

SENATE, No. 2779

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED AUGUST 3, 2020

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator NELLIE POU

District 35 (Bergen and Passaic)

SYNOPSIS

Requires death certificates to include drug responsible for drug overdose death under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/27/2020)

1 **AN ACT** concerning information included on death certificates and
2 amending R.S.26:6-7.

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

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

8 26:6-7. a. The certificate of death shall contain such items as
9 shall be listed on death certificate forms or in the NJ-EDRS
10 provided or approved by the department under the authority of
11 subsection c. of R.S.26:8-24. The death certificate forms or the
12 record in the NJ-EDRS shall include, but not be limited to, the
13 following items:

14 (1) name of the decedent;
15 (2) county or municipality in which the death occurred;
16 (3) date of death;
17 (4) sex of the decedent, as provided for in subsection b. of this
18 section;

19 (5) date of birth; and
20 (6) date of issuance and manner of death, provided this
21 information is available. In the case of a death due to a drug
22 overdose, the name of the drug that caused the death shall be listed
23 on the death certificate form or recorded in the NJ-EDRS if such
24 information is available.

25 b. The sex of the decedent shall be recorded to reflect the
26 decedent's gender identity, as reported by the person or persons
27 with the right to control the funeral and disposition as established
28 by section 22 of P.L.2003, c.261 (C.45:27-22), unless the person
29 completing the death certificate is presented with a document that
30 memorializes the decedent's gender transition. In the event that
31 these sources provide conflicting information concerning the sex of
32 the decedent, the death certificate shall be based on documentation
33 that memorializes the decedent's gender transition. If
34 documentation is not available, it shall be based on information
35 provided by the person or persons with the right to control the
36 funeral and disposition as established by section 22 of P.L.2003,
37 c.261 (C.45:27-22). Documents that may memorialize a gender
38 transition may include, but shall not be limited to: written
39 instructions from the decedent; a court order approving a name or
40 gender change; an advance health care directive; proof of clinical
41 treatment for gender transition; or documentation of a change to the
42 gender marker on a birth certificate or a state or federally issued
43 identification card.

44 c. If a document specified in subsection b. of this section is not
45 present and the person named executor of the decedent's will does

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 not agree with the gender identity of the decedent as reported by the
2 person or persons with the rights to control the funeral and
3 disposition, that person may file a petition in the Superior Court
4 naming as a party to the action the person or persons with the rights
5 to control the funeral and disposition and seeking an order of the
6 court determining, as appropriate, who among those parties shall
7 determine the gender identity of the decedent.

8 d. A person or persons with the right to control the funeral and
9 disposition and the responsibility to provide the funeral director
10 with the decedent's gender identity warrants the truth of the facts
11 stated and of their authority to provide the funeral director with the
12 necessary information to complete the death certificate. A funeral
13 director shall not be liable for any damages or costs arising from a
14 claim related to a decedent's gender identity or expression on the
15 death certificate unless the funeral director had reasonable notice
16 that the representations were untrue or notice that the person or
17 persons providing the decedent's gender identity lacked the right to
18 control disposition.

19 (cf: P.L.2018, c.59, s.1)

20
21 2. This act shall take effect immediately.
22
23

24 STATEMENT

25
26 This bill requires death certificates to include the drug
27 responsible for a drug overdose death under certain circumstances.
28 The bill provides that in the case of a death due to a drug overdose,
29 the name of the drug that caused the death of the individual is to be
30 listed on the death certificate form or recorded in the New Jersey
31 Electronic Death Registration System if such information is
32 available.