

ASSEMBLY, No. 2217

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

SYNOPSIS

Provides for opting out of organ and tissue donation.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning organ and tissue donation and amending
2 P.L.1978, c.181 and P.L.2008, c.48.

3

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

6

7 1. Section 1 of P.L.1978, c.181 (C.39:3-12.2) is amended as
8 follows:

9 1. a. The Chief Administrator of the New Jersey Motor
10 Vehicle Commission shall provide with every examination permit,
11 special learner's permit, motorcycle-only examination permit,
12 motorized bicycle license, new license, renewal license,
13 identification card, or renewal identification card issued after the
14 effective date of P.L. , c. (C.) (pending before the
15 Legislature as this bill) the opportunity for each person, pursuant to
16 the provisions of the "Revised Uniform Anatomical Gift Act,"
17 P.L.2008, c.50 (C.26:6-77 et seq.), to designate that the person shall
18 not donate all or any organs or tissues for the purposes of
19 transplantation or therapy. If a person does not make that
20 designation, the default donation designation on every license or
21 identification card issued shall be that a person is an organ donor.
22 A person wishing to opt out of organ donation shall make an
23 affirmative donation designation to that effect. This provision shall
24 not apply to a person under the age of 18 years who has not
25 registered as organ or tissue donor pursuant to section 7 of
26 P.L.2008, c.48 (C.39:3-12.3).

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

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

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

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

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 of New Jersey's donor program, and how the commission's
2 employees and personnel can effectively inform the public about
3 the donor program and can best assist those wishing to participate
4 in the donor program, including use of the Donate Life NJ Registry,
5 established pursuant to P.L.2008, c.48 (C.26:6-66 et al.).

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

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

34 (cf: P.L.2017, c.377, s.2)

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36 2. Section 7 of P.L.2008, c.48 (C.39:3-12.3) is amended to read
37 as follows:

38 7. a. (1) Within nine months after the effective date of
39 P.L.2008, c.48 (C.26:6-66 et al.) and pursuant to P.L.2017, c.377,
40 the Chief Administrator of the New Jersey Motor Vehicle
41 Commission shall ensure access by residents to an Internet-based
42 interface that promotes organ and tissue donation and enables
43 residents 14 years of age or older to register as donors and have
44 their decisions immediately integrated into the current database
45 maintained by the commission. The database shall include only
46 affirmative donation decisions and default donation designations
47 required pursuant to section a. of section 1 of P.L.1978, c.181
48 (C.39:3-12.2).

1 (2) Within one year of the effective date of P.L.2008, c.48
2 (C.26:6-66 et al.) and pursuant to P.L.2017, c.377, the commission
3 shall establish a system which allows New Jersey holders of
4 examination permits, special learner's permits, motorcycle-only
5 examination permits, driver's licenses, motorcycle licenses,
6 motorized bicycle licenses, or personal identification cards who do
7 not have access to the Internet-based interface to add their donor
8 designation to the Donate Life NJ Registry by submitting a paper
9 form to the commission.

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

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

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

17 d. Donor information entered into the registry shall supersede
18 any prior conflicting information provided to the registry or on the
19 individual's examination permit, special learner's permit,
20 motorcycle-only examination permit, driver's license, motorcycle
21 license, motorized bicycle license, or identification card, and
22 pursuant to P.L.2008, c.50 (C.26:6-77 et seq.) or any subsequent
23 statute adopted pursuant thereto, registration by a donor shall
24 constitute sufficient authorization to donate organ and tissues for
25 transplantation and therapy and authorization of another person
26 shall not be necessary to effectuate the gift.

27 e. Within one year of the effective date of P.L.2008, c.48
28 (C.26:6-66 et al.), the Donate Life NJ Registry and the official
29 website of the commission shall provide links through which
30 individuals may make voluntary contributions of \$1 or more to the
31 Organ and Tissue Donor Awareness Education Fund established by
32 P.L.1999, c.386 (C.54A:9-25.17 et seq.). Such opportunities shall
33 include both electronic and paper contributions. The links shall be
34 provided in connection with the issuance of permits, licenses,
35 personal identification cards, and the registration of motor vehicles.
36 (cf: P.L.2017, c.377, s.3)

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38 3. Section 8 of P.L.2008, c.48 (C.39:3-12.4) is amended to read
39 as follows:

40 8. a. Beginning five years after the effective date of P.L.2008,
41 c.48 (C.26:6-66 et al.) and pursuant to P.L.2017, c.377, an
42 examination permit, special learner's permit, motorcycle-only
43 examination permit, driver's license, motorcycle license, motorized
44 bicycle license, or personal identification card shall not be issued or
45 renewed unless the applicant first addresses the issue of donation
46 through an on-line portal connected to the Donate Life NJ Registry
47 or at New Jersey Motor Vehicle Commission agencies and regional
48 service centers.

1 designation to that effect. This provision does not apply to persons
2 under the age of 18.

3 The bill adds residents 18 years of age and older having default
4 donor designations to the Donate Life NJ Registry.

5 This bill also changes the requirements for the promotion of
6 organ and tissue donation by the New Jersey Motor Vehicle
7 Commission. Currently, a license or identification card is not to be
8 issued or renewed unless the applicant first addresses the issue of
9 organ donation. Applicants who are not registered as organ donors
10 are required to register as an organ donor or review information
11 about organ donation. The bill amends this section of law to
12 provide that any resident who wishes to opt out of organ donation is
13 to review these materials.