

# ASSEMBLY, No. 5368

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 23, 2021

**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.

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

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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)

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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.

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46 3. This act shall take effect immediately.

**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.

STATEMENT

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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, providing this information is available.

The bill further clarifies that the sex of the decedent be recorded to reflect the decedent's gender identity, as reported by the next of kin or the best qualified person available, 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.