

ASSEMBLY, No. 2375

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Defines information required to be included in death certificates.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning death certificates and amending Title 26 of the
2 Revised Statutes.

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 decedent, as provided for in paragraph b. of this
18 section;

19 (5) date of birth; and

20 (6) date of issuance and manner of death, providing this
21 information is available.

22 b. The sex of the decedent, shall be recorded to reflect the
23 decedent's gender identity, as reported by the next of kin or the best
24 qualified person available, unless the person completing the death
25 certificate is presented with a document that memorializes the
26 decedent's gender transition.

27 In case of conflicting information on the sex of the decedent
28 from the sources, the death certificate shall be based on
29 documentation that memorializes the decedent's gender transition.
30 If documentation is not available, it shall be based on information
31 from individuals most familiar with the decedent's gender identity
32 at the time of death. Documents that may memorialize a gender
33 transition include: written instructions from the decedent; a court
34 order approving a name or gender change; an advance health care
35 directive; documentation of an appropriate course of treatment for
36 the purpose of gender transition; or documentation of a change to
37 the gender marker on a birth certificate, or a state or federally
38 issued identification card.

39 (cf: P.L.2003, c.221, s.4)

40
41 2. The Commissioner of Health shall adopt rules and
42 regulations pursuant to the "Administrative Procedure Act,"
43 P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of
44 this act.

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 3. This act shall take effect immediately.
2
3

4 STATEMENT
5

6 This bill would provide for the inclusion of certain information
7 in the certified copy of a death record. The information required to
8 be included in a death certificate would include the: name of the
9 decedent; county or municipality in which the death occurred; date
10 of death; sex of decedent; date of birth; and date of issuance and
11 manner of death, providing this information is available.

12 The bill further clarifies that the sex of the decedent be recorded
13 to reflect the decedent's gender identity, as reported by the next of
14 kin or the best qualified person available, unless the person
15 completing the death certificate is presented with a document that
16 memorializes the decedent's gender transition. If there is conflicting
17 information regarding the gender of the decedent, the bill defines
18 the specific documents which may be used to confirm the
19 decedent's gender.