

CHAPTER 2A DEATH RECORDS

Authority

N.J.S.A. 26:8-23.

Source and Effective Date

R.2005 d.381, effective November 7, 2005.
See: 37 N.J.R. 177(a), 37 N.J.R. 4249(b).

Chapter Expiration Date

Chapter 2A, Death Records, expires on November 7, 2010.

Chapter Historical Note

Chapter 2A, Death Records, was adopted as R.1993 d.667, effective December 20, 1993. See: 25 N.J.R. 3115(a), 25 N.J.R. 6012(a). Pursuant to Executive Order No. 66(1978), Chapter 2A expired on December 20, 1998.

Chapter 2A, Death Records, was adopted as new rules by R.1999 d.411, effective December 6, 1999. See: 30 N.J.R. 4108(a), 31 N.J.R. 4044(a). Chapter 2A, expired on December 6, 2004.

Chapter 2A, Death Records, was adopted as new rules by R.2005 d.381, effective November 7, 2005. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

8:2A-1.1 Application and scope

The rules of this chapter are promulgated by the Department of Health and Senior Services in order to implement the

provisions of N.J.S.A. 26:6-1 et seq., and 26:8-1 et seq., pertaining to the execution, registration, and recording of death certificates and the maintenance of death records.

8:2A-1.2 Definitions

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

“Authentication” means the entry by the State Medical Examiner or a county medical examiner, funeral director or physician into the New Jersey Electronic Death Registration System of a personal identification code, digital signature or other identifier unique to that user, by which the information entered into the system by the user is authenticated by the user who assumes responsibility for its accuracy. “Authentication” also means the process by which the State Registrar or a local registrar, deputy registrar, alternate deputy registrar or subregistrar indicates that person’s review and approval of information entered into the system by the State Medical Examiner or a county medical examiner, funeral director or physician.

“Authorized users” means participants in the death registration process, including, but not limited to, the State Registrar, local registrars, deputy registrars, alternate deputy registrars, subregistrars, the State Medical Examiner, county medical examiners, funeral directors, attending physicians and resident physicians, licensed health care facilities, and other public or private institutions providing medical care, treatment or confinement to persons, who have established to the satisfaction of the State Registrar that they have completed the State approved training in the use of the New Jersey Electronic Death Registration System and who have been assigned login credentials by the State Registrar or his or her designee.

“Certification” means a document containing information obtained from a vital record made available for informational purposes only. It cannot be used for proof of identity or for legal purposes. It is created on plain bond paper without the raised seal of the State of New Jersey or the seal of the municipality or county where the certifications are issued. “Certification” also means, within the context of education and training, the official acknowledgement of a course of training approved by the State Registrar.

“Certified copy” means a copy of a vital record issued on a special type of safety paper containing a variety of security features and stamped with the raised seal of the State of New Jersey or the seal of the municipality or county where the copies are issued, and verified by the Office of the State Registrar as true and correct.

“Certified Municipal Registrar” (CMR) means an individual who has attended and successfully completed the

“CMR-Basics” training course approved and authorized by the State Registrar.

“Commissioner” means the Commissioner of the New Jersey Department of Health and Senior Services.

“Department” means the New Jersey Department of Health and Senior Services.

“Electronic registration system” means any electronic method, including, but not limited to, one based on Internet technology, of collecting, transmitting, recording and authenticating information from one or more responsible parties, which is necessary to complete a vital record, and is designed to replace a manual, paper-based data collection, recordation and signature system.

“Fetal death” or “stillbirth” means death prior to the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy; the death is indicated by the fact that after such separation, the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. Heartbeats are to be distinguished from transient cardiac contractions; respirations are to be distinguished from fleeting respiratory efforts or gasps.

“Genealogical records” means vital records traditionally requested for the purpose of obtaining the lineage of a person, family or group from a family. Records of death are considered genealogical after 40 years have passed from the date of death.

“Informant” means the name of the individual providing the personal particulars for the preparation of the death certificate.

“Local registrar” or “municipal registrar” means the local registrar of vital statistics of any district.

“New Jersey Electronic Death Registration System” or “NJ-EDRS” is an electronic registration system for completing a certification of death or fetal death record that is authorized, designed and maintained by the State Registrar.

“Re-certification credits” means the credits assigned by the State Registrar for purposes of renewing a person’s CMR certification, for courses, seminars and meetings related to vital statistics attended by the person seeking renewal of his or her CMR certification. The State Registrar may assign re-certification credits at a rate of one credit per hour for approved meetings, seminars or courses attended. The 12 re-certification credits required to renew a CMR certification shall include no more than two meetings, no more than two seminars and a minimum of one complete course.

“Registration district” or “district” means the district established by law for the registration of vital events.

“State Registrar” means the New Jersey Registrar of Vital Statistics.

“Vital records” means the birth, death, fetal death, marriage, and domestic partnership records from which vital statistics are produced.

“Vital statistics” means statistics concerning births, deaths, fetal deaths, marriages and domestic partnerships.

SUBCHAPTER 2. ACCESS TO DEATH RECORDS

8:2A-2.1 Certified copies

(a) The State Registrar or a local registrar may only issue a certified copy of a death record to a person who satisfies the following requirements:

1. The person is able to identify the record;
2. The person provides, at a minimum, all of the information requested on the Vital Statistics and Registration form entitled “Application for a Certification or a Certified Copy of a Vital Record,” available from the Department upon request by calling (609) 292-4087 and at <http://nj.gov/health/vital/vital.shtml>; and
3. The person produces documentation verifying that he or she is:
 - i. The parent of the subject of the death record;
 - ii. The subject’s legal guardian or legal representative;
 - iii. The subject’s spouse or domestic partner;
 - iv. The subject’s child, grandchild or sibling, if of legal age;
 - v. A State or Federal agency requesting the record for official purposes;
 - vi. A person requesting the record pursuant to a court order; or
 - vii. A person requesting the record under emergent circumstances, as determined on a case-by-case basis by the Commissioner.

(b) The certified copy of the death record shall include information deemed appropriate by the State Registrar; however, at a minimum, it shall include the name of the decedent, place of death (county, municipality), date of death, sex, date of birth, date of issuance and manner of death, providing this information is available.

(c) The certified copy of the death record may include other information; however, the last sickness and death particulars (cause of death and medical particulars) will only be included on the certified copy of the death record if the