unique to that user, by  
29 which the information entered into the system by the user is  
30 authenticated by the user who assumes responsibility for its  
31 accuracy. "Authentication" also means the process by which the  
32 State registrar or a local registrar, deputy registrar, alternate deputy  
33 registrar or subregistrar indicates that person's review and approval  
34 of information entered into the system by the Chief State Medical  
35 Examiner, Deputy Chief State Medical Examiner, or a county or  
36 intercounty medical examiner or assistant county or intercounty  
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  
41 from one or more responsible parties, which is necessary to  
42 complete a vital record, and is designed to replace a manual, paper-  
43 based data collection, recordation and signature system.

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

48 (cf: P.L.2003, c.221, s.1)

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

2       26:6-8. In the execution of a death certificate, the personal  
3 particulars shall be obtained by the funeral director from the person  
4 best qualified to supply them. The death and last sickness  
5 particulars shall be supplied by the attending, covering or resident  
6 physician; or if there is no attending, covering or resident physician,  
7 by an attending registered professional nurse licensed by the New  
8 Jersey Board of Nursing under P.L.1947, c. 262 (C. 45:11-23 et  
9 seq.); or if there is no attending, covering or resident physician or  
10 attending registered professional nurse, by the county or intercounty  
11 medical examiner or assistant county or intercounty medical  
12 examiner. Within a reasonable time, not to exceed 24 hours after  
13 the pronouncement of death, the attending, covering or resident  
14 physician or the county or intercounty medical examiner or the  
15 assistant county or intercounty medical examiner shall execute the  
16 death certification. The burial particulars shall be supplied by the  
17 funeral director. The attending, covering or resident physician, the  
18 attending registered professional nurse, or the county or intercounty  
19 medical examiner or assistant county or intercounty medical  
20 examiner and the funeral director shall certify to the particulars  
21 supplied by them by signing their names below the list of items  
22 furnished, or by otherwise authenticating their identities and the  
23 information that they have provided through the NJ-EDRS. If a  
24 person acting under the direct supervision of the Chief State  
25 Medical Examiner, Deputy Chief State Medical Examiner, a county  
26 or intercounty medical examiner or assistant county or intercounty  
27 medical examiner, funeral director, attending, covering or resident  
28 physician, or licensed health care facility or other public or private  
29 institution providing medical care, treatment or confinement to  
30 persons, which is registered with the NJ-EDRS, is not authorized to  
31 authenticate the information required on a certificate of death or  
32 fetal death, that person may enter that information into the NJ-  
33 EDRS in anticipation of its authentication by the Chief State  
34 Medical Examiner, Deputy Chief State Medical Examiner, or a  
35 county or intercounty medical examiner or assistant county or  
36 intercounty medical examiner, funeral director, attending, covering  
37 or resident physician, local registrar, deputy registrar, alternate  
38 deputy registrar or subregistrar, as applicable.  
39 (cf: P.L.2003, c.221, s.5)

40  
41       25. Section 1 of P.L.1988, c.125 (C.26:6-8.2) is amended to read  
42 as follows:

43       1. If the attending physician, registered professional nurse, or  
44 the Chief State Medical Examiner, Deputy Chief State Medical  
45 Examiner, or county or intercounty medical examiner or assistant  
46 county or intercounty medical examiner who makes the actual  
47 determination and pronouncement of death determines or has  
48 knowledge that the deceased person was **l**infected with human

1 immunodeficiency virus (HIV) **】** HIV positive or infected with  
2 hepatitis B virus or that the deceased person suffered from  
3 **【**acquired immune deficiency syndrome (AIDS), AIDS related  
4 complex (ARC) **】** AIDS or any of the contagious, infectious or  
5 communicable diseases as shall be determined by the Commissioner  
6 of **【**the Department of **】** Health and Senior Services, the attending  
7 physician, registered professional nurse or the Chief State Medical  
8 Examiner, Deputy Chief State Medical Examiner, or county or  
9 intercounty medical examiner or assistant county or intercounty  
10 medical examiner shall immediately place with the remains written  
11 notification of the condition and shall provide written notification  
12 of the condition to the funeral director who is responsible for the  
13 handling and the disposition of the body.  
14 (cf: P.L.1988, c.125, s.1)

15

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

17 26:6-9. In case of any death occurring without medical  
18 attendance, the funeral director shall notify the Office of the Chief  
19 State Medical Examiner or the office of the county or intercounty  
20 medical examiner, or the local registrar. In case the local registrar  
21 shall be notified, he shall immediately inform the county or  
22 intercounty medical examiner and refer the case to him for  
23 investigation. The county or intercounty medical examiner or  
24 assistant county or intercounty medical examiner shall furnish the  
25 funeral director with the necessary data and last sickness particulars  
26 to make the death certificate, or shall enter the information directly  
27 into the NJ-EDRS.

28 (cf: P.L.2003, c.221, s.7)

29

30 27. Section 2 of P.L.2008, c.50 (C.26:6-78) is amended to read  
31 as follows:

32 2. As used in this act:

33 "Adult" means a person who is at least 18 years of age.

34 "Advance directive for health care" means an advance directive  
35 for health care that is executed pursuant to P.L.1991, c.201  
36 (C.26:2H-53 et seq.).

37 "Agent" means a person who is authorized to act as a health care  
38 representative by an advance directive for health care or is  
39 expressly authorized to make an anatomical gift on a donor's behalf  
40 by any other record signed by the donor.

41 "Anatomical gift" means a donation of all or part of a human  
42 body to take effect after the donor's death for the purpose of  
43 transplantation, therapy, research, or education.

44 "Civil union partner" means one partner in a civil union couple  
45 as defined in section 2 of P.L.2006, c.103 (C.37:1-29 ).

46 "Decedent" means a deceased person whose body or part is or  
47 may be the source of an anatomical gift, and includes a stillborn  
48 infant or fetus.

1 "Designated requester" means a hospital employee who has  
2 completed a course offered or approved by an organ procurement  
3 organization.

4 "Disinterested witness" means a witness other than: the spouse,  
5 civil union partner, domestic partner, child, parent, sibling,  
6 grandchild, grandparent, or guardian of the person who makes,  
7 amends, revokes, or refuses to make an anatomical gift; another  
8 adult who exhibited special care and concern for the decedent; or a  
9 person to whom an anatomical gift may pass pursuant to section 10  
10 of this act.

11 "Document of gift" means a donor card or other record used to  
12 make an anatomical gift, and includes a statement or symbol on a  
13 driver's license, identification card, or donor registry.

14 "Domestic partner" means a domestic partner as defined in  
15 section 3 of P.L.2003, c.246 (C.26:8A-3).

16 "Donor" means a person whose body or part is the subject of an  
17 anatomical gift.

18 "Donor registry" means a database that contains records of  
19 anatomical gifts.

20 "Driver's license" means a license or permit issued by the New  
21 Jersey Motor Vehicle Commission to operate a vehicle, whether or  
22 not conditions are attached to the license or permit.

23 "Eye bank" means an entity that is licensed, accredited, or  
24 regulated under federal or State law to engage in the recovery,  
25 screening, testing, processing, storage, or distribution of human  
26 eyes or portions of human eyes.

27 "Guardian" means a person appointed by a court to make  
28 decisions regarding the support, care, education, health, or welfare  
29 of another individual, but does not include a guardian ad litem.

30 "Hospital" means an institution, whether operated for profit or  
31 not, whether maintained, supervised or controlled by an agency of  
32 State government or a county or municipality or not, which  
33 maintains and operates facilities for the diagnosis, treatment, or care  
34 of two or more non-related individuals suffering from illness,  
35 injury, or deformity, and where emergency, outpatient, surgical,  
36 obstetrical, convalescent, or other medical and nursing care is  
37 rendered for periods exceeding 24 hours.

38 "Identification card" means an identification card issued by the  
39 New Jersey Motor Vehicle Commission.

40 "Medical examiner" means the Chief State Medical Examiner,  
41 Deputy Chief State Medical Examiner, a county or intercounty  
42 medical examiner or assistant county or intercounty medical  
43 examiner, [or another person] performing [the] their duties [of a  
44 medical examiner] pursuant to [P.L.1967, c.234 (C.52:17B-78 et  
45 seq.)] P.L. , c. (C. )(pending before the Legislature as this  
46 bill).

47 "Minor" means a person who is under 18 years of age.

- 1 "Organ procurement organization" means an entity designated by  
2 the United States Secretary of Health and Human Services as an  
3 organ procurement organization.
- 4 "Parent" means a parent whose parental rights have not been  
5 terminated.
- 6 "Part" means an organ, eye, or tissue of a human being, but does  
7 not include the whole body.
- 8 "Physician" means a person authorized to practice medicine or  
9 osteopathy under the laws of any state.
- 10 "Procurement organization" means an eye bank, organ  
11 procurement organization, or tissue bank.
- 12 "Prospective donor" means a person who is dead or whose death  
13 is imminent and has been determined by a procurement organization  
14 to have a part that could be medically suitable for transplantation,  
15 therapy, research, or education, but does not include an individual  
16 who has made a refusal.
- 17 "Reasonably available" means able to be contacted by a  
18 procurement organization without undue effort and willing and able  
19 to act in a timely manner consistent with existing medical criteria  
20 necessary for the making of an anatomical gift.
- 21 "Recipient" means a person into whose body a decedent's part  
22 has been or is intended to be transplanted.
- 23 "Record" means information that is inscribed on a tangible  
24 medium or stored in an electronic or other medium and is  
25 retrievable in perceivable form.
- 26 "Refusal" means a record created pursuant to this act that  
27 expressly states an intent to bar other persons from making an  
28 anatomical gift of a person's body or part.
- 29 "Sign" means, with the present intent to authenticate or adopt a  
30 record, to execute or adopt a tangible symbol, or to attach to or  
31 logically associate with the record an electronic symbol, sound, or  
32 process.
- 33 "State" means a state of the United States, the District of  
34 Columbia, Puerto Rico, the United States Virgin Islands, or any  
35 territory or insular possession subject to the jurisdiction of the  
36 United States.
- 37 "Technician" means a person who is determined to be qualified  
38 to remove or process parts by an appropriate organization that is  
39 licensed, accredited, or regulated under federal or State law, and  
40 includes an enucleator.
- 41 "Tissue" means a portion of the human body other than an organ  
42 or an eye, but does not include blood unless it is needed to facilitate  
43 the use of other parts or is donated for the purpose of research or  
44 education.
- 45 "Tissue bank" means an entity that is licensed, accredited, or  
46 regulated under federal or State law to engage in the recovery,  
47 screening, testing, processing, storage, or distribution of tissue.

1 "Transplant hospital" means a hospital that furnishes organ  
2 transplants and other medical and surgical specialty services  
3 required for the care of transplant patients.

4 (cf: P.L.2008, c.50, s.2)

5

6 28. Section 18 of P.L.2008, c.50 (C.26:6-94) is amended to read  
7 as follows:

8 18. a. Each medical examiner shall cooperate with any  
9 procurement organization to maximize the opportunity to recover  
10 anatomical gifts for the purpose of transplantation, therapy,  
11 research, or education.

12 b. A part shall not be removed from the body of a decedent  
13 under a medical examiner's jurisdiction for transplantation, therapy,  
14 research, or education, nor delivered to a person for research or  
15 education, unless the part is the subject of an anatomical gift. The  
16 provisions of this section shall not be construed to preclude a  
17 medical examiner from performing an investigation as provided in  
18 **【P.L.1967, c.234 (C.52:17B-78 et seq.)】 P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_)**  
19 (pending before the Legislature as this bill) of a decedent under the  
20 medical examiner's jurisdiction.

21 c. Upon the request of a procurement organization, the medical  
22 examiner shall release to the procurement organization the name,  
23 contact information, and available medical and social history of a  
24 decedent whose body is under the medical examiner's jurisdiction.  
25 If the decedent's body or part is medically suitable for  
26 transplantation, therapy, research, or education, the medical  
27 examiner shall release the post-mortem examination results to the  
28 procurement organization. The procurement organization shall  
29 make a subsequent disclosure of the post-mortem examination  
30 results or other information received from the medical examiner  
31 only if relevant to transplantation, therapy, research, or education.

32 (cf: P.L.2008, c.50, s.18)

33

34 29. R.S.26:8-1 is amended to read as follows:

35 26:8-1. As used in this chapter:

36 "Vital statistics" means statistics concerning births, deaths, fetal  
37 deaths, marriages, civil unions and domestic partnerships  
38 established pursuant to P.L.2003, c.246 (C.26:8A-1 et al.).

39 "Vital records" means the birth, death, fetal death, marriage, civil  
40 union and domestic partnership records from which vital statistics  
41 are produced.

42 "State registrar" means the State registrar of vital statistics;  
43 "Local registrar" or "registrar" means the local registrar of vital  
44 statistics of any district; and "registration district" or "district"  
45 means a registration district as constituted by this article.

46 "Live birth" or "birth" means the complete expulsion or  
47 extraction from its mother of a product of conception, irrespective  
48 of the duration of pregnancy, which, after such separation, breathes

1 or shows any other evidence of life such as beating of the heart,  
2 pulsation of the umbilical cord, or definite movement of voluntary  
3 muscles, whether or not the umbilical cord has been cut or the  
4 placenta attached.

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

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

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

30 (cf: P.L.2006, c.103, c.37)

31

32 30. Section 16 of P.L.2003, c.221 (C.26:8-24.1) is amended to  
33 read as follows:

34 16. a. The State registrar shall establish and maintain the New  
35 Jersey Electronic Death Registration System or NJ-EDRS.

36 (1) The system shall be fully implemented no later than 18  
37 months after the date of enactment of P.L.2003, c.221, and shall be  
38 the required means of death registration and certification for any  
39 death or fetal death occurring in this State, subject to any exception  
40 that may be approved by the State registrar in the case of a specific  
41 death or fetal death. All participants in the death registration  
42 process, including, but not limited to, the State registrar, local  
43 registrars, deputy registrars, alternate deputy registrars,  
44 subregistrars, the Chief State medical examiner, Deputy Chief State  
45 Medical Examiner, county or intercounty medical examiners,  
46 assistant county or intercounty medical examiners, funeral  
47 directors, attending physicians and resident physicians, licensed  
48 health care facilities, and other public or private institutions

1 providing medical care, treatment or confinement to persons, shall  
2 be required to utilize the NJ-EDRS to provide the information that  
3 is required of them by statute or regulation.

4 (2) The State registrar may provide for a phased implementation  
5 of the system, beginning seven months after the date of enactment  
6 of P.L.2003, c.221, by requiring certain users, who are designated  
7 by the State registrar on a geographic or other basis for this  
8 purpose, to commence utilization of the system.

9 (3) Beginning no later than six months after the date of  
10 enactment of P.L.2003, c.221, the State registrar shall authorize and  
11 provide material support, in the form of system access, curriculum  
12 guidelines and user registration capability and authority, to the  
13 principal trade associations or professional organizations  
14 representing persons affected by implementation of the NJ-EDRS,  
15 for the purposes of providing training and education with regard to  
16 the NJ-EDRS. The State registrar may conduct such education and  
17 training, or authorize other entities to do so on his behalf; however,  
18 these activities shall not be construed as restricting the training and  
19 education activities of any affected trade association or professional  
20 organization, including the location, manner, fees or other means of  
21 conducting those activities on the part of the association or  
22 organization.

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

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

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

31 (3) an automated notification system to alert other responsible  
32 parties to pending cases, including notification to or from alternate  
33 local registrars;

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

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

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



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

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

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

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

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

28 (cf: P.L.2003, c.221, s.16)

29

30 31. Section 18 of P.L.2003, c.221 (C.26:8-24.3) is amended to  
31 read as follows:

32 18. The Chief State Medical Examiner, county or intercounty  
33 medical examiners, licensed health care facilities, other public or  
34 private institutions providing medical care, treatment or  
35 confinement to persons, funeral homes and physicians' private  
36 practice offices, as defined by the State registrar, shall acquire the  
37 electronic means prescribed by the State registrar to access the NJ-  
38 EDRS, or make such other arrangements as are necessary for that  
39 purpose, no later than six months after the date of enactment of  
40 P.L.2003, c.221.

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

1 other requirements as may be established by the State registrar for  
2 this purpose.

3 (cf: P.L.2003, c.221, s.18)

4

5 32. R.S.26:8-52 is amended to read as follows:

6 26:8-52. Corrections to death certificates shall be signed by the  
7 physician, registered professional nurse, county or intercounty  
8 medical examiner or assistant county or intercounty medical  
9 examiner, Chief State Medical Examiner, Deputy Chief State  
10 Medical Examiner, funeral director or informant, whose name  
11 appears upon the certificate, or shall be otherwise recorded and  
12 authenticated on the NJ-EDRS as prescribed by the State registrar;  
13 however, any individual having personal knowledge and  
14 substantiating documentary proof of the matters sought to be  
15 corrected may apply under oath to the county or intercounty  
16 medical examiner or the Chief State Medical Examiner in a case in  
17 which the certificate was signed by the Chief State Medical  
18 Examiner or Deputy Chief State Medical Examiner, to have the  
19 certificate corrected. The authority to sign or otherwise  
20 authenticate corrections or amendments to causes or duration of  
21 causes of death is restricted to the physician, Chief State Medical  
22 Examiner, Deputy Chief State Medical Examiner, or county or  
23 intercounty medical examiner or assistant county or intercounty  
24 medical examiner. Upon denial of an application for correction or  
25 amendment of a death certificate, a person who has applied to a  
26 county or intercounty medical examiner may apply to the Chief  
27 State Medical Examiner, who shall exercise discretion to review the  
28 matter and amend the certificate or to defer to the decision of the  
29 county or intercounty medical examiner. The decision of the  
30 county or intercounty medical examiner shall be deemed the final  
31 decision by a public officer in the matter unless the Chief State  
32 Medical Examiner amends or corrects the death certificate.

33 (cf: P.L.2003, c.221, s.22)

34

35 33. Section 7 of P.L.2005, c.222 (C.26:13-7) is amended to read  
36 as follows:

37 7. During a state of public health emergency or in response to a  
38 public health emergency:

39 a. The commissioner, Chief State Medical Examiner, and  
40 Commissioner of Environmental Protection shall coordinate and  
41 consult with each other on the performance of their respective  
42 functions regarding the safe disposition of human remains, to devise  
43 and implement measures which may include, but are not limited to,  
44 the following:

45 (1) To take actions or issue and enforce orders to provide for the  
46 safe disposition of human remains as may be reasonable and  
47 necessary to respond to the public health emergency. Such  
48 measures may include, but are not limited to, the temporary mass

1 burial or other interment, cremation, disinterment, transportation,  
2 and disposition of human remains. To the extent possible,  
3 religious, cultural, family, and individual beliefs of the deceased  
4 person or his family shall be considered when determining  
5 disposition of any human remains;

6 (2) To determine whether there is a need to investigate any  
7 human deaths related to the public health emergency, and take such  
8 steps as may be appropriate to enable the Chief State Medical  
9 Examiner, or his designee, to take possession or control of any  
10 human remains and perform an autopsy of the body under protocols  
11 of the Chief State Medical Examiner consistent with safety as the  
12 public health emergency may dictate;

13 (3) To direct or issue and enforce orders requiring any business  
14 or facility, including, but not limited to, a mortuary or funeral  
15 director, authorized to hold, embalm, bury, cremate, inter, disinter,  
16 transport, and dispose of human remains under the laws of this State  
17 to accept any human remains or provide the use of its business or  
18 facility if such actions are reasonable and necessary to respond to  
19 the public health emergency and are within the safety precaution  
20 capabilities of the business or facility; and

21 (4) To direct or issue and enforce orders requiring that every  
22 human remains prior to disposition be clearly labeled with all  
23 available information to identify the decedent, which shall include  
24 the requirement that any human remains of a deceased person with  
25 a contagious disease shall have an external, clearly visible tag  
26 indicating that the human remains are infected and, if known, the  
27 contagious disease.

28 b. The person in charge of disposition of any human remains  
29 shall maintain a written or electronic record of each human remains  
30 and all available information to identify the decedent and the  
31 circumstances of death and disposition. If human remains cannot  
32 be identified prior to disposition, a person authorized by the Chief  
33 State Medical Examiner shall, to the extent possible, take  
34 fingerprints and photographs of the human remains, obtain  
35 identifying dental information, and collect a DNA specimen, under  
36 protocols of the Chief State Medical Examiner consistent with  
37 safety as the public health emergency may dictate. All information  
38 gathered under this subsection shall be promptly forwarded to the  
39 Chief State Medical Examiner, who shall forward relevant  
40 information to the commissioner.

41 c. The commissioner and Chief State Medical Examiner shall  
42 coordinate with the appropriate law enforcement agencies in any  
43 case where human remains may constitute evidence in a criminal  
44 investigation.

45 (cf: P.L.2005, c.222, s.7)

46

47 34. Section 18 of P.L.2005, c.222 (C.26:13-18) is amended to  
48 read as follows:

1 18. During a state of public health emergency, the commissioner  
2 may exercise, for such period as the state of public health  
3 emergency exists, the following emergency powers regarding health  
4 care personnel:

5 a. To require in-State health care providers to assist in the  
6 performance of vaccination, treatment, examination or testing of  
7 any individual;

8 b. To appoint and prescribe the duties of such out-of-State  
9 emergency health care providers as may be reasonable and  
10 necessary to respond to the public health emergency, as provided in  
11 this subsection.

12 (1) The appointment of out-of-State emergency health care  
13 providers may be for such period of time as the commissioner  
14 deems appropriate, but shall not exceed the duration of the public  
15 health emergency. The commissioner may terminate the out-of-  
16 State appointments at any time or for any reason if the termination  
17 will not jeopardize the health, safety and welfare of the people of  
18 this State.

19 (2) The commissioner may waive any State licensing  
20 requirements, permits, fees, applicable orders, rules, and regulations  
21 concerning professional practice in this State by health care  
22 providers from other jurisdictions; and

23 c. To authorize the Chief State Medical Examiner, during the  
24 public health emergency, to appoint and prescribe the duties of  
25 county or intercounty medical examiners and assistant county or  
26 intercounty medical examiners, **[regional medical examiners,]**  
27 designated forensic pathologists, their assistants, out-of-State  
28 medical examiners, and others as may be required for the proper  
29 performance of the duties of the office.

30 (1) The appointment of persons pursuant to this subsection may  
31 be for a limited or unlimited time, but shall not exceed the duration  
32 of the public health emergency. The Chief State Medical Examiner  
33 may terminate the out-of-State appointments at any time or for any  
34 reason.

35 (2) The Chief State Medical Examiner may waive any licensing  
36 requirements, permits or fees otherwise required for the  
37 performance of these duties, so long as the appointed emergency  
38 assistant medical examiner is competent to properly perform the  
39 duties of the office. In addition, if from another jurisdiction, the  
40 appointee shall possess the licensing, permit or fee requirement for  
41 medical examiners or assistant medical examiners in that  
42 jurisdiction.

43 d. (1) An in-State health care provider required to assist  
44 pursuant to subsection a. of this section and an out-of-State  
45 emergency health care provider appointed pursuant to subsection b.  
46 of this section shall not be liable for any civil damages as a result of  
47 the provider's acts or omissions in providing medical care or

1 treatment related to the public health emergency in good faith and  
2 in accordance with the provisions of this act.

3 (2) An in-State health care provider required to assist pursuant  
4 to subsection a. of this section and an out-of-State emergency health  
5 care provider appointed pursuant to subsection b. of this section  
6 shall not be liable for any civil damages as a result of the provider's  
7 acts or omissions in undertaking public health preparedness  
8 activities, which activities shall include but not be limited to pre-  
9 event planning, drills and other public health preparedness efforts,  
10 in good faith and in accordance with the provisions of this act.

11 (cf: P.L.2005, c.222, s.18)

12

13 35. Section 29 of P.L.2005, c.222 (C.26:13-29) is amended to  
14 read as follows:

15 29. The powers granted in the act are in addition to, and not in  
16 derogation of, powers otherwise granted by law to the Chief State  
17 Medical Examiner.

18 (cf: P.L.2005, c.222, s.29)

19

20 36. N.J.S.40A:9-46 is amended to read as follows:

21 40A:9-46. In every county, the board of chosen freeholders shall  
22 appoint a county medical examiner, or join in the appointment of an  
23 intercounty medical examiner, in **the manner and for the term**  
24 **provided by law** in accordance with the provisions of P.L. \_\_\_\_\_,  
25 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill), who shall  
26 meet the qualifications for appointment as provided in that act. He  
27 shall be a licensed physician, a resident of the county, of recognized  
28 ability and good standing in his community, with such training or  
29 experience as may be prescribed by standards promulgated **and**  
30 **prescribed** by regulation of the Chief State Medical Examiner **by**  
31 **rule or regulation**.

32 (cf: N.J.S.40A:9-46)

33

34 37. N.J.S.40A:9-47 is amended to read as follows:

35 40A:9-47. The county medical examiner of any county or an  
36 intercounty medical examiner may, subject to the approval of the  
37 board or boards of chosen freeholders, as applicable, appoint  
38 **such** one or more assistant county or intercounty medical  
39 examiners **of the county, toxicologists, scientific experts, clerical**  
40 **assistants and other personnel as shall be deemed necessary and**  
41 **required, fix their compensation and prescribe their powers, duties**  
42 **and functions. The assistant medical examiners of the county shall**  
43 **have the same qualifications as the county medical examiner. The**  
44 **said personnel shall be under the direction and supervision of the**  
45 **county medical examiner** to operate under their direction and  
46 supervision in accordance with the provisions of P.L. \_\_\_\_\_,

1 c. (C. ) (pending before the Legislature as this bill), and as  
2 prescribed by regulation of the Chief State Medical Examiner.  
3 (cf: N.J.S.40A:9-47)

4  
5 38. N.J.S.40A:9-48 is amended to read as follows:

6 40A:9-48. If the county or intercounty medical examiner is  
7 unable to perform any duty imposed upon him as such medical  
8 examiner, by law, he may appoint a resident licensed physician to  
9 act for and in his behalf. The physician so appointed shall have all  
10 the powers of the county or intercounty medical examiner and shall  
11 receive compensation for his services to be paid by the county or  
12 counties, as applicable.

13 (cf: N.J.S.40A:9-48)

14  
15 39. N.J.S.40A:9-49 is amended to read as follows:

16 40A:9-49. The county or intercounty medical examiner or  
17 assistant county or intercounty medical examiner, upon taking  
18 charge of unidentified or unclaimed dead bodies, shall make burial  
19 arrangements. If the decedent left an ascertainable estate able to  
20 pay for the burial, the cost thereof certified by the official in charge  
21 shall be payable out of such estate. If the decedent left no  
22 ascertainable estate able to pay for the burial, the cost of burial shall  
23 be borne:

24 a. if the decedent was an adult or emancipated child with  
25 surviving spouse, by the surviving spouse,

26 b. if the decedent was an unemancipated child with a surviving  
27 parent, by the surviving parent, or

28 c. if there is no surviving spouse or parent, as applicable, by  
29 the county.

30 (cf: P.L.1985, c.438, s.1)

31  
32 40. N.J.S.40A:9-51 is amended to read as follows:

33 40A:9-51. The board of chosen freeholders of any county, by  
34 resolution, may designate not more than 6 places to be used as  
35 county public morgues and provide for their maintenance and  
36 operation. The said board may appoint the morgue keepers for  
37 terms of 5 years from the date of their appointments. The morgue  
38 keepers shall be under the supervision and direction of the county  
39 or intercounty medical examiner.

40 (cf: N.J.S.40A:9-51)

41  
42 41. N.J.S.40A:9-52 is amended to read as follows:

43 40A:9-52. The morgue keepers shall be required to provide  
44 suitable rooms for the holding of necessary examinations or  
45 autopsies. They shall dispose of the dead bodies as directed by the  
46 county or intercounty medical examiner. The said county or  
47 intercounty medical examiner shall grant burial certificates for the  
48 unknown or unclaimed dead only to the morgue keepers. The board

1 of chosen freeholders shall fix and pay the fees and expenses  
2 incurred by the morgue keepers in the performance of their duties as  
3 such.

4 (cf: N.J.S.40A:9-52)

5

6 42. N.J.S.40A:9-54 is amended to read as follows:

7 40A:9-54. Unidentified or unclaimed dead bodies shall be  
8 viewed by the county or intercounty medical examiner or by the  
9 assistant county or intercounty medical examiner, or a regularly  
10 licensed and practicing physician deputized for that purpose by the  
11 county or intercounty medical examiner. Thereafter, the body shall  
12 be **【buried by the morgue keeper at the expense of the county】**  
13 treated in the manner prescribed in section 20 of P.L. , c. (C. )  
14 (pending before the Legislature as this bill).

15 (cf: P.L.2002, c.121, s.3)

16

17 43. N.J.S.40A:9-55 is amended to read as follows:

18 40A:9-55. If any dead body in a morgue received as being  
19 unidentified shall thereafter be identified, the morgue keeper, upon  
20 the order of the county or intercounty medical examiner, shall  
21 deliver such body to any proper person willing to accept the  
22 responsibility therefor. Said person shall state the name and last  
23 known residence of the deceased and acknowledge receipt of the  
24 body by signing for it in a book to be kept by the morgue keeper for  
25 that purpose.

26 The morgue keeper shall make and keep a record of all bodies  
27 received and their disposition.

28 (cf: N.J.S.40A:9-55)

29

30 44. N.J.S.40A:9-56 is amended to read as follows:

31 40A:9-56. In any county where there is no morgue keeper, the  
32 procedure as to the disposition of unidentified or unclaimed dead  
33 bodies shall be as nearly similar as in counties having a morgue  
34 keeper, and the duties which would have been performed by the  
35 morgue keeper, if there were one, shall be performed by the county  
36 or intercounty medical examiner or the assistant county or  
37 intercounty medical examiner.

38 (cf: P.L.2002, c.121, s.4)

39

40 45. N.J.S.40A:9-57 is amended to read as follows:

41 40A:9-57. Where in any municipality the police ascertain the  
42 finding or discovery of an unidentified dead body, the chief of  
43 police or other police officer on duty shall forthwith notify the  
44 county or intercounty medical examiner of such finding or  
45 discovery.

46 (cf: N.J.S.40A:9-57)

47

48 46. N.J.S.40A:9-58 is amended to read as follows:

1       40A:9-58. The county or intercounty medical examiner or the  
2 assistant county or intercounty medical examiner shall take charge  
3 of the personal property found on or pertaining to an unknown  
4 decedent~~].~~ The said county medical examiner~~],~~ and shall make an  
5 inventory of all such personal property and file a copy thereof with  
6 the clerk of the board of chosen freeholders. Within 20 days after  
7 the death, the said personal property with a copy of the inventory  
8 shall be delivered to the county treasurer. After 20 days following  
9 such delivery the county treasurer, in his discretion, may sell said  
10 property at public or private sale. If the proceeds of any such sale  
11 shall not be claimed by a personal representative of the decedent or  
12 person entitled thereto within 2 years after the sale, the said  
13 proceeds shall become the property of the county.

14 (cf: N.J.S.40A:9-58)

15  
16       47. N.J.S.40A:9-60 is amended to read as follows:

17       40A:9-60. Any person reporting the finding of a dead body,  
18 thrown upon the shores or coasts of this State by shipwreck, shall  
19 be entitled to reimbursement for his expenses in connection with  
20 such finding and reporting in an amount as approved either by the  
21 Chief State Medical Examiner or county or intercounty medical  
22 examiner and paid by the State Treasurer.

23 (cf: N.J.S.40A:9-60)

24  
25       48. N.J.S.40A:9-61 is amended to read as follows:

26       40A:9-61. The county or intercounty medical examiner or  
27 assistant county or intercounty medical examiner shall take  
28 possession of all moneys, goods or other personal property found on  
29 the body of any such shipwrecked person or which apparently  
30 belonged to said person and dispose of the same as herein provided.  
31 The county or intercounty medical examiner or assistant county or  
32 intercounty medical examiner shall utilize such personal property as  
33 may be reasonably necessary for or in connection with the burial of  
34 the body. The remainder of the property shall be delivered by  
35 either the Chief State Medical Examiner or county or intercounty  
36 medical examiner to the State Treasurer and if not claimed within 2  
37 years by persons entitled thereto such property shall escheat to the  
38 State.

39       Nothing contained herein shall be deemed to preclude relatives  
40 or other persons being lawfully entitled thereto from taking charge  
41 of said moneys, goods or other personal property.

42 (cf: N.J.S.40A:9-61)

43  
44       49. N.J.S.40A:9-62 is amended to read as follows:

45       40A:9-62. Every county or intercounty medical examiner or  
46 assistant county or intercounty medical examiner shall record in a  
47 book kept for that purpose the time and place of burial of any  
48 shipwrecked body, the name of the ship or vessel, date and place of



1 the wreck, and a detailed description of the body. The county or  
2 intercounty medical examiner shall preserve any letters, writings,  
3 coins, medals, keepsakes or other articles which may aid in  
4 identification.

5 (cf: N.J.S.40A:9-62)

6

7 50. Section 2 of P.L.1974, c.55 (C.52:14-15.108) is amended to  
8 read as follows:

9 2. The salary ranges for the following positions shall be as  
10 established by the Civil Service Commission with the approval of  
11 the Director, Division of Budget and Accounting. The salary rate  
12 for any such position shall be the salary step in such range next  
13 above the salary currently being paid; provided, however, that any  
14 sums appropriated for salaries may be made available for salary  
15 adjustments therein arising from various exigencies of the State  
16 service and for normal merit salary increments as the Civil Service  
17 Commission, the State Treasurer and the Director of the Division of  
18 Budget and Accounting shall determine; and provided, further, that  
19 nothing in this act shall reduce the salary rate for any such position  
20 below that which is being paid on the effective date of this act:

21 Community Affairs Department

22 Assistant Commissioner of Community Affairs  
23 Director, Division of State and Regional Planning  
24 Director, Division of Local Government Services  
25 Director, Division of Housing and Urban Renewal  
26 Director, Office of Aging Programs  
27 Director, Office on Women

28 Environmental Protection Department

29 Director, Division of Water Resources  
30 Director, Division of Parks and Forestry  
31 Director of Fish, Game and Shell Fisheries  
32 Director, Division of Marine Services  
33 Director, Division of Environmental Quality

34 Health and Senior Services Department

35 Director, Division of Narcotic and Drug Abuse Control  
36 Chief State Medical Examiner

37 Corrections Department

38 Chairman, State Parole Board  
39 Associate Member, State Parole Board  
40 Public Defender

41 Labor and Workforce Development Department

42 Director, Workplace Standards

43 Law and Public Safety Department

44 Colonel and Superintendent, State Police

45 **【State Medical Examiner】**

46 Director, Division of Alcoholic Beverage Control

47 State Superintendent of Weights and Measures

48 Public Utilities Department

1 Director, Office of Cable Television  
2 Executive Director, Public Broadcasting  
3 State Department  
4 Transportation Department  
5 Assistant Commissioner for Highways  
6 Assistant Commissioner for Public Transportation  
7 Chief Administrator, New Jersey Motor Vehicle  
8 Commission  
9 Treasury Department  
10 Director, Division of Budget and Accounting  
11 Director, Division of Taxation  
12 Director, Division of Purchase and Property  
13 Director, Division of Pensions and Benefits  
14 Director, Division of State Lottery.  
15 (cf: P.L.2008, c.29, s.107)  
16

17 51. Section 8 of P.L.2007, c.279 (C.52:17B-219) is amended to  
18 read as follows:

19 8. a. After performing any death scene investigation, as  
20 deemed appropriate under the circumstances, the official with  
21 custody of the human remains shall ensure that the human remains  
22 are delivered to the appropriate county or intercounty medical  
23 examiner.

24 b. Any county or intercounty medical examiner with custody of  
25 human remains that are not identified within 24 hours of discovery  
26 shall promptly notify the Missing Persons Unit of the location of  
27 those remains.

28 c. If the county or intercounty medical examiner with custody  
29 of remains cannot determine whether or not the remains found are  
30 human, the medical examiner shall so notify the Missing Persons  
31 Unit.

32 (cf: P.L.2007, c.279, s.8)  
33

34 52. Section 9 of P.L.2007, c.279 (C.52:17B-220) is amended to  
35 read as follows:

36 9. a. If the official with custody of the human remains is not a  
37 medical examiner, the official shall promptly transfer the  
38 unidentified remains to the appropriate county or intercounty  
39 medical examiner.

40 b. The county or intercounty medical examiner shall make  
41 reasonable attempts to promptly identify human remains. These  
42 actions may include, but are not limited to, obtaining:

- 43 (1) photographs of the human remains;
- 44 (2) dental or skeletal X-rays;
- 45 (3) photographs of items found with the human remains;
- 46 (4) fingerprints from the remains, if possible;
- 47 (5) samples of tissue suitable for DNA typing, if possible;
- 48 (6) samples of whole bone or hair suitable for DNA typing; and

- 1 (7) any other information that may support identification efforts.
- 2 c. No medical examiner or any other person shall dispose of, or  
3 engage in actions that will materially affect, the unidentified human  
4 remains before the county medical examiner obtains:
- 5 (1) samples suitable for DNA identification archiving;  
6 (2) photographs of the unidentified human remains; and  
7 (3) all other appropriate steps for identification have been  
8 exhausted.
- 9 d. Unidentified human remains shall not be cremated.
- 10 e. The county or intercounty medical examiner shall make  
11 reasonable efforts to obtain prompt DNA analysis of biological  
12 samples if the human remains have not been identified by other  
13 means within 30 days.
- 14 f. The medical examiner shall seek support from appropriate  
15 State and federal agencies to assist in the identification of  
16 unidentified human remains. Such assistance may include, but not  
17 be limited to, available mitochondrial or nuclear DNA testing,  
18 federal grants for DNA testing, or federal grants for crime  
19 laboratory or medical examiner office improvement.
- 20 g. The county or intercounty medical examiner shall seek  
21 support from appropriate federal and State agency representatives to  
22 have information promptly entered in federal and State databases by  
23 those representatives that can aid in the identification of a missing  
24 person. Information shall be entered into federal databases as  
25 follows:
- 26 (1) information for the National Crime Information Center  
27 within 24 hours;
- 28 (2) DNA profiles and information shall be entered into the  
29 National DNA Index System (NDIS) within five business days after  
30 the completion of the DNA analysis and procedures necessary for  
31 the entry of the DNA profile; and
- 32 (3) information sought by the Violent Criminal Apprehension  
33 Program database as soon as practicable.
- 34 h. Nothing in this act shall be construed to preclude any  
35 medical examiner office, the State Police, or any local law  
36 enforcement agency from other actions to facilitate the  
37 identification of unidentified human remains, including efforts to  
38 publicize information, descriptions, or photographs that may aid in  
39 the identification of the unidentified remains, including allowing  
40 family members to identify a missing person; provided that in  
41 taking these actions, all due consideration is given to protect the  
42 dignity and well-being of the missing person and the family of the  
43 missing person.
- 44 i. Agencies handling the remains of a missing person who is  
45 deceased shall notify the law enforcement agency handling the  
46 missing person's case. Documented efforts shall be made to locate  
47 family members of the deceased person to inform them of the death

1 and location of the remains of their family member.  
2 (cf: P.L.2007, c.279, s.9)

3

4 53. Section 3 of P.L.2003, c.225 (52:27D-43.17c) is amended to  
5 read as follows:

6 3. a. The board shall consist of 21 members as follows:

7 (1) the Commissioners of Community Affairs, Human Services  
8 and Health and Senior Services, the Director of the Division on  
9 Women in the Department of Community Affairs, the Attorney  
10 General, the Public Defender, the Superintendent of the State  
11 Police, the Supervisor of the Office on the Prevention of Violence  
12 Against Women in the Department of Community Affairs  
13 established pursuant to Executive Order No. 61 (1992), the Chief  
14 State Medical Examiner, the Program Director of the Domestic  
15 Violence Fatality Review Board established pursuant to Executive  
16 Order No. 110 (2000) and the Executive Director of the New Jersey  
17 Task Force on Child Abuse and Neglect, or their designees, who  
18 shall serve ex officio;

19 (2) eight public members appointed by the Governor who shall  
20 include a representative of the County Prosecutors Association of  
21 New Jersey with expertise in prosecuting domestic violence cases, a  
22 representative of the New Jersey Coalition for Battered Women, a  
23 representative of a program for battered women that provides  
24 intervention services to perpetrators of acts of domestic violence, a  
25 representative of the law enforcement community with expertise in  
26 the area of domestic violence, a psychologist with expertise in the  
27 area of domestic violence or other related fields, a licensed social  
28 worker with expertise in the area of domestic violence, a licensed  
29 health care professional knowledgeable in the screening and  
30 identification of domestic violence cases and a county probation  
31 officer; and

32 (3) two retired judges appointed by the Administrative Director  
33 of the Administrative Office of the Courts, one with expertise in  
34 family law and one with expertise in municipal law as it relates to  
35 domestic violence.

36 b. The public members of the board shall serve for three-year  
37 terms, except that of the public members first appointed, four shall  
38 serve for a period of one year, three shall serve for a period of two  
39 years and two shall serve for a period of three years. The members  
40 shall serve without compensation, but shall be eligible for  
41 reimbursement for necessary and reasonable expenses incurred in  
42 the performance of their official duties and within the limits of  
43 funds appropriated for this purpose. Vacancies in the membership  
44 of the board shall be filled in the same manner as the original  
45 appointments were made.

46 c. The board shall select a chairperson from among its  
47 members who shall be responsible for the coordination of all  
48 activities of the board.

1 d. The board is entitled to call to its assistance and avail itself  
2 of the services of employees of any State, county or municipal  
3 department, board, bureau, commission or agency as it may require  
4 and as may be available for the purposes of reviewing a case  
5 pursuant to the provisions of this act.

6 e. The board may seek the advice of experts, such as persons  
7 specializing in the fields of psychiatric and forensic medicine,  
8 nursing, psychology, social work, education, law enforcement,  
9 family law, academia, military affairs or other related fields, if the  
10 facts of a case warrant additional expertise.

11 (cf: P.L.2003, c.225, s.3)

12  
13 54. Section 8 of P.L.2001, c.246 (C.App.A:9-71) is amended to  
14 read as follows:

15 8. a. There is established in the Department of Law and Public  
16 Safety the Domestic Security Preparedness Planning Group, which  
17 shall assist the task force in performing its duties under this act. In  
18 cooperation with the task force, the planning group shall develop  
19 and provide to the task force, for consideration, a coordinated plan  
20 to be included in the State Emergency Operations Plan to prepare  
21 for, respond to, mitigate and recover from incidents of terrorism.

22 b. The members of the planning group shall include the  
23 Director of the New Jersey Office of Emergency Management, the  
24 Adjutant General of Military and Veterans' Affairs or his designee,  
25 the Commissioner of Agriculture or his designee, the Commissioner  
26 of Community Affairs or his designee, the Commissioner of  
27 Corrections or his designee, the Commissioner of Environmental  
28 Protection or his designee, the Commissioner of Health and Senior  
29 Services or his designee, the Commissioner of Human Services, or  
30 his designee, the Commissioner of Transportation or his designee,  
31 the Executive Director of the New Jersey Transit Corporation or his  
32 designee, the State Treasurer or his designee, the **[New Jersey]**  
33 Chief State Medical Examiner or his designee, a representative of  
34 the University of Medicine and Dentistry of New Jersey, the  
35 President of the Board of Public Utilities or his designee, a  
36 representative of the New Jersey County Emergency Management  
37 Coordinators Association, a representative of the New Jersey State  
38 Fire Chiefs Association, and a representative of the New Jersey  
39 State Police Chiefs Association. The planning group may include,  
40 to the extent such individuals may be made available for such  
41 purpose, a representative of the Federal Emergency Management  
42 Agency, a representative of the Federal Bureau of Investigation, a  
43 representative of the American Red Cross, and a representative of  
44 such other charitable groups as may be appropriate. The  
45 chairperson of the task force shall appoint the chair and vice chair  
46 of the planning group.

47 (cf: P.L.2001, c.246, s.8)

1       55. The following are repealed:  
2       N.J.S.40A:9-50;  
3       P.L.1967, c.234 (C.52:17B-78 et seq.);  
4       Sections 2 and 3 of P.L.1972, c.13 (C.52:17B-79.1 et seq.);  
5       P.L.1983, c.535 (C.52:17B-88.1 et seq.);  
6       P.L.1993, c.276 (C.52:17B-88.7 et seq.);  
7       Section 2 of P.L.2000, c.24 (C.52:17B-88.10);  
8       Section 2 of P.L.2005, c.227 (C.52:17B-88.11); and  
9       P.L.2009, c.151 (C.52:17B-88a).

10  
11       56. This act shall take effect on the first day of the second month  
12 next following the date of enactment.

13  
14  
15  
16

STATEMENT

17       This bill, designated as the “Revised State Medical Examiner  
18 Act,” repeals the “State Medical Examiner Act” P.L.1967, c.234  
19 (N.J.S.A.52:17B-78 et seq.), and establishes the Office of the Chief  
20 State Medical Examiner in, but not of, the Department of Health to  
21 replace the Office of the State Medical Examiner in the Department  
22 of Law and Public Safety.

23       *Office of the Chief State Medical Examiner.* The bill establishes  
24 the Office of the Chief State Medical Examiner in the Executive  
25 Branch of State Government and allocates the office, in but not of,  
26 the Department of Health. The bill specifies that the office is to be  
27 independent of any supervision or control by the department or by  
28 any board or officer of the department.

29       The bill abolishes the existing Office of the State Medical  
30 Examiner in the Department of Law and Public Safety and transfers  
31 all of its functions, powers, and duties to the newly established  
32 Office of the Chief State Medical Examiner. The bill specifies that  
33 this transfer will be conducted in accordance with all applicable  
34 State laws governing the transfer of State agencies.

35       The bill provides that the Office of the Chief State Medical  
36 Examiner is under the direct the supervision of a Chief State  
37 Medical Examiner, who (as with the current State Medical  
38 Examiner) is required to be a State-licensed physician and a  
39 qualified forensic pathologist. The bill specifies that the Chief State  
40 Medical Examiner will be appointed by the Governor, with the  
41 advice and consent of the Senate, for a term of five years, and may  
42 be removed from office by the Governor for certain enumerated  
43 causes.

44       The bill provides that the Chief State Medical Examiner is to  
45 report directly to the Commissioner of Health and is to function  
46 independently within the Department of Health with respect to the  
47 medical examiner system and the conducting of medicolegal death  
48 investigations.

1 The bill provides that the Chief State Medical Examiner is  
2 responsible for ensuring that the entire medical examiner system is  
3 adequately equipped and staffed to deliver medicolegal death  
4 investigation services throughout the State, including the  
5 establishment of advisory standards of funding for staff, equipment,  
6 and facilities for all medical examiner offices.

7 The bill empowers the Chief State Medical examiner to: appoint  
8 persons to the position of Deputy Chief State Medical Examiner and  
9 to appoint and to prescribe the duties of such other employees as  
10 may be necessary; provide advice to the governing body of a county  
11 or counties concerning the appointment of county or intercounty  
12 medical examiners; establish minimum training and experiential  
13 requirements of eligibility for those persons appointed as Deputy  
14 Chief State Medical Examiner or as a county or intercounty medical  
15 examiner or assistant county or intercounty medical examiner;  
16 retain supervisory power over personnel employed by the Office of  
17 the Chief State Medical Examiner; provide direct supervision and  
18 oversight of any county or intercounty medical examiner facility  
19 that the Chief State Medical Examiner reasonably determines is  
20 experiencing problems that preclude its effective functioning; and  
21 provide professional oversight concerning the operations of the  
22 county and intercounty medical examiner offices as they relate  
23 specifically to the conduct of medicolegal death investigations and  
24 the performance of autopsies.

25 The bill requires the Chief State Medical Examiner to adopt  
26 certain rules and regulations. Under the bill, these rules and  
27 regulations include the establishment of uniform procedures for  
28 conducting medicolegal death investigations, and minimum  
29 performance and operating standards for, and standards of  
30 professional conduct for personnel of, the Office of the Chief State  
31 Medical Examiner and the office of each county or intercounty  
32 medical examiner.

33 The bill provides the Chief State Medical Examiner with direct  
34 supervision and oversight authority over any medical examiner  
35 facility operating under State jurisdiction.

36 The bill authorizes the Chief State Medical Examiner to  
37 intervene in, and to assume control over, any ongoing medicolegal  
38 death investigation in the State, regardless of whether the Chief  
39 State Medical Examiner has received permission from, or a request  
40 for intervention by, a county or an intercounty medical examiner  
41 performing the investigation.

42 *County / Intercounty Medical Examiner Offices.* The bill  
43 requires each county to establish and maintain an office of the  
44 county medical examiner, and permits the governing bodies of two  
45 or more counties to jointly establish and maintain an intercounty  
46 medical examiner office. The bill requires two or more counties  
47 seeking to jointly maintain an intercounty medical examiner office  
48 on a cooperative or regional basis to seek the advice of the Chief

1 State Medical Examiner concerning such an arrangement before  
2 establishing and maintaining a joint office.

3 The bill provides that each county or intercounty medical  
4 examiner office will continue to be directed by a county or  
5 intercounty medical examiner, who (as with current county medical  
6 examiners) will be appointed by the governing body of the county  
7 or counties for a term of five years. The bill specifies that in  
8 appointing persons to the position of county or intercounty medical  
9 examiner, the governing body of a county or counties must seek the  
10 advice of the Chief State Medical Examiner regarding the  
11 appointment.

12 The bill provides that the Chief State Medical Examiner may  
13 remove a county or intercounty medical examiner from office for  
14 certain enumerated causes, in consultation with the governing body  
15 of the county or counties that appointed the county or intercounty  
16 medical examiner.

17 The bill requires the governing body of a county or counties that  
18 appointed a county or intercounty medical examiner to consult the  
19 advisory funding standards adopted by the Chief State Medical  
20 Examiner when establishing county budgets for medical examiner  
21 services. The bill specifies that the budgets for and spending by  
22 each county and intercounty medical examiner office are to be made  
23 available for review by the Chief State Medical Examiner, are  
24 required to be published and made available to the public as part of  
25 the county budget, and are required to detail certain costs associated  
26 with the operation of the office.

27 *Medicolegal Investigations of a Death.* The bill enumerates  
28 certain instances in which a medical examiner is required to  
29 conduct a medicolegal investigation of a death in this State. These  
30 instances include:

- 31 -- death where criminal violence appears to have taken place;
- 32 -- death by accident or unintentional injury;
- 33 -- death under suspicious or unusual circumstances;
- 34 -- death from causes that might constitute a threat to public  
35 health and safety;
- 36 -- death not caused by readily recognizable diseases, disability,  
37 or infirmity;
- 38 -- sudden death when the decedent was in apparent good health;
- 39 -- suicide;
- 40 -- death of a child under 18 years of age from any cause;
- 41 -- sudden or unexpected death of an infant or child under three  
42 years of age or a fetal death occurring without medical attendance;
- 43 -- death due to criminal abortion;
- 44 -- death where suspicion of abuse of a child, family or household  
45 member, or elderly or disabled person exists;
- 46 -- death within 24 hours of admission to a hospital or a nursing  
47 home;



- 1 -- death in custody, in a jail or correctional facility, or in a State  
2 or county psychiatric hospital, State developmental center, or other  
3 public or private institution or facility for persons with mental  
4 illness, developmental disabilities, or brain injury;  
5 -- death related to occupational illness or injury;  
6 -- death due to thermal, chemical, electrical, or radiation injury;  
7 -- death due to toxins, poisons, medicinal or recreational drugs,  
8 or a combination thereof;  
9 -- known or suspected non-natural death;  
10 -- any person found dead under unexplained circumstances;  
11 -- the discovery of skeletal remains; or  
12 -- a death occurring under such other circumstances as may be  
13 prescribed by regulation of the Chief State Medical Examiner.

14 *Medical Examiner Review Team.* The bill establishes a Medical  
15 Examiner Review Team. The bill specifies that this team is  
16 responsible for reviewing and issuing recommendations regarding:  
17 disputed medicolegal death investigation findings that are the  
18 subject of a dispute between the Chief State Medical Examiner and  
19 any county or intercounty medical examiner; and any removal of  
20 the Chief State Medical Examiner or any county or intercounty  
21 medical examiner.

22 The bill specifies that the team is comprised of seven members,  
23 including: the Commissioner of Health and Senior Services, the  
24 Commissioner of Human Services, the Attorney General, and the  
25 Chief State Medical Examiner, or their designees, who shall serve  
26 ex officio, and three public members appointed by the Governor.

27 The bill specifies that the team must meet at least once annually  
28 and must meet within 45 days after receiving a report of a dispute  
29 or notification of a removal from office. The bill specifies that  
30 team members will not receive compensation, but will be  
31 reimbursed for expenses incurred, within the limits of funds  
32 appropriated or otherwise made available to the team for its  
33 purposes.

34 *Issuance of an Annual Report.* The bill requires the Office of the  
35 Chief State Medical Examiner, in conjunction with the Medical  
36 Examiner Review Team, to issue an annual report and to make that  
37 report available to the public.

38 The bill specifies that the annual report must, at a minimum,  
39 contain the following: the budget and expenditures for each  
40 medical examiner office in this State; the total number of cases  
41 received, reviewed, accepted, and investigated by each medical  
42 examiner office; statistics of determined causes of death; and an  
43 evaluation of the performance of each medical examiner office and  
44 the medical examiner system.

45 *New Jersey State Medical Examiner Toxicology Laboratory.*  
46 The bill requires the Office of the Chief State Medical Examiner to  
47 maintain and supervise a State toxicology laboratory. The bill  
48 specifies that the laboratory will provide necessary toxicology

1 services to the Chief State Medical Examiner, Deputy Chief State  
2 Medical Examiner, each county or intercounty medical examiner,  
3 and each assistant county or assistant intercounty medical examiner  
4 in the performance of medicolegal death investigations in this State.

5 The bill specifies that the Chief State Medical Examiner, Deputy  
6 Chief State Medical Examiner, county or intercounty medical  
7 examiner, and assistant county or assistant intercounty medical  
8 examiner requiring the services of a toxicology laboratory must  
9 enlist the services of the State laboratory unless the Chief State  
10 Medical Examiner provides permission for use of another. The bill  
11 requires the Chief State Medical Examiner to adopt rules and  
12 regulations for the operations and use of the State laboratory.

13 *Appeal Process for Persons in Interest.* The bill establishes an  
14 appeal process for a “person in interest” (as defined by the bill) to  
15 request a correction of a medical examiner’s findings and  
16 conclusions on the cause and manner of death recorded on a death  
17 certificate. The bill specifies that such a request cannot be made in  
18 a case in which there is a finding of a homicide, and specifies that  
19 those requests that are made must be initiated by the person in  
20 interest within 60 days after the Chief State Medical Examiner,  
21 Deputy Chief State Medical Examiner, county or intercounty  
22 medical examiner, or assistant county or assistant intercounty  
23 medical examiner files the findings and conclusions on the cause  
24 and manner of death recorded on a death certificate.

25 *Repeals and Recodifications.* The bill repeals certain statutes and  
26 repeals and recodifies the provisions of certain others. In particular,  
27 the bill repeals the following statutes, which are obviated by its  
28 provisions:

29 -- P.L.1967, c.234 (N.J.S.A.52:17B-78 et seq.), the “State  
30 Medical Examiner Act,” concerning the establishment and  
31 operation of the Office of the State Medical Examiner; and

32 -- Sections 2 and 3 of P.L.1972, c.13 (N.J.S.A.52:17B-79.1 et  
33 seq.), concerning a prior transfer of power, duties, and functions of  
34 the State Medical Examiner within the Department of Law and  
35 Public Safety.

36 The bill repeals the following statutes and recodifies their  
37 provisions in Title 26 of the Revised Statutes:

38 -- N.J.S.40A:9-50, concerning the disinterment of dead bodies;

39 -- P.L.1983, c.535 (N.J.S.A.52:17B-88.1 et seq.), concerning the  
40 performance of a dissection or autopsy by a medical examiner;

41 -- P.L.1993, c.276 (N.J.S.A.52:17B-88.7 et seq.), concerning  
42 organ and tissue analysis and transplantation from a donor whose  
43 death is under investigation;

44 -- Section 2 of P.L.2000, c.24 (N.J.S.A.52:17B-88.10),  
45 concerning standardized protocols for sudden child death autopsies;

46 -- Section 2 of P.L.2005, c.227 (N.J.S.A.52:17B-88.11),  
47 concerning the participation of medical examiners in research

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1 activities with respect to children three years of age and younger;  
2 and

3 -- P.L.2009, c.151 (N.J.S.A.52:17B-88a), concerning notification  
4 to medical examiners of deaths occurring in certain facilities.

5 *Effective Date.* The bill takes effect on the first day of the  
6 second month next following the date of enactment.