

SENATE, No. 2922

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2018

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator DECLAN J. O'SCANLON, JR.

District 13 (Monmouth)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman SERENA DIMASO

District 13 (Monmouth)

SYNOPSIS

Revises standard for presence of medical examiner during removal of anatomical gift from decedent.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/1/2019)

1 AN ACT concerning medical examiners and organ donation and
2 amending P.L.2018, c.62.

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

6
7 1. Section 12 of P.L.2018, c.62 (C.26:6B-12) is amended to
8 read as follows:

9 12. a. Notwithstanding any other provision of law to the
10 contrary, if a decedent, whose death is under investigation pursuant
11 to this act, is a donor of all or part of his body as evidenced by an
12 advance directive for health care, will, card, or other document, or
13 as otherwise provided in the "Revised Uniform Anatomical Gift
14 Act," P.L.2008, c.50 (C.26:6-77 et seq.), the Chief State Medical
15 Examiner, Deputy Chief State Medical Examiner, county or
16 intercounty medical examiner, or assistant county or intercounty
17 medical examiner, who has notice of the donation shall perform an
18 examination, autopsy, or analysis of tissues or organs only in a
19 manner and within a time period compatible with their preservation
20 for the purposes of transplantation.

21 b. A health care professional, who is authorized to remove an
22 anatomical gift from a donor whose death is under investigation
23 pursuant to this act, may remove the donated part from the donor's
24 body for acceptance by a person authorized to become a donee,
25 after giving notice to the Chief State Medical Examiner, Deputy
26 Chief State Medical Examiner, county or intercounty medical
27 examiner, or assistant county or intercounty medical examiner, as
28 applicable, if the examination, autopsy, or analysis has not been
29 undertaken in the manner and within the time provided for in this
30 act. The Chief State Medical Examiner, Deputy Chief State Medical
31 Examiner, county or intercounty medical examiner, or assistant
32 county or intercounty medical examiner, as applicable, shall be
33 present during removal of the anatomical gift if, in that medical
34 examiner's judgment, **【his presence is deemed necessary】** those
35 tissues or organs may be involved in the cause of death. In that
36 case, the applicable medical examiner may request a biopsy of those
37 tissues or organs or deny removal of the anatomical gift. The
38 applicable medical examiner shall explain in writing the reasons for
39 determining that those tissues or organs may be involved in the
40 cause of death, and shall include that explanation in the records
41 maintained pursuant to this act.

42 c. A health care professional, who is performing a transplant
43 from a donor whose death is under investigation pursuant to this
44 act, shall file with the Chief State Medical Examiner a report
45 detailing the condition of the part of the body that is the anatomical

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 gift and its relationship to the cause of death. If appropriate, the
2 report shall include a biopsy or medically approved sample from the
3 anatomical gift. The health care professional's report shall become
4 part of the Chief State Medical Examiner's report.
5 (cf: P.L.2018, c.62, s.12)

6
7 2. This act shall take effect immediately.
8
9

10 STATEMENT
11

12 This bill revises the standard governing when the presence of the
13 Chief State Medical Examiner, Deputy Chief State medical
14 Examiner, county or intercounty medical examiner, or assistant
15 county or intercounty medical examiner, as applicable, is required
16 during removal of an anatomical gift from a donor whose death is
17 under investigation pursuant to the "Revised State Medical
18 Examiner Act." The law currently requires that the medical
19 examiner be present if, in the medical examiner's judgment, his
20 presence is deemed necessary. The bill requires that the medical
21 examiner be present during the removal of an anatomical gift when
22 in the medical examiner's judgment "those tissues or organs may be
23 involved in the cause of death".