

[First Reprint]  
**SENATE, No. 493**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator NIA H. GILL**

**District 34 (Essex and Passaic)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblyman TIM EUSTACE**

**District 38 (Bergen and Passaic)**

**Assemblywoman NANCY J. PINKIN**

**District 18 (Middlesex)**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex and Morris)**

**Co-Sponsored by:**

**Senators Codey, Ruiz, Assemblyman Chiaravalloti, Assemblywomen Quijano, Jimenez and McKnight**

**SYNOPSIS**

Defines information to be included on death certificates, including gender identification.

**CURRENT VERSION OF TEXT**

As amended by the Senate on February 1, 2018.



**(Sponsorship Updated As Of: 5/25/2018)**

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.

22 b. The sex of the decedent shall be recorded to reflect the  
23 decedent's gender identity, as reported by the <sup>1</sup>**next of kin or the**  
24 best qualified person available person or persons with the right to  
25 control the funeral and disposition as established by section 22 of  
26 P.L.2003, c.261 (C.45:27-22)<sup>1</sup>, unless the person completing the  
27 death certificate is presented with a document that memorializes the  
28 decedent's gender transition. In the event that these sources  
29 provide conflicting information concerning the sex of the decedent,  
30 the death certificate shall be based on documentation that  
31 memorializes the decedent's gender transition. If documentation is  
32 not available, it shall be based on information <sup>1</sup>**from individuals**  
33 most familiar with the decedent's gender identity at the time of  
34 death provided by the person or persons with the right to control  
35 the funeral and disposition as established by section 22 of P.L.2003,  
36 c.261 (C.45:27-22)<sup>1</sup>. Documents that may memorialize a gender  
37 transition may include, but shall not be limited to: written  
38 instructions from the decedent; a court order approving a name or  
39 gender change; an advance health care directive; <sup>1</sup>**documentation**  
40 of an appropriate course of treatment for the purpose of gender  
41 transition proof of clinical treatment for gender transition<sup>1</sup>; or  
42 documentation of a change to the gender marker on a birth  
43 certificate or a state or federally issued identification card.

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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate floor amendments adopted February 1, 2018.

1       c. If a document specified in subsection b. of this section is not  
2 present and <sup>1</sup>the person appointed by the decedent to control the  
3 funeral and disposition of the human remains in accordance with  
4 section 22 of P.L.2003, c.261 (C.45:27-22), or <sup>1</sup>the person named  
5 executor of the decedent's will <sup>1</sup>, <sup>1</sup>does not agree with the gender  
6 identity of the decedent as reported by the <sup>1</sup>informant <sup>1</sup>person or  
7 persons with the rights to control the funeral and disposition <sup>1</sup>, <sup>1</sup>any  
8 one of those persons <sup>1</sup>that person <sup>1</sup>may file a petition in the  
9 Superior Court naming as a party to the action <sup>1</sup>interested parties <sup>1</sup>  
10 the person or persons with the rights to control the funeral and  
11 disposition <sup>1</sup> and seeking an order of the court determining, as  
12 appropriate, who among those parties shall determine the gender  
13 identity of the decedent.

14       <sup>1</sup>d. A person or persons with the right to control the funeral and  
15 disposition and the responsibility to provide the funeral director  
16 with the decedent's gender identity warrants the truth of the facts  
17 stated and of their authority to provide the funeral director with the  
18 necessary information to complete the death certificate. A funeral  
19 director shall not be liable for any damages or costs arising from a  
20 claim related to a decedent's gender identity or expression on the  
21 death certificate unless the funeral director had reasonable notice  
22 that the representations were untrue or notice that the person or  
23 persons providing the decedent's gender identity lacked the right to  
24 control disposition. <sup>1</sup>

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

26

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

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32       3. This act shall take effect on the fourth day of July next after  
33 the date of enactment.