

ASSEMBLY HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1726

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 12, 2018

The Assembly Human Services Committee reports favorably and with committee amendments Assembly Bill No. 1726.

As amended by the committee, this bill would provide for the inclusion of certain information in the certified copy of a death record. The information required to be included in a death certificate would include the: name of the decedent; county or municipality in which the death occurred; date of death; sex of decedent; date of birth; and date of issuance and manner of death, provided this information is available.

The bill further clarifies that the sex of the decedent is to be recorded to reflect the decedent's gender identity, as reported by the person or persons with the right to control the funeral and disposition, unless the person completing the death certificate is presented with a document that memorializes the decedent's gender transition. If there is conflicting information regarding the gender of the decedent, the bill defines the specific documents which may be used to confirm the decedent's gender. If there is still discord on the determination of the decedent's gender, the bill details the legal steps to be taken to establish the decedent's gender.

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

As reported by the committee, this bill is identical to Senate Bill No. 493 (1R) (Vitale/Gill), which the committee also reported on this date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) clarify that the person with the right to control the funeral and disposition will be responsible for reporting the decedent's gender identity in certain circumstances;

(2) clarify that documentation providing proof of clinical treatment for gender transition may be used to memorialize a gender transition;

(3) specify that the person or persons with the right to control the funeral will warrant the truth of the facts stated in regard to the decedent's gender identity, and that a funeral director will not be liable

for any damages or costs arising from a claim related to the decedent's gender identity or expression on the death certificate, unless the funeral director had reasonable notice that the representations made were untrue, or that the person providing the decedent's gender identity lacked the right to control disposition.