

# ASSEMBLY, No. 3327

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

**Sponsored by:**  
**Assemblyman HERB CONAWAY, JR.**  
**District 7 (Burlington)**

### **SYNOPSIS**

Requires State registrar to permit county surrogate to provide certified copy of death certificate to authorized person under certain circumstances.

### **CURRENT VERSION OF TEXT**

As introduced.



A3327 CONAWAY

2

1 AN ACT concerning death certificates and amending R.S.26:8-24  
2 and P.L.2003, c.221.

3

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

6

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

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

9 a. Have general supervision throughout the State of the  
10 registration of vital records;

11 b. Have supervisory power over local registrars, deputy local  
12 registrars, alternate deputy local registrars, and subregistrars, in the  
13 enforcement of the law relative to the disposal of dead bodies and  
14 the registration of vital records;

15 c. Prepare, print, and supply to all registrars, upon request  
16 therefor, all blanks and forms used in registering the records  
17 required by said law, and provide for and prescribe the use of the  
18 NJ-EDRS or any successor vital reporting system. The blanks and  
19 forms supplied under this subsection, and any electronic blanks and  
20 forms that are used in the NJ-EDRS, shall require the person  
21 registering a birth or death record, at a minimum, to provide the  
22 same information as is required by the National Center for Vital  
23 Health Statistics in its standardized U.S. certificates of live birth,  
24 death, and fetal death. No blanks, forms, or methods of registration  
25 shall be used, other than those that satisfy the requirements of this  
26 subsection, and which are supplied or approved by the State  
27 registrar;

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

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

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

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

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

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

**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       4. In the case of civil unions, by the surname of each of the  
2 parties to the civil union;

3       5. In the case of domestic partnerships, by the surname of each  
4 of the partners;

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

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

18       i. Facilitate the electronic notification, upon completion of the  
19 death record and issuance of a burial permit, of the decedent's  
20 name, Social Security number and last known address to the  
21 Department of Labor and Workforce Development and the  
22 Department of Human Services to safeguard public benefit  
23 programs and diminish the criminal use of a decedent's name and  
24 other identifying information; **[and]**

25       j. Facilitate the provision of relevant statistical data on  
26 maternal deaths to the Maternal Mortality Review Committee, in  
27 accordance with the provisions of section 12 of P.L.2019, c.75  
28 (C.26:6C-12); and

29       k. Permit, upon the request of a county surrogate on behalf of  
30 an authorized person as identified pursuant to section 24 of  
31 P.L.2003, c.221 (C.26:8-59.1), a county surrogate to have real-time  
32 access, and facilitate a county surrogate's access, to the necessary  
33 vital statistics records in order for the county surrogate to provide a  
34 certified copy of a death certificate to the authorized person, who  
35 shall be otherwise engaged in receiving services provided by the  
36 requesting county surrogate.

37 (cf: P.L.2019, c.75, s.13)

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39       2. Section 24 of P.L.2003, c.221 (C.26:8-59.1) is amended to  
40 read as follows:

41       24. a. Persons authorized to obtain and receive a certification or  
42 certified copy of a death certificate from a local registrar, deputy  
43 registrar, alternate deputy registrar, subregistrar, county surrogate  
44 office, or an incorporated political subdivision comprising a  
45 registration district, shall include those individuals who establish  
46 themselves as one of the following: the parent, legal guardian or  
47 other legal representative of the subject of that record; the subject's  
48 spouse, child, grandchild or sibling, if of legal age, or the subject's

1 legal representative; an agency of State or federal government for  
2 official purposes; a person possessing an order of a court of  
3 competent jurisdiction; or a person who is authorized under other  
4 emergent circumstances as determined by the commissioner. For  
5 the purposes of this section, any employee of a mortuary registered  
6 pursuant to P.L.1952, c.340 (C.45:7-32 et seq.), or a funeral director  
7 licensed pursuant to that act who is affiliated with a registered  
8 mortuary, if the mortuary was recorded on the original certificate of  
9 death, shall be construed to be the subject's legal representative and  
10 entitled to obtain full and complete copies of death certificates or  
11 certifications thereof.

12 b. Any fee charged, by a local registrar, deputy registrar,  
13 alternate deputy registrar, subregistrar, county surrogate office, or  
14 an incorporated political subdivision comprising a registration  
15 district, to a funeral home as the legal representative for a person in  
16 securing a certified copy of a death certificate shall be in the form  
17 of a debit against the account of the funeral home and a credit to the  
18 applicable political subdivision within the NJ-EDRS.

19 (cf: P.L.2003, c.221, s.24)

20

21 2. The Commissioner of Health shall adopt rules and  
22 regulations in accordance with the "Administrative Procedure Act,"  
23 P.L.1968, c.410 (C52:14B-1 et seq.) as necessary to implement the  
24 provisions of this act.

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26 3. This act shall take effect immediately.

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#### STATEMENT

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31 This bill requires the State registrar in the Department of Health to  
32 permit, upon the request of a county surrogate on behalf of an  
33 authorized person, a county surrogate to have real-time access, and  
34 facilitate a county surrogate's access, to the necessary vital statistics  
35 records in order for the county surrogate to provide a certified copy of  
36 a death certificate to the authorized person. Under the bill, the  
37 authorized person is required to be otherwise engaged in receiving  
38 services provided by the requesting county surrogate. Under current  
39 law, an authorized person includes the following: the parent, legal  
40 guardian or other legal representative of the subject of that record; the  
41 subject's spouse, child, grandchild or sibling, if of legal age, or the  
42 subject's legal representative; an agency of State or federal government  
43 for official purposes; a person possessing an order of a court of  
44 competent jurisdiction; or a person who is authorized under other  
45 emergent circumstances as determined by the commissioner. The bill  
46 also clarifies that an authorized person may obtain a certified copy of a  
47 death certificate from a county surrogate.