

SENATE, No. 755

STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Co-Sponsored by:

Senators Adler, Baroni, Gordon, T.Kean, Singer, Redd, Weinberg and Whelan

SYNOPSIS

“New Jersey Hero Act”; appropriates \$80,000 to MVC from General Fund.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 2/15/2008)

1 AN ACT concerning organ donation, revising parts of the statutory
2 law, and making an appropriation.

3

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

6

7 1. (New section) This act shall be known and may be cited as
8 the “New Jersey Hero Act,” referring to individuals who donate
9 life-saving and life-enhancing organs and tissues.

10

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

12 a. For over three decades, the State of New Jersey has supported
13 organ and tissue donation as a public policy, because one individual
14 can save up to eight lives by donating his or her vital organs and
15 enhance more than 50 lives by donating tissue;

16 b. Although 95% of the national population indicates support for
17 donation, a far smaller percentage have actually made a legally
18 binding decision to be organ and tissue donors, the result of which
19 has been the deaths of over 74,186 people nationally and 2,470 New
20 Jersey residents since 1997 because life-saving organs were not
21 available to them for transplant;

22 c. A public policy supporting organ donation is no longer
23 adequate, given the health crisis faced by more than 98,000 people
24 awaiting life saving organ transplants nationally, of whom more
25 than 4,000 are New Jersey residents;

26 d. A new public policy of advocacy which encourages positive
27 donation decisions is now imperative in order to save more lives;

28 e. The health and welfare of New Jersey’s residents requires a
29 more dynamic, comprehensive framework regarding organ
30 donation, one with mandated educational and decisional
31 components;

32 f. This comprehensive framework must incorporate the federal
33 government’s charge to organ procurement organizations to work
34 with states in educating the public so that more individuals make
35 positive donation decisions and document those decisions;

36 g. In order to insure that more New Jersey residents become
37 donors, it is necessary to provide curriculum in both secondary
38 schools and institutions of higher education, as well as establish
39 educational requirements for physicians and nurses, to dispel myths
40 associated with organ donation, provide accurate information about
41 the donation and recovery process, and emphasize the fundamental
42 responsibility of individuals to take appropriate action, when able to
43 do so, to help save another person’s life;

44 h. It is further necessary to provide residents with an accessible,
45 secure means using the Internet, to register as organ donors in a

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 way that ties the donation decision to a routine but necessary
2 function, such as the receipt of a driver's license or personal
3 identification card, so that an interaction on the issue of organ
4 donation occurs at or around the time New Jersey residents reach
5 the age of majority; and

6 i. The combined initiatives provided for in this act will
7 effectively achieve the State's public policy goal to increase the
8 number of organ and tissue donors in the State so that more lives
9 can be saved or enhanced.

10

11 3. (New section) a. Beginning with the 2008-2009 school
12 year, each board of education that operates an educational program
13 for students in grades 9 through 12 shall provide instruction on
14 State policy which advocates that adults designate themselves as
15 organ and tissue donors in the Donate Life NJ Registry established
16 pursuant to section 7 of P.L. , c. (C.)(pending before the
17 Legislature as this bill). The instruction shall take place as part of
18 the district's implementation of the Core Curriculum Content
19 Standards in Comprehensive Health and Physical Education, and
20 the comprehensive health and physical education curriculum
21 framework shall provide school districts with sample activities that
22 may be used to support implementation of the instructional
23 requirement.

24 (1) The goals of the instruction shall be:

25 (a) to emphasize the benefits of organ and tissue donation to the
26 health and well-being of society generally, and to individuals whose
27 lives are saved by organ and tissue donations, so that students will
28 be motivated to make an affirmative decision to register as a donor
29 when they become adults;

30 (b) to fully address myths and misunderstandings regarding
31 organ and tissue donation;

32 (c) to explain the options available to adults, including the option
33 of designating a decision-maker to make the donation decision on
34 one's behalf; and

35 (d) to instill an understanding of the consequences when an
36 individual does not make a decision to become an organ donor and
37 does not register or otherwise record a designated decision-maker;

38 (2) The instruction shall inform students that beginning five
39 years from the date of enactment of P.L. , c. (C.)(pending
40 before the Legislature as this bill), the Motor Vehicle Commission
41 will not issue or renew a New Jersey driver's license or personal
42 identification card unless a prospective or renewing licensee or card
43 holder makes an acknowledgement regarding the donor decision
44 pursuant to section 8 of P.L. , c. (C.)(pending before the
45 Legislature as this bill).

46 b. The Commissioner of Education shall also make the
47 instructional materials available to private schools educating

1 students in grades 9 through 12, or any combination thereof. Such
2 schools are encouraged to use the instructional materials at the
3 school; however, nothing in this subsection shall be construed to
4 require such schools to use the materials.

5 c. All instructional materials and content, and modifications
6 made thereto, shall be designed in collaboration with the organ
7 procurement organizations designated pursuant to 42
8 U.S.C.s.1320b-8 to serve in the State of New Jersey.

9
10 4. Section 1 of P.L.2007, c.121 (C.18A:62-45) is amended to
11 read as follows:

12 1. **[A]** a. Beginning with the 2008-2009 school year, each
13 public institution of higher education in the State shall [make
14 available on each campus information and materials regarding
15 organ donation in accordance with the provisions of the "Uniform
16 Anatomical Gift Act," P.L.1969, c.161 (C.26:6-57 et seq.). The
17 institution shall place the information and materials in an accessible
18 location and shall make students and staff aware of its availability]
19 provide information to its students, either through student health
20 services or as part of the curriculum, that emphasizes the benefits to
21 the health and well-being of society and the lives that are saved
22 through organ donations, and that instills knowledge and values that
23 will enable young adults to make an informed decision about
24 registering to become an organ donor or designating a decision-
25 maker to make the decision on behalf of the young adult. The
26 information shall also instill an understanding of the outcome if no
27 decision about becoming an organ donor or designating a decision-
28 maker is registered or otherwise recorded. The information
29 provided shall be prepared in collaboration with the organ
30 procurement organizations designated pursuant to 42
31 U.S.C.s.1320b-8 to serve in the State of New Jersey.

32 b. Beginning with the 2008-2009 school year, each independent
33 institution of higher education in the State is encouraged to provide
34 information to its students, either through student health services or
35 as part of the curriculum, that emphasizes the benefits to the health
36 and well-being of society and the lives that are saved through organ
37 donations, and that instills knowledge and values that will enable
38 young adults to make an informed decision about registering to
39 become an organ donor or designating a decision-maker to make the
40 decision on behalf of the young adult. The information shall also
41 instill an understanding of the outcome if no decision about
42 becoming an organ donor or designating a decision-maker is
43 registered or otherwise recorded. The information provided shall be
44 prepared in collaboration with the organ procurement organizations
45 designated pursuant to 42 U.S.C.s.1320b-8 to serve in the State of
46 New Jersey.

47 (cf: P.L.2007, c.121, s.1)

1 5. (New section) The State Board of Medical Examiners, in
2 collaboration with the organ procurement organizations designated
3 pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey,
4 shall prescribe by regulation the following requirements for
5 physician training:

6 a. The curriculum in each college of medicine in this State shall
7 include instruction in organ and tissue donation and recovery
8 designed to address clinical aspects of the donation and recovery
9 process.

10 b. Completion of organ and tissue donation and recovery
11 instruction as provided in subsection a. of this section shall be
12 required as a condition of receiving a diploma from a college of
13 medicine in this State.

14 c. A college of medicine which includes instruction in organ and
15 tissue donation and recovery as provided in subsection a. of this
16 section in its curricula shall offer such training for continuing
17 education credit.

18 d. (1) A physician licensed to practice medicine in this State
19 prior to the effective date of this act, who was not required to
20 receive and did not receive instruction in organ and tissue donation
21 and recovery as part of a medical school curriculum, shall be
22 required, as a condition of relicensure, to document completion of
23 such training to the satisfaction of the board no later than three
24 years after the effective date of this act. The training may be
25 completed through an on-line, one credit hour course developed by
26 or for the organ procurement organizations and approved by the
27 board.

28 The training required pursuant to this subsection shall be in
29 addition to any continuing medical education required pursuant to
30 section 10 of P.L.2001, c.307 (C.45:9-7.1 et seq.).

31 (2) The board may waive the requirement in this subsection if an
32 applicant for relicensure demonstrates to the satisfaction of the
33 board that the applicant has attained the substantial equivalent of
34 this requirement through completion of a similar course in his post-
35 secondary education which meets criteria established by regulation
36 of the board.

37

38 6. (New section) The New Jersey Board of Nursing, in
39 collaboration with the organ procurement organizations designated
40 pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey,
41 shall prescribe by regulation the following requirements for
42 professional nurse training:

43 a. The curriculum in each educational program of professional
44 nursing in this State shall include instruction in organ and tissue
45 donation and recovery designed to address clinical aspects of the
46 donation and recovery process.

1 b. Completion of organ and tissue donation and recovery
2 instruction as provided in subsection a. of this section shall be
3 required as a condition of receiving a degree or diploma, as
4 applicable, in professional nursing from a nursing program in this
5 State.

6 c. A nursing program which includes instruction in organ and
7 tissue donation and recovery as provided in subsection a. of this
8 section in its curricula shall offer such training for continuing
9 education credit.

10 d. (1) A licensed professional nurse licensed to practice nursing
11 in this State prior to the effective date of this act, who was not
12 required to receive and did not receive instruction in organ and
13 tissue donation and recovery as part of his nursing program
14 curriculum, shall be required, as a condition of relicensure, to
15 document completion of such training to the satisfaction of the
16 board no later than three years after the effective date of this act.
17 The training may be completed through an on-line, one credit hour
18 course developed by or for the organ procurement organizations and
19 approved by the board.

20 The training required pursuant to this subsection shall be in
21 addition to any continuing education required by the board.

22 (2) The board may waive the requirement in this subsection if an
23 applicant for relicensure demonstrates to the satisfaction of the
24 board that the applicant has attained the substantial equivalent of
25 this requirement through completion of a similar course in his post-
26 secondary education which meets criteria established by regulation
27 of the board.

28
29 7. (New section) a. (1) Within six months after the effective
30 date of P.L. , c. (C.)(pending before the Legislature as this bill),
31 the Chief Administrator of the Motor Vehicle Commission shall
32 insure access by residents to an Internet-based interface that
33 promotes organ and tissue donation and enables residents 18 years
34 of age or older to register as donors and have their decisions
35 immediately integrated into the current database maintained by the
36 commission. The database shall include only affirmative donation
37 decisions.

38 (2) Within one year of the effective date of P.L. , c. (C.)
39 (pending before the Legislature as this bill), the commission shall
40 establish a system which allows New Jersey holders of driver's
41 licenses or personal identification cards who do not have access to
42 the Internet-based interface to add their donor designation to the
43 Donate Life NJ Registry by submitting a paper form to the
44 commission.

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

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

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

5 d. Donor information entered into the registry shall supersede
6 any prior conflicting information provided to the registry or on the
7 individual's driver's license or identification card, and pursuant to
8 section 2 of P.L.1969, c.161 (C.26:6-58) and section 1 of P.L.1987,
9 c.244 (C.26:6-58.1) or any subsequent statute adopted pursuant
10 thereto, registration by a donor shall constitute sufficient
11 authorization to donate organ and tissues for transplantation and
12 therapy and authorization of another person shall not be necessary
13 to effectuate the gift.

14 e. Within one year of the effective date of P.L. , c. (C.)
15 (pending before the Legislature as this bill), the Donate Life NJ
16 Registry and the official website of the commission shall provide
17 links through which individuals may make voluntary contributions
18 of \$1.00 or more to the Organ and Tissue Donor Awareness
19 Education Fund established by P.L.1999, c.386 (C.54A:9-25.17 et
20 seq.). Such opportunities shall include both electronic and paper
21 contributions. The links shall be provided in connection with the
22 issuance of licenses, personal identification cards, and the
23 registration of motor vehicles.

24
25 8. (New Section) a. Beginning five years after the effective
26 date of of P.L. , c. (C.) (pending before the Legislature as this
27 bill), no driver's license or personal identification card shall be
28 issued or renewed unless the applicant first addresses the issue of
29 donation through an on-line portal connected to the Donate Life NJ
30 Registry or at Motor Vehicle Commission agencies and regional
31 service centers. This section shall not apply to applicants for
32 provisional licenses or personal identification cards who are under
33 the age of 18.

34 b. The portal shall be accessible to applicants seven days per
35 week, 24 hours per day, and shall provide for adequate security to
36 protect an individual's privacy. The form and content of the portal
37 shall be designed in collaboration with the organ procurement
38 organizations designated pursuant to 42 U.S.C.s.1320b-8 to serve in
39 the State of New Jersey.

40 c. The portal shall require a resident who has not registered as
41 an organ donor, and who seeks a driver's license or identification
42 card or seeks renewal thereof, to either: (1) register as an organ
43 donor through the Donate Life NJ Registry; or (2) acknowledge an
44 understanding of the life-saving potential of organ and tissue
45 donation, and an understanding of the consequences when an
46 individual does not make a decision to become an organ donor and
47 does not register or otherwise record a designated decision-maker.

1 In addition to promoting organ and tissue donation, the portal
2 shall provide information about the procedure for designating a
3 decision-maker.

4 d. Any information technology system adopted by the
5 commission after the effective date of P.L. , c. (C.) (pending
6 before the Legislature as this bill) shall accommodate the inclusion
7 of donor information into the database and the on-going operation
8 of the Donate Life NJ Registry.

9
10 9. (New section) a. For purposes of the development and
11 implementation of the Donate Life NJ Registry, the Motor Vehicle
12 Commission shall collaborate with the organ procurement
13 organizations designated pursuant to 42 U.S.C.s.1320b-8 to serve in
14 the State of New Jersey in applying for any federal or private grants
15 recommended by the organ procurement organizations.

16 b. The Chief Administrator of the commission shall collaborate
17 with the organ procurement organizations designated pursuant to 42
18 U.S.C.s.1320b-8 to serve in the State of New Jersey to identify, and
19 if appropriate, apply for and accept on behalf of the State any
20 relevant grants from the federal government or any agency thereof,
21 or from any foundation, corporation, association or individual. Any
22 money so received may be expended by the commission, subject to
23 any limitations imposed in such grants to effect any of the purposes
24 of the commission upon warrant of the Director of the Division of
25 Budget and Accounting of the Department of the Treasury on
26 vouchers certified and approved by the director. The power herein
27 granted shall be in addition to and shall in no way limit the
28 authority granted to the chief administrator by other existing law.

29 c. The commission, and the Departments of Human Services,
30 Health and Senior Services, and Law and Public Safety may
31 collaborate with the organ procurement organizations designated to
32 serve in the State of New Jersey in applying for any federal or
33 private grants recommended by the organ procurement
34 organizations.

35
36 10. (New section) Notwithstanding P.L.1987, c.244 (C.26:6-
37 58.1) to the contrary, a designated decision-maker or agent of the
38 decedent at the time of the decedent's death who could have made
39 an anatomical gift immediately before the decedent's death pursuant
40 to section 7 of P.L. , c. (C.) (pending before the Legislature as
41 this bill) shall be given first priority for making a gift of a
42 decedent's body or part.

43
44 11. Section 4 of P.L.1969, c.161 (C.26:6-60) is amended to read
45 as follows:

46 4. (a) A gift of all or part of the body under section 2(a) may be
47 made by will. The gift becomes effective upon the death of the

1 testator without waiting for probate. If the will is not probated, or if
2 it is declared invalid for testamentary purposes, the gift, to the
3 extent that it has been acted upon in good faith, is nevertheless valid
4 and effective.

5 (b) A gift of all or part of the body under section 2(a) may also
6 be made through the Donate Life NJ Registry, established pursuant
7 to section 7 of P.L. , c. (C.) (pending before the Legislature as
8 this bill) or by document other than a will. The gift becomes
9 effective upon the death of the donor. The document, which may be
10 a card designed to be carried on the person, must be signed by the
11 donor. If the donor cannot sign, the document may be signed for
12 him at his direction and in his presence in the presence of two
13 witnesses who must sign the document in his presence. Delivery of
14 the document of gift during the donor's lifetime is not necessary to
15 make the gift valid.

16 (c) The gift may be made to a specified donee or without
17 specifying a donee. If the latter, the gift may be accepted by the
18 attending physician as donee upon or following death. If the gift is
19 made to a specified donee who is not available at the time and place
20 of death, the attending physician upon or following death, in the
21 absence of any expressed indication that the donor desired
22 otherwise, may accept the gift as donee. The physician who
23 becomes a donee under this subsection shall not participate in the
24 procedures for removing or transplanting a part.

25 (d) Notwithstanding section 7(b), the donor may designate in his
26 will, card, or other document of gift the surgeon or physician to
27 carry out the appropriate procedures. In the absence of a
28 designation or if the designee is not available, the donee or other
29 person authorized to accept the gift may employ or authorize any
30 surgeon or physician for the purpose or, in the case of a gift of eyes,
31 he may employ or authorize a practitioner of mortuary science
32 licensed by the State Board of Mortuary Science of New Jersey, an
33 eye bank technician or a medical student who has successfully
34 completed a course in eye enucleation approved by the State Board
35 of Medical Examiners to enucleate eyes for the gift after
36 certification of death by a physician. A practitioner of mortuary
37 science, an eye bank technician or a medical student acting in
38 accordance with the provisions of this subsection shall not have any
39 liability, civil or criminal, for the eye enucleation.

40 (e) Any gift by a person designated in section 2(b) shall be
41 made by a document signed by him or made by his telegraphic,
42 recorded telephonic, or other recorded message.

43 (f) Notwithstanding any provision of law to the contrary, the
44 intent of a decedent to give all or any part of his body as a gift
45 pursuant to section 2(a) of P.L.1969, c.161 (C.26:6-58), as
46 evidenced by the possession of a donor card, donor designation on a
47 driver's license, advance directive pursuant to P.L.1991, c.201

1 (C.26:2H-53 et al.), other document of gift, or by registration with a
2 Statewide organ and tissue donor registry, shall not be revoked by
3 any person designated in section 2(b) of P.L.1969, c.161 (C.26:6-
4 58), nor shall the consent of any such person at the time of the
5 donor's death or immediately thereafter be necessary to render the
6 gift valid and effective.

7 (cf: P.L.2007, c.80, s.3)

8

9 12. Section 2 of P.L.1997, c.188 (C.39:2-3.4) is amended to read
10 as follows:

11 2. a. Notwithstanding the provisions of P.L.1963, c.73 (C.47:1A-
12 1 et seq.) or any other law to the contrary, except as provided in this
13 act, the Motor Vehicle Commission and any officer, employee or
14 contractor thereof shall not knowingly disclose or otherwise make
15 available to any person personal information about any individual
16 obtained by the commission in connection with a motor vehicle
17 record.

18 b. A person requesting a motor vehicle record including
19 personal information shall produce proper identification and shall
20 complete and submit a written request form provided by the chief
21 administrator for the commission's approval. The written request
22 form shall bear notice that the making of false statements therein is
23 punishable and shall include, but not be limited to, the requestor's
24 name and address; the requestor's driver's license number or
25 corporate identification number; the requestor's reason for
26 requesting the record; the driver's license number or the name,
27 address and birth date of the person whose driver record is
28 requested; the license plate number or VIN number of the vehicle
29 for which a record is requested; any additional information
30 determined by the chief administrator to be appropriate and the
31 requestor's certification as to the truth of the foregoing statements.
32 Prior to the approval of the written request form, the commission
33 may also require the requestor to submit documentary evidence
34 supporting the reason for the request.

35 In lieu of completing a written request form for each record
36 requested, the commission may permit a person to complete and
37 submit for approval of the chief administrator or the chief
38 administrator's designee, on a case by case basis, a written
39 application form for participation in a public information program
40 on an ongoing basis. The written application form shall bear notice
41 that the making of false statements therein is punishable and shall
42 include, but not be limited to, the applicant's name, address and
43 telephone number; the nature of the applicant's business activity; a
44 description of each of the applicant's intended uses of the
45 information contained in the motor vehicle records to be requested;
46 the number of employees with access to the information; the name,
47 title and signature of the authorized company representative; and

1 any additional information determined by the chief administrator to
2 be appropriate. The chief administrator may also require the
3 applicant to submit a copy of its business credentials, such as
4 license to do business or certificate of incorporation. Prior to
5 approval by the chief administrator or the chief administrator's
6 designee, the applicant shall certify in writing as to the truth of all
7 statements contained in the completed application form.

8 c. Personal information shall be disclosed for use in connection
9 with matters of motor vehicle or driver safety and theft; motor
10 vehicle emissions; motor vehicle product alterations, recalls or
11 advisories; performance monitoring of motor vehicles and dealers
12 by motor vehicle manufacturers; and removal of non-owner records
13 from the original owner records of motor vehicle manufacturers to
14 carry out the purposes of the Automobile Information Disclosure
15 Act, Pub.L.85-506, the Motor Vehicle Information and Cost Saving
16 Act, Pub.L.92-513, the National Traffic and Motor Vehicle Safety
17 Act of 1966, Pub.L.89-563, the Anti-Car Theft Act of 1992,
18 Pub.L.102-519, and the Clean Air Act, Pub.L.88-206, and may be
19 disclosed as follows:

20 (1) For use by any government agency, including any court or
21 law enforcement agency in carrying out its functions, or any private
22 person or entity acting on behalf of a federal, State or local agency
23 in carrying out its functions.

24 (2) For use in connection with matters of motor vehicle or driver
25 safety and theft; motor vehicle emissions; motor vehicle product
26 alterations, recalls, or advisories; performance monitoring of motor
27 vehicles, motor vehicle parts and dealers; motor vehicle market
28 research activities, including survey research; and the removal of
29 non-owner records from the original owner records of motor vehicle
30 manufacturers.

31 (3) For use in the normal course of business by a legitimate
32 business or its agents, employees or contractors, but only:

33 (a) to verify the accuracy of personal information submitted by
34 the individual to the business or its agents, employees, or
35 contractors; and

36 (b) if such information as so submitted is not correct or is no
37 longer correct, to obtain the correct information, but only for the
38 purposes of preventing fraud by, pursuing legal remedies against, or
39 recovering on a debt or security interest against the individual.

40 (4) For use in connection with any civil, criminal, administrative
41 or arbitral proceeding in any federal, State or local court or agency
42 or before any self-regulatory body, including service of process,
43 investigation in anticipation of litigation, and the execution or
44 enforcement of judgments and orders, or pursuant to an order of a
45 federal, State or local court.

46 (5) For use in educational initiatives, research activities, and for
47 use in producing statistical reports, so long as the personal

1 information is not published, redisclosed, or used to contact
2 individuals and, in the case of educational initiatives, only to organ
3 procurement organizations as aggregated, non-identifying
4 information.

5 (6) For use by any insurer or insurance support organization, or
6 by a self-insured entity, or its agents, employees, or contractors, in
7 connection with claims investigation activities, antifraud activities,
8 rating or underwriting.

9 (7) For use in providing notice to the owners of towed or
10 impounded vehicles.

11 (8) For use by an employer or its agent or insurer to obtain or
12 verify information relating to a holder of a commercial driver's
13 license that is required under the "Commercial Motor Vehicle
14 Safety Act," 49 U.S.C.App.s.2710 et seq.

15 (9) For use in connection with the operation of private toll
16 transportation facilities.

17 (10) For use by any requestor, if the requestor demonstrates it
18 has obtained the notarized written consent of the individual to
19 whom the information pertains.

20 (11) For product and service mail communications from
21 automotive-related manufacturers, dealers and businesses, if the
22 commission has implemented methods and procedures to ensure
23 that:

24 (a) individuals are provided an opportunity, in a clear and
25 conspicuous manner, to prohibit such uses; and

26 (b) product and service mail communications from automotive-
27 related manufacturers, dealers and businesses will not be directed at
28 individuals who exercise their option under subparagraph (a) of this
29 paragraph.

30 (12) For use by an organ procurement organization designated
31 pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey,
32 or any donor registry established by any such organization,
33 exclusively for the purposes of determining, verifying, and
34 recording organ and tissue donor designation and identity. For
35 these purposes, an organ procurement organization shall have
36 electronic access at all times, without exception, to real-time organ
37 donor designation and identification information. An organ
38 procurement organization may also have information for research
39 activities, pursuant to paragraph (5) of subsection c. of this section.

40 d. As provided by the federal "Drivers' Privacy Protection Act
41 of 1994," Pub.L.103-322, a person authorized to receive personal
42 information under paragraphs (1) through (10) of subsection c. of
43 this section may resell or redisclose the personal information only
44 for a use permitted by paragraphs (1) through (10) of subsection c.
45 of this section subject to regulation by the commission. A person
46 authorized to receive personal information under paragraph (11) of
47 subsection c. of this section may resell or redisclose the personal

1 information pursuant to paragraph (11) of subsection c. of this
2 section subject to regulation by the commission. An organization
3 authorized to receive personal information under paragraph (12) of
4 subsection c. of this section may redisclose the personal information
5 only for the purposes set forth in that paragraph.

6 e. As provided by the federal "Drivers' Privacy Protection Act
7 of 1994," Pub.L.103-322, a person authorized to receive personal
8 information under this section who resells or rediscloses personal
9 information covered by the provisions of this act shall keep for a
10 period of five years records identifying each person or entity that
11 receives information and the permitted purpose for which the
12 information will be used and shall make such records available to
13 the commission upon request. Any person who receives, from any
14 source, personal information from a motor vehicle record shall
15 release or disclose that information only in accordance with this act.

16 f. The release of personal information under this section shall
17 not include an individual's social security number except in
18 accordance with applicable State or federal law.

19 (cf: P.L.2007, c.80, s.2)

20

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

23 1. a. The Chief Administrator of the New Jersey Motor Vehicle
24 Commission shall provide with every new license, renewal license,
25 identification card or renewal identification card the opportunity for
26 each person pursuant to the provisions of the "Uniform Anatomical
27 Gift Act," P.L.1969, c.161 (C.26:6-57 et al.) or any superseding or
28 corresponding statute, to designate that the person shall donate his
29 organs and tissues for purposes of transplantation and therapy upon
30 his death.

31 b. The designation indicating that a person is a donor pursuant
32 to subsection a. of this section shall be done in accordance with
33 procedures prescribed by the chief administrator. The designation
34 shall be displayed in print in a conspicuous form and manner on the
35 license or identification card, and electronically, by substantially
36 the following statement: "ORGAN DONOR" and shall constitute
37 sufficient legal authority for the removal of a body organ or part
38 upon the death of the licensee or identification cardholder. The
39 designation shall be removed in accordance with procedures
40 prescribed by the chief administrator.

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

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

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

1 organ and tissue donations, the scope and operation of New Jersey's
2 donor program, and how the agency's employees and personnel can
3 effectively inform the public about the donor program and can best
4 assist those wishing to participate in the donor program, including
5 use of the Donate Life NJ Registry, established pursuant to P.L. ,
6 c. (C.) (pending before the Legislature as this bill).

7 f. The chief administrator shall electronically record and store
8 all organ donor designations and identification information, and
9 shall provide the organ procurement organizations designated
10 pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey
11 with real-time electronic access to the organ donor designation
12 information collected pursuant to subsection a. of this section. An
13 organ procurement organization designated pursuant to 42
14 U.S.C.s.1320b-8 to serve in the State of New Jersey, or any donor
15 registry established by any such organization, shall have real-time
16 electronic access to those organ donor designations and
17 identification at all times, without exception, for the purposes of
18 verifying organ and tissue donation status and identity. For these
19 purposes, the federally designated organ procurement organization
20 shall have electronic access to each recorded donor's name, address,
21 date of birth, gender, color of eyes, height, and driver's license
22 number. Upon request, the chief administrator shall provide a copy
23 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.2007, c.80, s.1)

35
36 14. There is appropriated \$80,000 to the Motor Vehicle
37 Commission from the General Fund to be used for carrying out the
38 purposes of section 7 of this act.

39
40 15. The Chief Administrator of the Motor Vehicle Commission
41 shall, in accordance with the "Administrative Procedure Act,"
42 P.L.1968, c.410 (C.52:14B-1 et seq.), adopt such rules and
43 regulations as may be necessary for the implementation of this act.

44
45 16. This act shall take effect immediately, and section 10 shall
46 expire upon the enactment of Assembly Bill No. 3909 (pending
47 before the Legislature).

STATEMENT

1
2
3 This bill establishes the “New Jersey Hero Act,” so named to
4 highlight the heroic act of donating one’s organs and tissues to save
5 and enhance the lives of others.

6 2,470 New Jersey residents have died since 1997 because life-
7 saving organs were not available to them for transplant, although
8 the State has supported organ and tissue donation as a public policy
9 for several decades. Given this public health crisis, a new State
10 policy that more vigorously promotes positive donation decisions is
11 now imperative. To that end, this bill contains two major
12 initiatives. First, the bill mandates education for public high school
13 and higher education, and medical school and nursing school
14 students to dispel myths associated with organ donation, provide
15 accurate information about organ donation, and emphasize the
16 fundamental responsibility of individuals to take appropriate action,
17 when able, to help save another person’s life. Second, the bill ties
18 organ donation decision making to certain routine functions
19 connected to the Motor Vehicle Commission (MVC). The MVC is
20 to build upon the recently-developed Donate Life Registry so that
21 individuals over the age of 18 will, in five years, be required to
22 address the decision of organ donation through an Internet-based
23 interface as a prerequisite to obtaining or renewing a driver’s
24 license or personal identification card.

25 Both initiatives will fully involve the organ procurement
26 organizations (OPOs) designated by the federal government to serve
27 the State. The expectation is that these measures will effectively
28 achieve the State’s public policy goal to significantly increase the
29 number of organ donors in the State so that more lives can be saved
30 and enhanced.

31 Specifically the bill provides as follows:

32
33 **EDUCATION**

34 **High School** Beginning with the 2008-2009 school year, each
35 board of education that operates an educational program for
36 students in grades 9 through 12 shall provide instruction on State
37 policy, which advocates that adults designate themselves as organ
38 and tissue donors. The instruction is to be part of the district’s
39 implementation of the Core Curriculum Content Standards in
40 Comprehensive Health and Physical Education. The goals of the
41 instruction are to emphasize the benefits of organ and tissue
42 donation to the health and well-being of society generally, and to
43 individuals whose lives are saved by organ and tissue donations, so
44 that students will be motivated to make an affirmative decision to
45 register as a donor when they become adults. In addition, the
46 instruction is to: fully address myths and misunderstandings
47 regarding organ and tissue donation; explain the options available

1 to adults, including the option of designating a decision-maker to
2 make the donation decision on one's behalf; and instill an
3 understanding of the consequences when an individual does not
4 make a decision to become an organ donor and does not register or
5 otherwise record a designated decision-maker. Students also will
6 be advised that beginning five years from the date of enactment of
7 this bill, the MVC will not issue or renew a New Jersey driver's
8 license or personal identification card unless a prospective or
9 renewing licensee or card holder makes an acknowledgement
10 regarding the donor decision. Instructional materials are to be made
11 available to private high schools, which are encouraged, but not
12 required, to use them. All instructional materials and content shall
13 be designed in collaboration with the States federally-designated
14 OPOs.

15 **Higher Education** Similarly, this information is to be provided
16 at each public institution of higher education in the State beginning
17 with the 2008-2009 school year, either through student health
18 services or as part of the curriculum, and the information likewise is
19 to be prepared in collaboration with the State's federally-designated
20 OPOs. Independent institutions of higher education in the State are
21 encouraged to provide this information to their students.

22 **Physicians and Professional Nurses** The State board of
23 Medical Examiners and the New Jersey Board of Nursing, in
24 collaboration with the designated OPOs, are to prescribe by
25 regulation requirements for physician and professional nurse
26 training as follows:

- 27 • The curriculum in each school in this State shall include
28 instruction in organ and tissue donation and recovery designed
29 to address clinical aspects of the donation and recovery
30 process.
- 31 • Completion of such instruction will be required as a condition
32 of receiving a diploma.
- 33 • A college of medicine or nursing program which includes
34 instruction in organ and tissue donation and recovery in its
35 curricula shall offer such training for continuing education
36 credit.
- 37 • A physician licensed to practice, or professional nurse
38 registered in this State prior to the effective date of this act,
39 who was not required to receive and did not receive such
40 instruction as part of the practitioner's school curriculum, shall
41 be required, as a condition of relicensure or registration
42 renewal, to document completion of such training no later than
43 three years after the effective date of the bill. The training
44 may be completed through an on-line, one credit hour course
45 developed by or for the OPOs and approved by the respective
46 board.

- 1 •The board may waive the requirement if an applicant for
2 relicensure demonstrates that he or she has attained the
3 substantial equivalent of this requirement.

4 **MOTOR VEHICLE COMMISSION**

5 **Donate Life NJ Registry** Within six months after the effective
6 date of the bill, the Chief Administrator of the MVC is to insure
7 access by residents to an Internet-based interface, to be known as
8 the Donate Life NJ Registry, that promotes organ and tissue
9 donation and enables residents who are 18 years of age or older to
10 register as donors and have their decisions immediately integrated
11 into the current database maintained by the commission. The
12 database shall include only affirmative donation decisions, and
13 registration shall be provided at no cost to the registrant.

14 •Within one year of the effective date of the bill, the MVC is to
15 establish a system which allows New Jersey holders of driver's
16 licenses or identification cards who do not have access to the on-
17 line Donate Life NJ Registry to add their donor designation to the
18 registry by submitting a paper form to the commission.
19 Registration shall be provided at no cost to the registrant.

20 • The form and content of the registry shall be designed in
21 collaboration with the State's federally-designated OPOs.

22 • Donor information entered into the registry shall supersede any
23 prior conflicting information provided to the registry or on the
24 individual's driver's license or identification card.

25 • Beginning five years after the effective date of the bill, no
26 driver's license or personal identification card shall be issued or
27 renewed unless the applicant first addresses the issue of donation
28 through a portal associated with the Donate Life NJ Registry or at
29 MVC agencies and regional service centers. The portal shall be
30 accessible to applicants seven days per week, 24 hours per day,
31 and shall provide for adequate security to protect an individual's
32 privacy. The form and content of the portal shall be designed in
33 collaboration with the State's federally-designated OPOs. A
34 resident who has not registered as an organ donor, and who seeks
35 a driver's license or identification card or seeks renewal thereof,
36 will have to: (1) register as an organ donor through the registry;
37 or (2) acknowledge an understanding of the life-saving potential
38 of organ and tissue donation, and an understanding of the
39 consequences when an individual does not make a decision to
40 become an organ donor and does not register or otherwise record
41 a designated decision-maker.

42 **FUNDING FOR MVC AND EDUCATIONAL INITIATIVES**

44 • Within one year of the effective date of the bill, both the registry
45 and the official website of the MVC shall provide links through
46 which individuals may make voluntary contributions of \$1.00 or

- 1 more to the Organ and Tissue Donor Awareness Education Fund
2 established by P.L.1999, c.386 (C.54A:9-25.17 et seq.).
- 3 •The bill appropriates \$80,000 to the MVC from the General Fund
4 to establish the database and Donate Life NJ Registry interface.
 - 5 • The MVC shall collaborate with the OPOs in applying for any
6 federal or private grants recommended by the OPOs related to
7 developing and implementing the Donate Life NJ Registry. The
8 Chief Administrator of the MVC shall collaborate with the OPOs
9 to identify, and if appropriate, apply for and accept relevant
10 grants from the federal government, or any foundation,
11 corporation, association or individual. The MVC, and the
12 Departments of Human Services, Health and Senior Services, and
13 Law and Public Safety also may collaborate with the OPOs in
14 applying for any federal or private grants recommended by the
15 OPOs.

16

17 **OTHER PROVISIONS**

- 18 •This bill also provides that a designated decision-maker or agent
19 at the time of the decedent's death who could have made an
20 anatomical gift immediately before the decedent's death shall be
21 given first priority for making a gift of a decedent's body or part.
- 22 •The bill amends a provision of the Uniform Anatomical Gift Act
23 and provisions of the motor vehicle statutes to incorporate
24 references to the Donate Life NJ Registry established in the bill
25 and to ensure that any information provided to the OPOs for
26 related educational initiatives is aggregated and non-identifying.