

CHAPTER 377

AN ACT concerning organ donation and amending various parts of the statutory law.

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

1. Section 4 of P.L.2008, c.50 (C.26:6-80) is amended to read as follows:

C.26:6-80 Anatomical gift by living donor.

4. Subject to the provisions of section 8 of P.L.2008, c.50 (C.26:6-84), an anatomical gift of a donor's body or part may be made during the life of the donor for the purpose of transplantation, therapy, research, or education in the manner provided in section 5 of P.L.2008, c.50 (C.26:6-81) by:

- a. the donor, if the donor is an adult, or if the donor is a minor 14 years of age or older, whether or not the minor is emancipated;
- b. an agent of the donor, unless the advance directive for health care or other record prohibits the agent from making an anatomical gift;
- c. a parent of the donor, if the donor is an unemancipated minor; or
- d. the donor's guardian.

An anatomical gift made by a minor donor shall remain valid when the minor reaches 18 years of age.

2. Section 1 of P.L.1978, c.181 (C.39:3-12.2) is amended to read as follows:

C.39:3-12.2 Licenses, permits, identification cards, designation as organ, tissue donor, education program, access to information.

1. a. The Chief Administrator of the New Jersey Motor Vehicle Commission shall provide with every examination permit, special learner's permit, motorcycle-only examination permit, motorized bicycle license, new license, renewal license, identification card, or renewal identification card the opportunity for each person pursuant to the provisions of the "Revised Uniform Anatomical Gift Act," P.L.2008, c.50 (C.26:6-77 et seq.), to designate that the person shall donate all or any organs or tissues for the purposes of transplantation or therapy.

b. The designation indicating that a person is a donor pursuant to subsection a. of this section shall be done in accordance with procedures prescribed by the chief administrator. The designation shall be displayed in print in a conspicuous form and manner on the permit, license, or identification card, and electronically, by substantially the following statement: "ORGAN DONOR" and shall constitute sufficient legal authority for the removal of organs or tissues for the purposes of transplantation or therapy upon the death of the permit holder, licensee, or identification cardholder. The designation shall be removed in accordance with procedures prescribed by the chief administrator.

c. (Deleted by amendment, P.L.1999, c.28)

d. (Deleted by amendment, P.L.2007, c.80)

e. The chief administrator, in consultation with those organ procurement organizations designated pursuant to 42 U.S.C. s.1320b-8 to serve in the State of New Jersey, shall establish and provide an annual education program for commission employees and personnel. The program shall focus on the benefits associated with organ and tissue donations, the scope and operation of New Jersey's donor program, and how the commission's employees and personnel can effectively inform the public about the donor program and can best assist those wishing to participate in the donor program, including use of the Donate Life NJ Registry, established pursuant to P.L.2008, c.48 (C.26:6-66 et al.).

f. The chief administrator shall electronically record and store all organ donor designations and identification information, and shall provide the organ procurement organizations designated pursuant to 42 U.S.C. s.1320b-8 to serve in the State of New Jersey with real-time electronic access to the organ donor designation information collected pursuant to subsection a. of this section. An organ procurement organization designated pursuant to 42 U.S.C. s.1320b-8 to serve in the State of New Jersey, or any donor registry established by any such organization, shall have real-time electronic access to those organ donor designations and identification at all times, without exception, for the purposes of verifying organ and tissue donation status and identity. For these purposes, the federally designated organ procurement organization shall have electronic access to each recorded donor's name, address, date of birth, gender, color of eyes, height, driver's license number, date of donor registration, and date of removal from the registry if applicable. Upon request, the chief administrator shall provide a copy of the donor's original driver's license application.

g. Those organ procurement organizations designated pursuant to 42 U.S.C. s.1320b-8 to serve in the State of New Jersey may contract with a third party, in consultation with the chief administrator, to assess, develop, and implement any system set-up necessary to support the initial and ongoing electronic access by those organizations to the donor designation and identification information required to be made available in accordance with the provisions of this section; however, the organ procurement organizations shall not be required to incur an aggregate cost in excess of \$50,000 for the purposes of this subsection.

3. Section 7 of P.L.2008, c.48 (C.39:3-12.3) is amended to read as follows:

C.39:3-12.3 Promotion of organ, tissue donation by NJMVC, Donate Life NJ registry established.

7. a. (1) Within nine months after the effective date of P.L.2008, c.48 (C.26:6-66 et al.) and pursuant to P.L.2017, c.377, the Chief Administrator of the New Jersey Motor Vehicle Commission shall ensure access by residents to an Internet-based interface that promotes organ and tissue donation and enables residents 14 years of age or older to register as donors and have their decisions immediately integrated into the current database maintained by the commission. The database shall include only affirmative donation decisions.

(2) Within one year of the effective date of P.L.2008, c.48 (C.26:6-66 et al.) and pursuant to P.L.2017, c.377, the commission shall establish a system which allows New Jersey holders of examination permits, special learner's permits, motorcycle-only examination permits, driver's licenses, motorcycle licenses, motorized bicycle licenses, or personal identification cards who do not have access to the Internet-based interface to add their donor designation to the Donate Life NJ Registry by submitting a paper form to the commission.

Registration shall be provided at no cost to the registrant.

b. The database and Internet-based interface established in this section shall be known as the Donate Life NJ Registry.

c. The form and content of the Internet-based interface shall be designed in collaboration with the organ procurement organizations designated pursuant to 42 U.S.C. s.1320b-8 to serve in the State of New Jersey.

d. Donor information entered into the registry shall supersede any prior conflicting information provided to the registry or on the individual's examination permit, special learner's permit, motorcycle-only examination permit, driver's license, motorcycle license, motorized bicycle license, or identification card, and pursuant to P.L.2008, c.50 (C.26:6-77

et seq.) or any subsequent statute adopted pursuant thereto, registration by a donor shall constitute sufficient authorization to donate organ and tissues for transplantation and therapy and authorization of another person shall not be necessary to effectuate the gift.

e. Within one year of the effective date of P.L.2008, c.48 (C.26:6-66 et al.), the Donate Life NJ Registry and the official website of the commission shall provide links through which individuals may make voluntary contributions of \$1 or more to the Organ and Tissue Donor Awareness Education Fund established by P.L.1999, c.386 (C.54A:9-25.17 et seq.). Such opportunities shall include both electronic and paper contributions. The links shall be provided in connection with the issuance of permits, licenses, personal identification cards, and the registration of motor vehicles.

4. Section 8 of P.L.2008, c.48 (C.39:3-12.4) is amended to read as follows:

C.39:3-12.4 Issuance, renewal, subject of organ, tissue donation addressed.

8. a. Beginning five years after the effective date of P.L.2008, c.48 (C.26:6-66 et al.) and pursuant to P.L.2017, c.377, an examination permit, special learner's permit, motorcycle-only examination permit, driver's license, motorcycle license, motorized bicycle license, or personal identification card shall not be issued or renewed unless the applicant first addresses the issue of donation through an on-line portal connected to the Donate Life NJ Registry or at New Jersey Motor Vehicle Commission agencies and regional service centers.

b. The portal shall be accessible to applicants seven days per week, 24 hours per day, and shall provide for adequate security to protect an individual's privacy. The form and content of the portal shall be designed in collaboration with the organ procurement organizations designated pursuant to 42 U.S.C. s.1320b-8 to serve in the State of New Jersey.

c. The portal shall require a resident who has not registered as an organ donor, and who seeks an examination permit, special learner's permit, motorcycle-only examination permit, driver's license, motorcycle license, motorized bicycle license, or identification card or seeks renewal thereof, to either: (1) register as an organ donor through the Donate Life NJ Registry; or (2) review information about the life-saving potential of organ and tissue donation, and the consequences when an individual does not make a decision to become an organ donor and does not register or otherwise record a designated decision-maker.

In addition to promoting organ and tissue donation, the portal shall provide information about the procedure for designating a decision-maker.

d. Any information technology system adopted by the commission after the effective date of P.L.2008, c.48 (C.26:6-66 et al.) shall accommodate the inclusion of donor information into the database and the on-going operation of the Donate Life NJ Registry.

5. This act shall take effect on the first day of the seventh month next following enactment, except the chief administrator may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved January 16, 2018.