

ASSEMBLY, No. 4350

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED JUNE 20, 2022

Sponsored by:

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

Co-Sponsored by:

Assemblywoman McKnight, Assemblyman Mukherji, Assemblywoman Chaparro, Assemblyman Stanley, Assemblywoman Timberlake, Assemblymen Verrelli, Calabrese, Assemblywomen Park and Reynolds-Jackson

SYNOPSIS

Strengthens access to reproductive health care; appropriates \$20 million.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/20/2023)

1 AN ACT concerning reproductive rights; supplementing, amending,
2 and repealing various parts of the statutory law; and making an
3 appropriation.

4

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

7

8 1. (New section) As used in P.L.2021, c.375 and
9 P.L. , c. (C.) (pending before the Legislature as this bill):

10 “Abortion” means any medical treatment intended to induce the
11 termination of pregnancy except for the purpose of producing a live
12 birth. Abortion includes, but is not limited to, “medication
13 abortion” and “early aspiration abortion” as defined in this section.

14 “Advanced practice clinician” means an advanced practice nurse
15 licensed pursuant to P.L.1991, c.377 (C.45:11-45 et seq.); a
16 physician assistant licensed pursuant to P.L.1991, c.378 (C.45:9-
17 27.10 et seq.); a certified nurse midwife; and a certified midwife
18 licensed pursuant to R.S.45:10-1 et seq.

19 “Early aspiration abortion” means a procedure that terminates a
20 pregnancy in the first trimester of pregnancy, utilizing manual or
21 electric suction to empty the uterus.

22 “First trimester of pregnancy” means the period of up to 14
23 completed weeks as calculated by an estimate of gestational age
24 that utilizes the last menstrual period, ultrasound, physical
25 examination, or any combination thereof as appropriate to the
26 standard of care.

27 “Health care professional” means a person who is licensed or
28 otherwise authorized to provide health care services, pursuant to
29 Title 45 of the Revised Statutes, including, but not limited to, a
30 physician, advance practice nurse, physician assistant, certified
31 midwife, or certified nurse midwife.

32 “Medical abortion” means the use, prescription, order,
33 dispensing, administration, or any combination thereof as
34 applicable, of a medication or a combination of medications to
35 induce termination of pregnancy.

36 “Practical support” means direct assistance to enable a person to
37 obtain services related to the termination of a pregnancy including,
38 but not limited to, ground and air transportation, gas money,
39 lodging, meals, child care, translation services, doula support, and
40 assistance related to shipping and handling of medications related to
41 abortion care.

42 “Pregnancy” means the period of the human reproductive
43 process beginning with the implantation of a fertilized egg.

44 “Public entity” means the State and any county, municipality,
45 district, public authority, public agency, or other political
46 subdivision or public body in the State.

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 “Reproductive health care services” includes all medical,
2 surgical,
3 counseling or referral services relating to the human reproductive
4 system, including, but not limited to, services relating to pregnancy,
5 contraception or the termination of a pregnancy.

6 “State” means the State and any office, department, branch,
7 division, subdivision, bureau, board, commission, agency,
8 instrumentality, or individual acting under color of law of the State,
9 but shall not include any entity that is statutorily authorized to sue
10 and be sued.

11
12 2. Section 2 of P.L.2021, c.375 (C.10:7-2) is amended to read as
13 follows:

14 2. a. Every individual present in the State, including, but not
15 limited to, an individual who is under State control or supervision,
16 shall have the fundamental right to: choose or refuse contraception
17 or sterilization; and choose whether to carry a pregnancy, to give
18 birth, or to terminate a pregnancy. The New Jersey Constitution
19 recognizes the fundamental nature of the right to reproductive
20 choice, including the right to access contraception, to terminate a
21 pregnancy, and to carry a pregnancy to term, shall not be abridged
22 by any law, rule, regulation, ordinance, or order issued by any State,
23 county, or local governmental authority. Any law, rule, regulation,
24 ordinance, or order, in effect on or adopted after the effective date
25 of this act, that is determined to have the effect of limiting the
26 constitutional right to freedom of reproductive choice and that does
27 not conform with the provisions and the express or implied
28 purposes of this act, shall be deemed invalid and shall have no force
29 or effect.

30 b. If the State provides, directly or by contract, hospital or
31 medical benefits for pregnancy-related care through any program
32 administered or funded in whole or in part by the State, the State
33 also shall provide a pregnant individual otherwise eligible for the
34 program with substantially equivalent benefits to permit the
35 individual to voluntarily terminate the individual’s pregnancy.

36 c. A physician or other health care professional, acting within
37 the professional’s lawful scope of practice and in compliance with
38 all generally applicable regulations, shall be authorized to provide
39 and assist in the provision of abortion care in this State.

40 d. Nothing in this act shall preclude an advanced practice
41 clinician who is licensed, certified, or otherwise authorized by law
42 to practice in this State from performing early aspiration abortion,
43 providing medical abortion, or managing the spontaneous
44 termination of pregnancy consistent with the advanced practice
45 clinician’s scope of practice and with any regulations promulgated
46 by the applicable licensing board.

47 e. A public entity shall not, in regulating or providing benefits,
48 facilities, services, or information, deny or interfere with an

1 individual's fundamental reproductive rights pursuant to subsection
2 a. of this section or discriminate against an individual on the basis
3 of the individual's exercise of fundamental reproductive rights
4 pursuant to subsection a. of this section.

5 f. The following rules and regulations shall be void, and be
6 given no force or effect following the effective date of P.L. , c.
7 (pending before the Legislature as this bill):

8 (1) all rules and regulations promulgated by the Department of
9 Human Services as of the effective date of P.L. , c. (pending
10 before the Legislature as this bill), or parts thereof, which limit
11 coverage for abortion services based on the type of facility or health
12 care professional that provides the services, or which are otherwise
13 inconsistent or in conflict with the provisions or express or implied
14 purposes of P.L.2021, c.375 (C.10:7-1 et seq.) including, but not
15 limited to, relevant parts or subparts of N.J.A.C.10:54-5.43 and
16 N.J.A.C.10:66-2.16; and

17 (2) any rules and regulations promulgated by any other State
18 agency as of the effective date of P.L. , c. (pending before the
19 Legislature as this bill), or parts thereof, which are inconsistent or
20 in conflict with the provisions or express or implied purposes of
21 P.L.2021, c.375 (C.10:7-1 et seq.).

22 g. The provisions of this section shall be enforceable under the
23 "New Jersey Civil Rights Act," P.L.2004, c.143 (C.10:6-1 et seq.)
24 or in any other manner provided by law.
25 (cf: P.L.2021, c.375, s.2).

26
27 3. (New section) a. Each hospital service corporation contract
28 that provides hospital or medical expense benefits and is delivered,
29 issued, executed, or renewed in this State pursuant to P.L.1938,
30 c.366 (C.17:48-1 et seq.) or is approved for issuance or renewal in
31 this State by the Commissioner of Banking and Insurance, on or
32 after the effective date of P.L. , c. (pending before the
33 Legislature as this bill), shall provide coverage for abortion, as
34 defined by section 1 of P.L. , c. (C.) (pending before the
35 Legislature as this bill).

36 b. A contract subject to this section shall not impose a
37 deductible, coinsurance, copayment, or any other cost-sharing
38 requirement on the coverage required under this section. For a
39 qualifying high-deductible health plan for a health savings account,
40 the hospital service corporation shall establish the plan's cost-
41 sharing for the coverage provided pursuant to this section at the
42 minimum level necessary to preserve the subscriber's ability to
43 claim tax-exempt contributions and withdrawals from the
44 subscriber's health savings account under 26 U.S.C. s.223.

45 c. A contract shall not impose any restrictions or delays on, and
46 shall not require prior authorization for, the coverage required under
47 this section.

1 d. Notwithstanding the provisions of subsections a. through c.
2 of this section to the contrary, if the Commissioner of Banking and
3 Insurance concludes that enforcement of this section may adversely
4 affect the allocation of federal funds to this State, the commissioner
5 may grant an exemption to the requirements of this section, but only
6 to the minimum extent necessary to ensure the continued receipt of
7 federal funds.

8 e. A religious employer may request, and a hospital service
9 corporation shall grant, an exclusion under the contract for the
10 coverage required by this section if the required coverage conflicts
11 with the religious employer's bona fide religious beliefs and
12 practices. A religious employer that obtains an exclusion shall
13 provide written notice thereof to subscribers and prospective
14 subscribers, and the hospital service corporation shall provide
15 notice to the Commissioner of Banking and Insurance in such form
16 and manner as may be determined by the commissioner. The
17 provisions of this subsection shall not be construed as authorizing a
18 hospital service corporation to exclude coverage for care that is
19 necessary to preserve the life or health of a subscriber.

20 For the purposes of this subsection, "religious employer" means
21 an organization that is organized and operates as a nonprofit entity
22 and is referred to in section 6033(a)(3)(A)(i) or (iii) of the Internal
23 Revenue Code of 1986 (26 U.S.C. s.6033), as amended.

24
25 4. (New section) a. Each medical service corporation contract
26 that provides hospital or medical expense benefits and is delivered,
27 issued, executed, or renewed in this State pursuant to P.L.1940, c.74
28 (C.17:48A-1 et seq.) or is approved for issuance or renewal in this
29 State by the Commissioner of Banking and Insurance, on or after
30 the effective date of P.L. , c. (pending before the Legislature as
31 this bill), shall provide coverage for abortion, as defined by section
32 1 of P.L. , c. (C.) (pending before the Legislature as this
33 bill).

34 b. A contract subject to this section shall not impose a
35 deductible, coinsurance, copayment, or any other cost-sharing
36 requirement on the coverage required under this section. For a
37 qualifying high-deductible health plan for a health savings account,
38 the medical service corporation shall establish the plan's cost-
39 sharing for the coverage provided pursuant to this section at the
40 minimum level necessary to preserve the subscriber's ability to
41 claim tax-exempt contributions and withdrawals from the
42 subscriber's health savings account under 26 U.S.C. s.223.

43 c. A contract shall not impose any restrictions or delays on, and
44 shall not require prior authorization for, the coverage required under
45 this section.

46 d. Notwithstanding the provisions of subsections a. through c.
47 of this section to the contrary, if the Commissioner of Banking and
48 Insurance concludes that enforcement of this section may adversely

1 affect the allocation of federal funds to this State, the commissioner
2 may grant an exemption to the requirements, but only to the
3 minimum extent necessary to ensure the continued receipt of federal
4 funds.

5 e. A religious employer may request, and a medical service
6 corporation shall grant, an exclusion under the contract for the
7 coverage required by this section if the required coverage conflicts
8 with the religious employer's bona fide religious beliefs and
9 practices. A religious employer that obtains an exclusion shall
10 provide written notice thereof to subscribers and prospective
11 subscribers, and the medical service corporation shall provide
12 notice to the Commissioner of Banking and Insurance in a form and
13 manner as may be determined by the commissioner. The provisions
14 of this subsection shall not be construed as authorizing a medical
15 service corporation to exclude coverage for care that is necessary to
16 preserve the life or health of a subscriber.

17 For the purposes of this subsection, "religious employer" means
18 an organization that is organized and operates as a nonprofit entity
19 and is referred to in section 6033(a)(3)(A)(i) or (iii) of the Internal
20 Revenue Code of 1986 (26 U.S.C. s.6033), as amended.

21

22 5. (New section) a. Each health service corporation contract
23 that provides hospital or medical expense benefits and is delivered,
24 issued, executed, or renewed in this State pursuant to P.L.1985,
25 c.236 (C.17:48E-1 et seq.) or is approved for issuance or renewal in
26 this State by the Commissioner of Banking and Insurance, on or
27 after the effective date of P.L. , c. (pending before the
28 Legislature as this bill), shall provide coverage for abortion, as
29 defined by section 1 of P.L. , c. (C.) (pending before the
30 Legislature as this bill).

31 b. A contract subject to this section shall not impose a
32 deductible, coinsurance, copayment, or any other cost-sharing
33 requirement on the coverage required under this section. For a
34 qualifying high-deductible health plan for a health savings account,
35 the health service corporation shall establish the plan's cost-sharing
36 for the coverage provided pursuant to this section at the minimum
37 level necessary to preserve the subscriber's ability to claim tax-
38 exempt contributions and withdrawals from the subscriber's health
39 savings account under 26 U.S.C. s.223.

40 c. A contract shall not impose any restrictions or delays on, and
41 shall not require prior authorization for, the coverage required under
42 this section.

43 d. Notwithstanding the provisions of subsections a. through c.
44 of this section to the contrary, if the Commissioner of Banking and
45 Insurance concludes that enforcement of this section may adversely
46 affect the allocation of federal funds to this State, the commissioner
47 may grant an exemption to the requirements, but only to the

1 minimum extent necessary to ensure the continued receipt of federal
2 funds.

3 e. A religious employer may request, and a health service
4 corporation shall grant, an exclusion under the contract for the
5 coverage required by this section if the required coverage conflicts
6 with the religious employer's bona fide religious beliefs and
7 practices. A religious employer that obtains an exclusion shall
8 provide written notice thereof to subscribers and prospective
9 subscribers, and the health service corporation shall provide notice
10 to the Commissioner of Banking and Insurance in such form and
11 manner as may be determined by the commissioner. The provisions
12 of this subsection shall not be construed as authorizing a health
13 service corporation to exclude coverage for care that is necessary to
14 preserve the life or health of a subscriber.

15 For the purposes of this subsection, "religious employer" means
16 an organization that is organized and operates as a nonprofit entity
17 and is referred to in section 6033(a)(3)(A)(i) or (iii) of the Internal
18 Revenue Code of 1986 (26 U.S.C. s.6033), as amended.

19

20 6. (New section) a. Each individual health insurance policy
21 that provides hospital or medical expense benefits and is delivered,
22 issued, executed, or renewed in this State pursuant to chapter 26 of
23 Title 17B of the New Jersey Statutes or is approved for issuance or
24 renewal in this State by the Commissioner of Banking and
25 Insurance, on or after the effective date of P.L. , c. (pending
26 before the Legislature as this bill), shall provide coverage for
27 abortion, as defined by section 1 of P.L. , c. (C.) (pending
28 before the Legislature as this bill).

29 b. A policy subject to this section shall not impose a
30 deductible, coinsurance, copayment, or any other cost-sharing
31 requirement on the coverage required under this section. For a
32 qualifying high-deductible health plan for a health savings account,
33 the individual health insurer shall establish the plan's cost-sharing
34 for the coverage provided pursuant to this section at the minimum
35 level necessary to preserve the insured's ability to claim tax-exempt
36 contributions and withdrawals from the insured's health savings
37 account under 26 U.S.C. s.223.

38 c. A policy shall not impose any restrictions or delays on, and
39 shall not require prior authorization for, the coverage required under
40 this section.

41 d. Notwithstanding the provisions of subsections a. through c.
42 of this section to the contrary, if the Commissioner of Banking and
43 Insurance concludes that enforcement of this section may adversely
44 affect the allocation of federal funds to this State, the commissioner
45 may grant an exemption to the requirements, but only to the
46 minimum extent necessary to ensure the continued receipt of federal
47 funds.

1 e. A religious employer may request, and an individual health
2 insurer shall grant, an exclusion under the policy for the coverage
3 required by this section if the required coverage conflicts with the
4 religious employer's bona fide religious beliefs and practices. A
5 religious employer that obtains an exclusion shall provide written
6 notice thereof to insureds and prospective insureds, and the
7 individual health insurer shall provide notice to the Commissioner
8 of Banking and Insurance in a form and manner as may be
9 determined by the commissioner. The provisions of this subsection
10 shall not be construed as authorizing an individual health insurer to
11 exclude coverage for care that is necessary to preserve the life or
12 health of an insured.

13 For the purposes of this subsection, "religious employer" means
14 an organization that is organized and operates as a nonprofit entity
15 and is referred to in section 6033(a)(3)(A)(i) or (iii) of the Internal
16 Revenue Code of 1986 (26 U.S.C. s.6033), as amended.

17

18 7. (New section) a. Each group health insurance policy that
19 provides hospital or medical expense benefits and is delivered,
20 issued, executed, or renewed in this State pursuant to chapter 27 of
21 Title 17B of the New Jersey Statutes or is approved for issuance or
22 renewal in this State by the Commissioner of Banking and
23 Insurance, on or after the effective date of P.L. , c. (pending
24 before the Legislature as this bill), shall provide benefits for
25 abortion, as defined by section 1 of P.L. , c. (C.) (pending
26 before the Legislature as this bill).

27 b. A policy subject to this section shall not impose a
28 deductible, coinsurance, copayment, or any other cost-sharing
29 requirement on the coverage required under this section. For a
30 qualifying high-deductible health plan for a health savings account,
31 the group health insurer shall establish the plan's cost-sharing for
32 the coverage provided pursuant to this section at the minimum level
33 necessary to preserve the insured's ability to claim tax-exempt
34 contributions and withdrawals from the insured's health savings
35 account under 26 U.S.C. s.223.

36 c. A policy shall not impose any restrictions or delays on, and
37 shall not require prior authorization for, the coverage required under
38 this section.

39 d. Notwithstanding the provisions of subsections a. through c.
40 of this section to the contrary, if the Commissioner of Banking and
41 Insurance concludes that enforcement of this section may adversely
42 affect the allocation of federal funds to this State, the commissioner
43 may grant an exemption to the requirements, but only to the
44 minimum extent necessary to ensure the continued receipt of federal
45 funds.

46 e. A religious employer may request, and a group health
47 insurer shall grant, an exclusion under the policy for the coverage
48 required by this section if the required coverage conflicts with the

1 religious employer's bona fide religious beliefs and practices. A
2 religious employer that obtains an exclusion shall provide written
3 notice thereof to insureds and prospective insureds, and the group
4 health insurer shall provide notice to the Commissioner of Banking
5 and Insurance in a form and manner as may be determined by the
6 commissioner. The provisions of this subsection shall not be
7 construed as authorizing a group health insurer to exclude coverage
8 for care that is necessary to preserve the life or health of an
9 insured.

10 For the purposes of this subsection, "religious employer" means
11 an organization that is organized and operates as a nonprofit entity
12 and is referred to in section 6033(a)(3)(A)(i) or (iii) of the Internal
13 Revenue Code of 1986 (26 U.S.C. s.6033), as amended.

14
15 8. (New section) a. Each individual health benefits plan that
16 provides hospital or medical expense benefits and is delivered,
17 issued, executed, or renewed in this State pursuant to P.L.1992,
18 c.161 (C.17B:27A-2 et seq.) or is approved for issuance or renewal
19 in this State by the Commissioner of Banking and Insurance, on or
20 after the effective date of P.L. , c. (pending before the
21 Legislature as this bill), shall provide benefits for abortion, as
22 defined by section 1 of P.L. , c. (C.) (pending before the
23 Legislature as this bill).

24 b. A health benefits plan subject to this section shall not
25 impose a deductible, coinsurance, copayment, or any other cost-
26 sharing requirement on the coverage required under this section.
27 For a qualifying high-deductible health plan for a health savings
28 account, the carrier shall establish the plan's cost-sharing for the
29 coverage provided pursuant to this section at the minimum level
30 necessary to preserve the covered person's ability to claim tax-
31 exempt contributions and withdrawals from the covered person's
32 health savings account under 26 U.S.C. s.223.

33 c. A health benefits plan shall not impose any restrictions or
34 delays on, and shall not require prior authorization for, the coverage
35 required under this section.

36 d. Notwithstanding the provisions of subsections a. through c.
37 of this section, if the Commissioner of Banking and Insurance
38 concludes that enforcement of this section may adversely affect the
39 allocation of federal funds to this State, the commissioner may
40 grant an exemption to the requirements, but only to the minimum
41 extent necessary to ensure the continued receipt of federal funds.

42 e. A religious employer may request, and a carrier shall grant,
43 an exclusion under the health benefits plan for the coverage
44 required by this section if the required coverage conflicts with the
45 religious employer's bona fide religious beliefs and practices. A
46 religious employer that obtains an exclusion shall provide written
47 notice thereof to covered persons and prospective covered persons,
48 and the carrier shall provide notice to the Commissioner of Banking

1 and Insurance in a form and manner as may be determined by the
2 commissioner. The provisions of this subsection shall not be
3 construed as authorizing a carrier to exclude coverage for care that
4 is necessary to preserve the life or health of a covered person.

5 For the purposes of this subsection, “religious employer” means
6 an organization that is organized and operates as a nonprofit entity
7 and is referred to in section 6033(a)(3)(A)(i) or (iii) of the Internal
8 Revenue Code of 1986 (26 U.S.C. s.6033), as amended.

9
10 9. (New section) a. Each small employer health benefits plan
11 that provides hospital or medical expense benefits and is delivered,
12 issued, executed, or renewed in this State pursuant to P.L.1992,
13 c.162 (C.17B:27A-17 et seq.) or is approved for issuance or renewal
14 in this State by the Commissioner of Banking and Insurance, on or
15 after the effective date of P.L. , c. (pending before the
16 Legislature as this bill), shall provide benefits for abortion, as
17 defined by section 1 of P.L. , c. (C.) (pending before the
18 Legislature as this bill).

19 b. A health benefits plan subject to this section shall not
20 impose a deductible, coinsurance, copayment, or any other cost-
21 sharing requirement on the coverage required under this
22 section. For a qualifying high-deductible health plan for a health
23 savings account, the carrier shall establish the plan’s cost-sharing
24 for the coverage provided pursuant to this section at the minimum
25 level necessary to preserve the covered person’s ability to claim
26 tax-exempt contributions and withdrawals from the covered
27 person’s health savings account under 26 U.S.C. s.223.

28 c. A health benefits plan shall not impose any restrictions or
29 delays on, and shall not require prior authorization for, the coverage
30 required under this section.

31 d. Notwithstanding the provisions of subsections a. through c.
32 of this section to the contrary, if the Commissioner of Banking and
33 Insurance concludes that enforcement of this section may adversely
34 affect the allocation of federal funds to this State, the commissioner
35 may grant an exemption to the requirements, but only to the
36 minimum extent necessary to ensure the continued receipt of federal
37 funds.

38 e. A religious employer may request, and a carrier shall grant,
39 an exclusion under the health benefits plan for the coverage
40 required by this section if the required coverage conflicts with the
41 religious employer’s bona fide religious beliefs and practices. A
42 religious employer that obtains an exclusion shall provide written
43 notice thereof to covered persons and prospective covered persons,
44 and the carrier shall provide notice to the Commissioner of Banking
45 and Insurance in a form and manner as may be determined by the
46 commissioner. The provisions of this subsection shall not be
47 construed as authorizing a carrier to exclude coverage for care that
48 is necessary to preserve the life or health of a covered person.

1 For the purposes of this subsection, “religious employer” means
2 an organization that is organized and operates as a nonprofit entity
3 and is referred to in section 6033(a)(3)(A)(i) or (iii) of the Internal
4 Revenue Code of 1986 (26 U.S.C. s.6033), as amended.

5
6 10. (New section) a. Each health maintenance organization
7 contract for health care services that is delivered, issued, executed,
8 or renewed in this State pursuant to P.L.1973, c.337 (C.26:2J-
9 1 et seq.) or is approved for issuance or renewal in this State by the
10 Commissioner of Banking and Insurance, on or after the effective
11 date of P.L. , c. (pending before the Legislature as this bill),
12 shall provide health care services for abortion, as defined by section
13 1 of P.L. , c. (C.) (pending before the Legislature as this
14 bill).

15 b. A contract subject to this section shall not impose a
16 deductible, coinsurance, copayment, or any other cost-sharing
17 requirement on the coverage required under this section. For a
18 qualifying high-deductible health plan for a health savings account,
19 the health maintenance organization shall establish the plan’s cost-
20 sharing for the coverage provided pursuant to this section at the
21 minimum level necessary to preserve the enrollee’s ability to claim
22 tax-exempt contributions and withdrawals from the enrollee’s
23 health savings account under 26 U.S.C. s.223.

24 c. A contract shall not impose any restrictions or delays on,
25 and shall not require prior authorization for, the coverage required
26 under this section.

27 d. Notwithstanding the provisions of subsections a. through c.
28 of this section to the contrary, if the Department of Banking and
29 Insurance concludes that enforcement of this section may adversely
30 affect the allocation of federal funds to this State, the commissioner
31 may grant an exemption to the requirements, but only to the
32 minimum extent necessary to ensure the continued receipt of federal
33 funds.

34 e. A religious employer may request, and a health
35 maintenance organization shall grant, an exclusion under the
36 contract for the coverage required by this section if the required
37 coverage conflicts with the religious employer’s bona fide religious
38 beliefs and practices. A religious employer that obtains an
39 exclusion shall provide written notice thereof to enrollees and
40 prospective enrollees, and the health maintenance organization shall
41 provide notice to the Commissioner of Banking and Insurance in a
42 form and manner as may be determined by the commissioner. The
43 provisions of this subsection shall not be construed as authorizing a
44 health maintenance organization to exclude coverage for care that is
45 necessary to preserve the life or health of an enrollee.

46 For the purposes of this subsection, “religious employer” means
47 an organization that is organized and operates as a nonprofit entity

1 and is referred to in section 6033(a)(3)(A)(i) or (iii) of the Internal
2 Revenue Code of 1986 (26 U.S.C. s.6033), as amended.

3
4 11. (New section) a. The State Health Benefits Commission
5 shall ensure that every contract providing hospital or medical
6 expense benefits, which is purchased by the commission on or after
7 the effective date of P.L. , c. (pending before the Legislature as
8 this bill), provides coverage for abortion, as defined by section 1 of
9 P.L. , c. (C.) (pending before the Legislature as this bill).

10 b. A contract subject to this section shall not impose a
11 deductible, coinsurance, copayment, or any other cost-sharing
12 requirement on the coverage required under this section. For a
13 qualifying high-deductible health plan for a health savings account,
14 the commission shall establish the plan's cost-sharing for the
15 coverage provided pursuant to this section at the minimum level
16 necessary to preserve the covered person's ability to claim tax-
17 exempt contributions and withdrawals from the covered person's
18 health savings account under 26 U.S.C. s.223.

19 c. A contract shall not impose any restrictions or delays on,
20 and shall not require prior authorization for, the coverage required
21 under this section.

22 d. Notwithstanding the provisions of subsections a. through c.
23 of this section, if the Department of Banking and Insurance
24 concludes that enforcement of this section may adversely affect the
25 allocation of federal funds to this State, the commissioner may
26 grant an exemption to the requirements, but only to the minimum
27 extent necessary to ensure the continued receipt of federal funds.

28
29 12. (New section) a. The School Employees' Health Benefits
30 Commission shall ensure that every contract providing hospital or
31 medical expense benefits, which is purchased by the commission on
32 or after the effective date of P.L. , c. (pending before the
33 Legislature as this bill), provides coverage for abortion, as defined
34 by section 1 of P.L. , c. (C.) (pending before the
35 Legislature as this bill).

36 b. A contract subject to this section shall not impose a
37 deductible, coinsurance, copayment, or any other cost-sharing
38 requirement on the coverage required under this section. For a
39 qualifying high-deductible health plan for a health savings account,
40 the commission shall establish the plan's cost-sharing for the
41 coverage provided pursuant to this section at the minimum level
42 necessary to preserve the covered person's ability to claim tax-
43 exempt contributions and withdrawals from the covered person's
44 health savings account under 26 U.S.C. s.223.

45 c. A contract shall not impose any restrictions or delays on,
46 and shall not require prior authorization for, the coverage required
47 under this section.

1 d. Notwithstanding the provisions of subsections a. through c.
2 of this section to the contrary, if the Department of Banking and
3 Insurance concludes that enforcement of this section may adversely
4 affect the allocation of federal funds to this State, the commissioner
5 may grant an exemption to the requirements, but only to the
6 minimum extent necessary to ensure the continued receipt of federal
7 funds.

8
9 13. Section 1 of P.L.1965, c.217 (C.9:17A-1) is amended to
10 read as follows:

11 1. The consent to the performance of medical or surgical care
12 and ~~procedure~~ procedures by a hospital or by a ~~physician~~
13 licensed to practice medicine and surgery health care professional,
14 as defined by section 1 of P.L. , c. (C.) (pending before the
15 Legislature as this bill), which consent is executed by a married
16 person who is a minor, or by a pregnant ~~woman~~ person who is a
17 minor, on ~~his or her~~ the minor's behalf or on behalf of any of ~~his~~
18 ~~or her~~ the minor's children, shall be valid and binding, and, for
19 such purposes, a married person who is a minor or a
20 pregnant ~~woman~~ person who is a minor shall be deemed to have
21 the same legal capacity to act and shall have the same powers and
22 obligations as ~~has~~ a person of legal age. Notwithstanding any
23 other provision of the law, an unmarried, pregnant minor may give
24 consent to the furnishing of hospital, medical, and surgical care
25 related to ~~her~~ the minor's pregnancy or ~~her~~ the minor's child,
26 although prior notification of a parent may be required pursuant to
27 P.L.1999, c.145 (C.9:17A-1.1 et al.) and such consent shall not be
28 subject to disaffirmance because of minority. The consent of the
29 parent or parents of an unmarried, pregnant minor shall not be
30 necessary in order to authorize hospital, medical, and surgical care
31 related to ~~her~~ the minor's pregnancy or ~~her~~ the minor's child.
32 (cf: P.L.1999, c.145, s.1)

33
34 14. a. (New section) Except as provided in sections 3 through 7
35 of P.L.1968, c. 185 (C.2A:84A-22.3 through 2A:84A-22.7), section
36 1 of P.L.1970, c. 313 (C.2A:84A-22.8), section 29 of P.L.1968,
37 c.401 (C.45:8B-29), and subsection b. of this section, in any civil
38 action or any proceeding preliminary thereto or in any probate,
39 legislative, or administrative proceeding, a covered entity, as
40 defined in 45 C.F.R. s.160.103, shall not disclose, unless the patient
41 or that patient's conservator, guardian, or other authorized legal
42 representative explicitly consents in writing to the disclosure:

43 (1) any communication made to a covered entity, or any
44 information obtained by a covered entity from, a patient or the
45 conservator, guardian, or other authorized legal representative of a
46 patient relating to reproductive health care services that are
47 permitted under the laws of this State; or

1 (2) any information obtained by personal examination of a
2 patient relating to reproductive health care services that are
3 permitted under the laws of this State.

4 A covered entity shall inform the patient or the patient's
5 conservator, guardian, or other authorized legal representative of
6 the patient's right to withhold written consent at or before the time
7 reproductive health care services are rendered or at such time as the
8 patient discloses any information relating to reproductive health
9 care services that have been previously rendered.

10 b. Written consent of the patient or the patient's conservator,
11 guardian, or other authorized legal representative shall not be
12 required for the disclosure of such communication or information:

13 (1) pursuant to the laws of this State or the Rules Governing the
14 Courts of the State of New Jersey;

15 (2) by a covered entity against whom a claim has been made, or
16 there is a reasonable belief will be made, in an action or proceeding,
17 to the covered entity's attorney or professional liability insurer or
18 an insurer's agent for use in the defense of the action or proceeding;

19 (3) to the Commissioners of Health, Human Services, Banking
20 and Insurance, or the professional licensing boards operating under
21 the authority of the Division of Consumer Affairs in the Department
22 of Law and Public Safety for records of a patient of a covered entity
23 in connection with an investigation of a complaint, if the records are
24 related to the complaint; or

25 (4) if child abuse, abuse of an elderly individual, abuse of an
26 individual who is physically disabled or incompetent or abuse of an
27 individual with intellectual disability is known or in good faith
28 suspected. For the purposes of this paragraph, the provision of or
29 material support for reproductive health care services that are
30 permitted under the laws of this State shall not constitute abuse.

31 Nothing in this subsection shall be construed to conflict with or
32 displace any requirements or conditions for disclosure set forth
33 under 45 C.F.R. §§ 160.203 and 164.514.

34 c. Nothing in this section shall be construed to impede the
35 lawful sharing of medical records as permitted by State or federal
36 law or the Rules of Court, except in the case of a subpoena
37 commanding the production, copying, or inspection of medical
38 records relating to reproductive health care services.

39

40 15. (New section) A public entity, or employee, appointee,
41 officer or official or any other person acting on behalf of a public
42 entity, shall not provide any information or expend or use time,
43 money, facilities, property, equipment, personnel or other resources
44 in furtherance of any interstate investigation or proceeding seeking
45 to impose civil or criminal liability upon a person or entity for:

46 a. providing, seeking, receiving, or inquiring about reproductive
47 health care services; or

1 b. assisting any person or entity providing, seeking, receiving,
2 or responding to an inquiry about reproductive health care services
3 that are legal in this State.

4 This section shall not apply to any investigation or proceeding
5 where the conduct subject to potential liability under the
6 investigation or proceeding would be subject to liability under the
7 laws of this State if committed in this State. This section shall not
8 apply if it is necessary for the agency or person to engage in
9 conduct otherwise prohibited by subsection a. of this section in
10 order to comply with a valid order issued by a court with
11 jurisdiction over the agency or person, or to comply with applicable
12 provisions of State or federal law.

13
14 16. (New section) Notwithstanding the provisions of
15 N.J.S.2A:160-14, the Governor shall not surrender, on demand of
16 the executive authority of any other state, any person who:

17 a. is found in this State;

18 b. was not in the state whose executive authority is making the
19 demand at the time of the commission of the alleged crime and has
20 not fled therefrom; and

21 c. is charged in the state whose executive authority is making the
22 demand with providing, receiving, assisting in providing or
23 receiving, providing material support for, or traveling to obtain
24 reproductive health care services that are permitted under the laws
25 of this State, including on any theory of vicarious, joint, several or
26 conspiracy liability.

27
28 17. (New section) a. A law of another state that authorizes a
29 person to bring a civil action against a person or entity for
30 undertaking any of the following conduct is contrary to the public
31 policy of this State:

32 (1) Receiving or seeking an abortion.

33 (2) Performing or inducing a termination of an abortion.

34 (3) Knowingly engaging in conduct that aids or abets the
35 performance, receipt, or inducement of an abortion.

36 (4) Attempting or intending to engage in the conduct described
37 in paragraphs (1) to (3) of this subsection, inclusive.

38 b. A law described in subsection a. of this section shall not be
39 applied to any matter, case, or controversy heard in a State court or
40 in an administrative tribunal of this State.

41 c. The provisions of this section shall not apply to an action
42 founded in tort, contract, or statute under the laws of this State, or
43 an action founded in tort, contract, or statute under the laws of
44 another state and for which a similar claim would exist under the
45 laws of this State including, but not limited to, an alleged act of
46 malpractice or negligence by a person in the person's profession or
47 occupation.

1 18. (New section) a. A person is guilty of interference with
2 reproductive health services if the person purposely or knowingly:

3 (1) inflicts or attempts to inflict bodily injury on another person,
4 with purpose to unlawfully restrict another's access to or receipt or
5 provision of reproductive health services or to intimidate the person
6 from becoming or remaining a reproductive health services patient,
7 provider, volunteer, or assistant, if the conduct would cause a
8 reasonable person to be intimidated;

9 (2) physically obstructs any person seeking to enter into or exit
10 from a reproductive services facility or place of religious worship,
11 with purpose to unlawfully restrict another's access to or receipt or
12 provision of reproductive health services or to intimidate the person
13 from becoming or remaining a reproductive health services patient,
14 provider, volunteer, or assistant, if the conduct would cause a
15 reasonable person to be intimidated;

16 (3) intimidates, threatens, or coerces, or attempts to intimidate,
17 threaten or coerce, any person or entity because that person or entity
18 is a reproductive health services patient, provider, volunteer, or
19 assistant, or in order to intimidate a person or entity, or a class of
20 persons or entities, from becoming or remaining a reproductive
21 health services patient, provider, volunteer, or assistant;

22 (4) damages, defaces or destroys the property of a person,
23 entity, or facility, or attempts to do so, because the person, entity, or
24 facility is a reproductive health services patient, provider, assistant,
25 volunteer, or facility;

26 (5) videotapes, films, photographs, or records by electronic
27 means, within 100 feet of the entrance to, or within, a reproductive
28 health services facility, a reproductive health services patient,
29 provider, volunteer, or assistant without that person's consent, with
30 purpose to intimidate the person from becoming or remaining a
31 reproductive health services patient, provider, volunteer, or
32 assistant, if the conduct would cause a reasonable person to be
33 intimidated;

34 (6) Discloses or distributes, in any manner or forum including,
35 but not limited to, internet websites and social media, a videotape,
36 film, photograph, or recording the person knows or reasonably
37 should know was obtained in violation of paragraph (5) of this
38 subsection, with purpose to intimidate the person from becoming or
39 remaining a reproductive health services patient, provider,
40 volunteer, or assistant, if the conduct would cause a reasonable
41 person to be intimidated.

42 b. Interference with reproductive health services is a crime of
43 the fourth degree, except that interference with reproductive health
44 services is a crime of the second degree if the victim suffers
45 significant bodily injury or serious bodily injury, and a crime of the
46 third degree if the victim suffers bodily injury.

47 c. For purposes of this section:

1 (1) “intimidate” means to place a person in reasonable
2 apprehension of bodily harm to themselves or to another.

3 (2) “physical obstruction” means rendering ingress to or egress
4 from a reproductive health services facility or a place of religious
5 worship impassable to another person, or rendering passage to or
6 from a reproductive health services facility or a place of religious
7 worship unreasonably difficult or hazardous to another person;

8 (3) “Reproductive health services” means medical, surgical,
9 counseling services relating to the human reproductive system,
10 including services relating to contraception, pregnancy, or the
11 termination of a pregnancy;

12 (4) “reproductive health services facility” includes a hospital,
13 clinic, office, or other site that provides or seeks to provide
14 reproductive health services and includes the building or structure
15 in which the facility is located; and

16 (5) “social media” means an electronic service or account, or
17 electronic content, including, but not limited to, videos or still
18 photographs, blogs, video blogs, podcasts, instant and text
19 messages, email, online services or accounts, or internet website
20 profiles or locations.

21 d. Nothing in this section shall be construed to preclude, or
22 limit in any way, prosecution and conviction for any other offense
23 including, but not limited to, prosecution and conviction for assault,
24 N.J.S.2C:12-1, terroristic threats, N.J.S.2C:12-3, stalking, section 1
25 of P.L.1992, c.209 (C.2C:12-10), criminal coercion, N.J.S.2C:13-5,
26 or criminal trespass, N.J.S.2C:18-3.

27
28 19. (New section) a. The Attorney General or any law
29 enforcement officer may order the immediate dispersal of a
30 gathering that substantially impedes access to or departure from an
31 entrance or driveway to a reproductive health care facility during
32 the business hours of the facility.

33 (1) A dispersal order issued pursuant to this subsection shall
34 include the following statements:

35 (a) the gathering has substantially impeded access to or
36 departure from the facility;

37 (b) each member of the gathering shall, under the penalty of
38 arrest and prosecution, immediately disperse and cease to stand or
39 be located within at least 25 feet of an entrance or a driveway to the
40 facility; and

41 (c) the order shall remain in place for eight hours or until the
42 close of business of the facility on the day the order is issued,
43 whichever is sooner.

44 (2) A dispersal order shall not issue under this subsection unless
45 the 25-foot boundary identified in paragraph (1) of this subsection
46 is clearly marked.

47 b. Failure to comply with a dispersal order issued pursuant to
48 this section shall be a disorderly persons offense.

1 c. For purposes of this section:

2 (1) “driveway” means an entry from a public street to a public
3 or private parking area used by a reproductive health care facility;

4 (2) “entrance” means a door to a reproductive health care
5 facility that directly abuts the public sidewalk; provided, however,
6 that if the door does not directly abut the public sidewalk, the
7 “entrance” shall be the point at which the public sidewalk intersects
8 with a pathway leading to the door;

9 (3) “gathering” means two or more individuals; and

10 (4) “impede” means to obstruct, block, detain or render passage
11 impossible, unsafe or unreasonably difficult.

12

13 20. (New section) a. A person who, in violation of section 18
14 of P.L. , c. (C.) (pending before the Legislature as this bill),
15 commits an act of interference with another person’s reproductive
16 health services shall be liable to that aggrieved person, who may
17 bring a civil action in the Superior Court.

18 b. The court may award:

19 (1) injunctive relief;

20 (2) compensatory damages, but in an amount not less than
21 liquidated damages computed at the rate of \$1,000 for each
22 violation of P.L. , c. (C.) (pending before the Legislature
23 as this bill);

24 (3) punitive damages upon proof of willful or reckless disregard
25 of the law;

26 (4) reasonable attorney’s fees and other litigation costs
27 reasonably incurred; and

28 (5) any other preliminary and equitable relief as the court
29 determines to be appropriate.

30 c. A conviction of a violation of section 18 of
31 P.L. , c. (C.) (pending before the Legislature as this bill) shall
32 not be a prerequisite for a civil action brought pursuant to this
33 section.

34 d. A court may, in its discretion, permit a person aggrieved by
35 a violation of section 18 of P.L. , c. (C.) (pending before the
36 Legislature as this act) to use a pseudonym in a civil action brought
37 pursuant to the provisions of this section when reasonably required
38 to safeguard the health, safety, or privacy of the person.

39

40 21. (New section) The Attorney General may bring a civil
41 action to enjoin, on a temporary, preliminary, or permanent basis, a
42 violation of section 18 or 19 of P.L. , c. (C.) (pending before
43 the Legislature as this bill); for compensatory damages to persons
44 aggrieved by the violation; and for the assessment of a civil penalty
45 against each actor who violates section 18 or 19 of
46 P.L. , c. (C.) (pending before the Legislature as this bill). The
47 civil penalty imposed on each actor shall not exceed \$10,000 for a
48 first violation, and shall not exceed \$25,000 for any other

1 subsequent violation. In imposing civil penalties pursuant to this
2 section, the court shall consider a prior violation of the federal
3 Freedom of Access to Clinic Entrances Act of 1994, 18 U.S.C.
4 s.248, or a prior violation of a statute of another jurisdiction that
5 would constitute a violation of the federal Freedom of Access to
6 Clinic Entrances Act of 1994, 18 U.S.C. s.248, to be a prior
7 violation of section 18 of P.L. , c. (C.) (pending before the
8 Legislature as this bill).

9
10 22. a. (New section) There is established in the General Fund a
11 separate, non-lapsing fund to be known as the “Reproductive Health
12 Access Fund.” The fund shall be credited with moneys made
13 available from an appropriation of \$20,000,000 made pursuant to
14 section 38 of P.L. , c. (C.) (pending before the Legislature
15 as this bill), interest earnings, and any other money from any other
16 source accepted for the benefit of the fund.

17 b. The fund shall be used for the following purposes:

18 (1) \$5,000,000 shall be appropriated for the “Abortion Care
19 Clinical Training Program” established pursuant to section 23 of
20 P.L. , c. (C.) (pending before the Legislature as this bill);

21 (2) \$5,000,000 shall be appropriated for the “Reproductive
22 Health Security Grant Program” established pursuant to section 24
23 of P.L. , c. (C.) (pending before the Legislature as this bill);
24 and

25 (3) \$10,000,000 shall be appropriated for the “Reproductive
26 Health Care Facility Grant Program” established pursuant to section
27 25 of P.L. , c. (C.) (pending before the Legislature as this
28 bill).

29 c. Notwithstanding the provisions of subsection b. of this
30 section to the contrary, the State Treasurer, in the State Treasurer’s
31 discretion, may transfer any portion of the amounts appropriated to
32 the fund among the Division of Consumer Affairs in the
33 Department of Law and Public Safety, the Office of Homeland
34 Security and Preparedness, and the Health Care Facilities Financing
35 Authority for the purposes set forth in paragraphs (1), (2), and (3)
36 of subsection b. of this section.

37
38 23. a. (New section) There is established in the Division of
39 Consumer Affairs in the Department of Law and Public Safety the
40 “Abortion Care Clinical Training Program.” The purpose of the
41 program shall be to protect access to abortion by ensuring that there
42 are a sufficient number of health professionals to provide abortion
43 care. The division shall contract with a coordinating organization
44 to administer the program. The coordinating organization shall:

45 (1) have demonstrated experience in coordinating health care
46 training programs at community-based or hospital-based provider
47 sites;

- 1 (2) be in good standing in any State or jurisdiction in which the
- 2 organization is registered or incorporated;
- 3 (3) submit an annual report to the division on the performance
- 4 of the program; and
- 5 (4) meet any other requirements established by the division.
- 6 b. The coordinating organization shall perform the following
- 7 functions:
- 8 (1) administer grants to develop and sustain abortion care
- 9 training programs at a minimum of two community-based provider
- 10 sites;
- 11 (2) administer grants if funding is available to:
- 12 (a) other community-based sites;
- 13 (b) hospital-based provider sites;
- 14 (c) continuing education programs for health professionals
- 15 through professional associations or other clinical education
- 16 programs; and
- 17 (d) establish training program requirements that are consistent
- 18 with evidence-based training standards, comply with applicable
- 19 State law and regulations, and focus on providing culturally
- 20 congruent care and include implicit bias training;
- 21 (3) support abortion care clinical training to health care
- 22 professionals and to the clinical care teams of the health care
- 23 professionals to:
- 24 (a) expand the number of health care professionals with abortion
- 25 training; and
- 26 (b) increase the racial and ethnic diversity among health care
- 27 professionals with abortion care training; and
- 28 (4) support the identification, screening, and placement of health
- 29 care professionals at training sites.
- 30 c. The program shall be funded by the “Reproductive Health
- 31 Access Fund” established pursuant to section 22
- 32 of P.L. , c. (C.) (pending before the Legislature as this bill).
- 33
- 34 24. (New section) a. There is established the “Reproductive
- 35 Health Security Grant Program” in the Office of Homeland Security
- 36 and Preparedness, which shall provide grants to eligible
- 37 reproductive health care facilities that provide reproductive health
- 38 care services and which the Director of the Office of Homeland
- 39 Security and Preparedness determines are at a high risk of being the
- 40 target of unlawful activity, including but not limited to, acts of
- 41 violence, property damage, vandalism, and harassment. Grants
- 42 provided under the program shall be used by the grant recipient:
- 43 (1) to hire permanent or temporary security personnel limited to
- 44 federal, State, county, or municipal law enforcement officers,
- 45 special law enforcement officers appointed pursuant to P.L.1985,
- 46 c.439 (C.40A:14-146.8 et seq.), or security officers registered
- 47 pursuant to P.L.2004, c.134 (C.45:19A-1 et seq.); and

1 (2) for acquisition of target-hardening equipment for the purpose
2 of preparedness against threats, attacks, and other violent acts.

3 b. The director shall administer the Reproductive Health Security
4 Grant Program. There shall annually be distributed to approved
5 eligible health care facilities a maximum grant of up to \$10,000 per
6 approved application for personnel and a maximum grant of up to
7 \$50,000 for target-hardening equipment. The director may adjust
8 these amounts based upon the final availability of funds, analytical
9 trends, and emerging threats.

10 c. An eligible health care facility shall apply to the office to
11 receive a grant under the program, for either costs of security
12 personnel or acquisition of target-hardening equipment, or both;
13 however, an applicant only may be awarded funds for either
14 personnel or for equipment in a fiscal year. The office first shall
15 evaluate all applications as to whether the facilities are at high risk
16 of terrorist attack, threats, domestic extremism, and other violent
17 acts. The funds distributed under the program shall be utilized
18 solely for security investments made within this State. Funds shall
19 not be utilized to support security needs while traveling outside of
20 this State.

21 Applicants may apply annually for a disbursement of funds for
22 costs of security personnel and may be awarded grants in successive
23 years. The office shall assign a preference for applicants who have
24 not received a federal security grant that includes funding for hiring
25 security personnel in the last two federal grant cycles.

26 Applicants may apply annually for grant funds for acquisition of
27 target-hardening equipment. The office shall assign a preference
28 for applicants who have not received either a federal or State
29 security grant for target-hardening equipment in the last two grant
30 cycles.

31 d. The program shall be funded by the “Reproductive Health
32 Access Fund” established pursuant to section 22
33 of P.L. , c. (C.) (pending before the Legislature as this bill).
34 The office also shall pursue and develop, with the Department of
35 Law and Public Safety, the United States Department of Homeland
36 Security, and any other applicable State or federal agency, any
37 available federal, State, local, and private funding for the grants
38 authorized pursuant to this section.

39 e. Of the amount appropriated to the program, five percent shall
40 be allocated to the office to be used to administer the program.

41 f. For purposes of this section, “eligible reproductive health care
42 facility” means a hospital, clinic, office, or other site that provides,
43 refers, or seeks to provide reproductive health services.
44

45 25. (New section) There is established the “Reproductive
46 Health Care Facility Grant Program” in the Health Care Facilities
47 Financing Authority which shall award funding to eligible
48 reproductive health care facilities that provide reproductive health

1 care services. The authority, in consultation with the Commissioner
2 of Health, may award funding to a licensed health care facility or
3 other health care facility where licensed health care providers
4 deliver reproductive health care services if the commissioner
5 determines that the grant is necessary to maintain access to
6 reproductive health care services or referral sources, as appropriate.
7 Grants awarded pursuant to this section shall be used to support
8 establishing or renovating existing health care facilities,
9 investments in technology to facilitate care, the recruitment and
10 retention of staff, and other operational needs that increase abortion
11 care. In determining whether to award a grant to a licensed health
12 care facility, the authority, in consultation with the Commissioner
13 of Health, shall consider whether, at a minimum, the following
14 factors are present:

15 (1) extraordinary circumstances threaten access to reproductive
16 health care services in a community;

17 (2) persons in a community will be without ready access to
18 reproductive health care services in the absence of the award of a
19 grant;

20 (3) funding is unavailable from other sources to preserve or
21 provide reproductive health care services;

22 (4) a grant is likely to stabilize access to the reproductive health
23 care services; or

24 (5) there is a reasonable likelihood that the reproductive health
25 care services will be sustainable upon the termination of the grant.

26 b. A licensed health care facility or other health care facility
27 where licensed health care providers deliver reproductive health
28 care services may apply for the funding made available pursuant to
29 this section by applying to the authority in a form and manner
30 determined by the authority. Applications shall include, at a
31 minimum, the prior two years of financial statements and utilization
32 statistics along with a two-year projection of utilization.

33 c. Notwithstanding the provisions of the “Administrative
34 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to the
35 contrary, the authority, in consultation with the Commissioner of
36 Health, may adopt, immediately upon filing with the Office of
37 Administrative Law, regulations that the authority, in consultation
38 with the Commissioner of Health, deem necessary to effectuate the
39 purposes of this section, which regulations shall be effective for a
40 period not to exceed 18 months from the date of the filing. The
41 authority may thereafter amend, adopt, or readopt the regulations in
42 accordance with the requirements of P.L.1968, c.410 (C.52:14B-
43 1 et seq.).

44 d. The program shall be funded by the “Reproductive Health
45 Access Fund” established pursuant to section 22 of P.L. , c. (C.)
46 (pending before the Legislature as this bill).

47 e. Of the amount appropriated to the program, five percent shall
48 be allocated to the authority to be used to administer the program.

1 f. For purposes of this section, “eligible reproductive health care
2 facility” means a hospital, clinic, office, or other site that provides,
3 refers or seeks to provide reproductive health services.
4

5 26. (New section) a. To ensure the affordability of, and access
6 to reproductive health care for, anyone who seeks care in the State,
7 regardless of their ability to pay for such care, the Department of
8 Health shall administer a program to award grants to health care
9 providers and non-profit entities to support the uncompensated
10 costs relating to the termination of a pregnancy for individuals who
11 lack insurance coverage, are underinsured, or whose insurance is
12 deemed unusable by the rendering provider. The department also
13 shall provide grants through the program established by this section
14 to non-profit entities providing practical support to individuals
15 traveling to New Jersey to access reproductive health services.

16 b. The program established pursuant to subsection a. of this
17 section shall incorporate any existing programs and funding streams
18 that provide coverage or reimbursement for family planning
19 services.

20 c. The State Legislature shall annually appropriate the amount
21 necessary to pay the reasonable and necessary expenses associated
22 with the operation of the program established pursuant to this
23 section, which expenses shall be determined by the department.
24

25 27. (New section) The Department of Health shall conduct a
26 Statewide needs assessment to examine the gaps in delivery of
27 reproductive health services in the State, including the impact that
28 out-of-state restrictions have had on the need for reproductive
29 health services and the provider network in the State. The
30 department may contract with any consultant or one or more public
31 or private entities to conduct the needs assessment required by this
32 section.
33

34 28. Section 7 of P.L.1991, c.378 (C.45:9-27.16) is amended to
35 read as follows:

36 7. a. A physician assistant may perform the following
37 procedures:

38 (1) Approaching a patient to elicit a detailed and accurate
39 history, perform an appropriate physical examination, identify
40 problems, record information, and interpret and present information
41 to the supervising physician;

42 (2) Suturing and caring for wounds including removing sutures
43 and clips and changing dressings, except for facial wounds,
44 traumatic wounds requiring suturing in layers, and infected wounds;

45 (3) Providing patient counseling services and patient education
46 consistent with directions of the supervising physician;

47 (4) Assisting a physician in an inpatient setting by conducting
48 patient rounds, recording patient progress notes, determining and

1 implementing therapeutic plans jointly with the supervising
2 physician, and compiling and recording pertinent narrative case
3 summaries;

4 (5) Assisting a physician in the delivery of services to patients
5 requiring continuing care in a private home, nursing home,
6 extended care facility, or other setting, including the review and
7 monitoring of treatment and therapy plans; and

8 (6) Referring patients to, and promoting their awareness of,
9 health care facilities and other appropriate agencies and resources in
10 the community.

11 (7) (Deleted by amendment, P.L.2015, c.224)

12 b. A physician assistant may perform the following procedures
13 only when directed, ordered, or prescribed by the supervising
14 physician, or when performance of the procedure is delegated to the
15 physician assistant by the supervising physician as authorized under
16 subsection d. of this section:

17 (1) Performing non-invasive laboratory procedures and related
18 studies or assisting duly licensed personnel in the performance of
19 invasive laboratory procedures and related studies;

20 (2) Giving injections, administering medications, and requesting
21 diagnostic studies;

22 (3) Suturing and caring for facial wounds, traumatic wounds
23 requiring suturing in layers, and infected wounds;

24 (4) Writing prescriptions or ordering medications in an inpatient
25 or outpatient setting in accordance with section 10 of P.L.1991,
26 c.378 (C.45:9-27.19);

27 (5) Prescribing the use of patient restraints; **[and]**

28 (6) Authorizing qualifying patients for the medical use of
29 cannabis and issuing written instructions for medical cannabis to
30 registered qualifying patients pursuant to P.L.2009, c.307 (C.24:6I-
31 1 et al.); and

32 (7) Performing early aspiration abortion.

33 c. A physician assistant may assist a supervising surgeon in the
34 operating room when a qualified assistant physician is not required
35 by the board and a second assistant is deemed necessary by the
36 supervising surgeon.

37 d. A physician assistant may perform medical services beyond
38 those explicitly authorized in this section, when such services are
39 delegated by a supervising physician with whom the physician
40 assistant has signed a delegation agreement pursuant to section 8 of
41 P.L.1991, c.378 (C.45:9-27.17). The procedures delegated to a
42 physician assistant shall be limited to those customary to the
43 supervising physician's specialty and within the supervising
44 physician's and the physician assistant's competence and training.

45 e. Notwithstanding subsection d. of this section, a physician
46 assistant shall not be authorized to measure the powers or range of
47 human vision, determine the accommodation and refractive states of
48 the human eye, or fit, prescribe, or adapt lenses, prisms, or frames

1 for the aid thereof. Nothing in this subsection shall be construed to
2 prohibit a physician assistant from performing a routine visual
3 screening.

4 (cf: P.L.2019, c.153, s.45)

5
6 29. Section 10 of P.L.1991, c.378 (C.45:9-27.19) is amended to
7 read as follows:

8 10. A physician assistant may order, prescribe, dispense, and
9 administer medications and medical devices and issue written
10 instructions to registered qualifying patients for medical cannabis to
11 the extent delegated by a supervising physician.

12 a. Controlled dangerous substances may only be ordered or
13 prescribed if:

14 (1) a supervising physician has authorized a physician assistant
15 to order or prescribe Schedule II, III, IV, or V controlled dangerous
16 substances in order to:

17 (a) continue or reissue an order or prescription for a controlled
18 dangerous substance issued by the supervising physician;

19 (b) otherwise adjust the dosage of an order or prescription for a
20 controlled dangerous substance originally ordered or prescribed by
21 the supervising physician, provided there is prior consultation with
22 the supervising physician;

23 (c) initiate an order or prescription for a controlled dangerous
24 substance for a patient, provided there is prior consultation with the
25 supervising physician if the order or prescription is not pursuant to
26 subparagraph (d) of this paragraph; or

27 (d) initiate an order or prescription for a controlled dangerous
28 substance as part of a treatment plan for a patient with a terminal
29 illness, which for the purposes of this subparagraph means a
30 medical condition that results in a patient's life expectancy being 12
31 months or less as determined by the supervising physician;

32 (2) the physician assistant has registered with, and obtained
33 authorization to order or prescribe controlled dangerous substances
34 from, the federal Drug Enforcement Administration and any other
35 appropriate State and federal agencies; and

36 (3) the physician assistant complies with all requirements which
37 the board shall establish by regulation for the ordering, prescription,
38 or administration of controlled dangerous substances, all applicable
39 educational program requirements, and continuing professional
40 education programs approved pursuant to section 16 of P.L.1991,
41 c.378 (C.45:9-27.25).

42 b. (Deleted by amendment, P.L.2015, c.224)

43 c. (Deleted by amendment, P.L.2015, c.224)

44 d. In the case of an order or prescription for a controlled
45 dangerous substance or written instructions for medical cannabis,
46 the physician assistant shall print on the order or prescription or the
47 written instructions the physician assistant's Drug Enforcement
48 Administration registration number.

1 e. The dispensing of medication or a medical device by a
2 physician assistant shall comply with relevant federal and State
3 regulations, and shall occur only if: (1) pharmacy services are not
4 reasonably available; (2) it is in the best interest of the patient; or
5 (3) the physician assistant is rendering emergency medical
6 assistance.

7 f. A physician assistant may request, receive, and sign for
8 prescription drug samples and may distribute those samples to
9 patients.

10 g. A physician assistant may issue written instructions to a
11 registered qualifying patient for medical cannabis pursuant to
12 section 10 of P.L.2009, c.307 (C.24:6I-10) only if:

13 (1) a supervising physician has authorized the physician
14 assistant to issue written instructions to registered qualifying
15 patients;

16 (2) the physician assistant verifies the patient's status as a
17 registered qualifying patient; and

18 (3) the physician assistant complies with the requirements for
19 issuing written instructions for medical cannabis established
20 pursuant to P.L.2009, c.307 (C.24:6I-1 et al.).

21 h. A physician assistant may provide medical abortion.

22 (cf: P.L.2019, c.153, s.46)

23
24 30. (New section) a. Certified nurse midwives and certified
25 midwives may perform early aspiration abortions, consistent with
26 their scope of practice and consistent with regulations of the
27 applicable licensing board.

28 b. A certified nurse midwife authorized to prescribe drugs
29 pursuant to section 2 of P.L. 1991, c. 97 (C.45:10-18), may provide
30 medical abortions.

31
32 31. (New section) a. Advanced practice nurses may perform
33 early aspiration abortions consistent with their scope of practice and
34 consistent with regulations of the applicable licensing board.

35 b. An advanced practice nurse may provide medical abortion.

36
37 32. (New section) a. Notwithstanding any State law or
38 regulation to the contrary, the Department of Human Services shall
39 ensure that expenses incurred for abortion services shall be
40 provided with no cost-sharing to persons served under the Medicaid
41 program, established pursuant to P.L.1968, c.413 (C.30:4D-
42 1 et seq.).

43 b. Any copayment, coinsurance, or deductible that may be
44 required pursuant to the contract for services covered pursuant to
45 subsection a. of this section shall not apply.

46 c. The department may take any administrative action necessary
47 to effectuate the provisions of this section, including modifying or
48 amending any applicable contract or promulgating, amending, or

1 repealing any guidance, guidelines, or rules, which rules or
2 amendments thereto shall be effective immediately upon filing with
3 the Office of Administrative Law for a period not to exceed 12
4 months, and may, thereafter, be amended, adopted or readopted in
5 accordance with the provisions of the "Administrative Procedure
6 Act," P.L.1968, c.410 (C.52:14B-1 et seq.).
7

8 33. Section 17 of P.L.2004, c.17 (C.17:30D-22) is amended to
9 read as follows:

10 17. a. Notwithstanding any other law or regulation to the
11 contrary, an insurer authorized to transact medical malpractice
12 liability insurance in this State shall not increase the premium of
13 any medical malpractice liability insurance policy based on a claim
14 of medical negligence or malpractice against the insured if the
15 insured is dismissed from an action alleging medical malpractice
16 within 180 days of the filing of the last responsive pleading.

17 b. An insurer authorized to transact medical malpractice liability
18 insurance in this State shall not take any adverse action, including
19 loss of coverage, sanctions, fines, penalties, or rate increases,
20 against an insured for providing or facilitating an abortion or
21 reproductive health care service based solely on the fact that the
22 patient receiving the service is a resident of a state where providing
23 or facilitating an abortion or reproductive health care service is
24 illegal, or based on a revocation of an insured's license from
25 another state or other disciplinary action by another state that
26 resulted from an insured's providing, authorizing, participating in,
27 referring, or assisting in an abortion or any other health care service
28 for the purpose of the abortion, or any other reproductive health
29 care service, if the revocation or disciplinary action was based
30 solely on a violation of the other state's law prohibiting the
31 provision of abortion or other reproductive health care service and
32 related services in the state or for a resident of the state or in any
33 other state.

34 (cf: P.L.2004, c.17, s.17)
35

36 34. Section 8 of P.L.1978, c.73 (C.45:1-21) is amended to read
37 as follows:

38 8. A board may refuse to admit a person to an examination or
39 may refuse to issue or may suspend or revoke any certificate,
40 registration or license issued by the board upon proof that the
41 applicant or holder of such certificate, registration or license:

42 a. Has obtained a certificate, registration, license or
43 authorization to sit for an examination, as the case may be, through
44 fraud, deception, or misrepresentation;

45 b. Has engaged in the use or employment of dishonesty, fraud,
46 deception, misrepresentation, false promise or false pretense;

- 1 c. Has engaged in gross negligence, gross malpractice or gross
2 incompetence which damaged or endangered the life, health,
3 welfare, safety or property of any person;
- 4 d. Has engaged in repeated acts of negligence, malpractice or
5 incompetence;
- 6 e. Has engaged in professional or occupational misconduct as
7 may be determined by the board;
- 8 f. Has been convicted of, or engaged in acts constituting, any
9 crime or offense that has a direct or substantial relationship to the
10 activity regulated by the board or is of a nature such that
11 certification, registration or licensure of the person would be
12 inconsistent with the public's health, safety, or welfare, provided
13 that the board shall make this determination in a manner consistent
14 with section 2 of P.L.2021, c.81 (C.45:1-21.5). For the purposes of
15 this subsection a judgment of conviction or a plea of guilty, non
16 vult, nolo contendere or any other such disposition of alleged
17 criminal activity shall be deemed a conviction;
- 18 g. Has had his authority to engage in the activity regulated by
19 the board revoked or suspended by any other state, agency or
20 authority for reasons consistent with this section;
- 21 h. Has violated or failed to comply with the provisions of any
22 act or regulation administered by the board;
- 23 i. Is incapable, for medical or any other good cause, of
24 discharging the functions of a licensee in a manner consistent with
25 the public's health, safety and welfare;
- 26 j. Has repeatedly failed to submit completed applications, or
27 parts of, or documentation submitted in conjunction with, such
28 applications, required to be filed with the Department of
29 Environmental Protection;
- 30 k. Has violated any provision of P.L.1983, c.320 (C.17:33A-1
31 et seq.) or any insurance fraud prevention law or act of another
32 jurisdiction or has been adjudicated, in civil or administrative
33 proceedings, of a violation of P.L.1983, c.320 (C.17:33A-1 et seq.)
34 or has been subject to a final order, entered in civil or
35 administrative proceedings, that imposed civil penalties under that
36 act against the applicant or holder;
- 37 l. Is presently engaged in drug or alcohol use that is likely to
38 impair the ability to practice the profession or occupation with
39 reasonable skill and safety. For purposes of this subsection, the
40 term "presently" means at this time or any time within the previous
41 365 days;
- 42 m. Has prescribed or dispensed controlled dangerous substances
43 indiscriminately or without good cause, or where the applicant or
44 holder knew or should have known that the substances were to be
45 used for unauthorized consumption or distribution;
- 46 n. Has permitted an unlicensed person or entity to perform an
47 act for which a license or certificate of registration or certification

1 is required by the board, or aided and abetted an unlicensed person
2 or entity in performing such an act;

3 o. Advertised fraudulently in any manner.

4 The division is authorized, for purposes of facilitating
5 determinations concerning licensure eligibility, to require the
6 fingerprinting of each applicant in accordance with applicable State
7 and federal laws, rules and regulations. Each applicant shall submit
8 the applicant's name, address, and written consent to the director for
9 a criminal history record background check to be performed. The
10 division is authorized to receive criminal history record information
11 from the State Bureau of Identification in the Division of State
12 Police and the Federal Bureau of Investigation. Upon receipt of
13 such notification, the division shall forward the information to the
14 appropriate board which shall make a determination regarding the
15 issuance of licensure. The applicant shall bear the cost for the
16 criminal history record background check, including all costs of
17 administering and processing the check, unless otherwise provided
18 for by an individual enabling act. The Division of State Police shall
19 promptly notify the division in the event an applicant or licensee,
20 who was the subject of a criminal history record background check
21 pursuant to this section, is convicted of a crime or offense in this
22 State after the date the background check was performed.

23 Notwithstanding the provisions of any law, rule, or regulation to
24 the contrary, a board shall not refuse to admit a person to an
25 examination and shall not suspend, revoke, or refuse to renew any
26 certificate, registration, or license issued by the board based solely
27 on the holder of the certificate, registration, or license providing,
28 authorizing, participating, referring for, or assisting with any health
29 care, medical service, or procedure related to an abortion for a
30 person who resides in a jurisdiction where the provision,
31 authorization, participation, referral, or assistance would not be a
32 basis for refusing to admit a person to an examination or for
33 suspending, revoking, or refusing to renew a certificate,
34 registration, or license in this State.

35 For purposes of this act:

36 "Completed application" means the submission of all of the
37 information designated on the checklist, adopted pursuant to section
38 1 of P.L.1991, c.421 (C.13:1D-101), for the class or category of
39 permit for which application is made.

40 "Permit" has the same meaning as defined in section 1 of
41 P.L.1991, c.421 (C.13:1D-101).

42 (cf: P.L.2021, c.81, s.1)

43
44 35. Section 9 of P.L.1978, c.73 (C.45:1-22) is amended to read
45 as follows:

46 9. In addition or as an alternative, as the case may be, to
47 revoking, suspending or refusing to renew any license, registration

1 or certificate issued by it, a board may, after affording an
2 opportunity to be heard:

3 a. Issue a letter of warning, reprimand, or censure with regard
4 to any act, conduct or practice which in the judgment of the board
5 upon consideration of all relevant facts and circumstances does not
6 warrant the initiation of formal action;

7 b. Assess civil penalties in accordance with this act;

8 c. Order that any person violating any provision of an act or
9 regulation administered by such board to cease and desist from
10 future violations thereof or to take such affirmative corrective
11 action as may be necessary with regard to any act or practice found
12 unlawful by the board;

13 d. Order any person found to have violated any provision of an
14 act or regulation administered by such board to restore to any
15 person aggrieved by an unlawful act or practice, any moneys or
16 property, real or personal, acquired by means of such act or
17 practice; provided, however, no board shall order restoration in a
18 dollar amount greater than those moneys received by a licensee or
19 his agent or any other person violating the act or regulation
20 administered by the board;

21 e. Order any person, as a condition for continued, reinstated or
22 renewed licensure, to secure medical or such other professional
23 treatment as may be necessary to properly discharge licensee
24 functions;

25 f. Order any person, as a condition for continued, reinstated or
26 renewed licensure, to submit to any medical or diagnostic testing
27 and monitoring or psychological evaluation which may be required
28 to evaluate whether continued practice may jeopardize the safety
29 and welfare of the public;

30 g. Order any person, as a condition for continued, reinstated or
31 renewed licensure, to submit to an assessment of skills to determine
32 whether the licensee can continue to practice with reasonable skill
33 and safety, and to take and successfully complete educational
34 training determined by the board to be necessary;

35 h. Order any person, as a condition for continued, reinstated or
36 renewed licensure, to submit to an assessment of skills to determine
37 whether the licensee can continue to practice with reasonable skill
38 and safety, and to submit to any supervision, monitoring or
39 limitation on practice determined by the board to be necessary.

40 A board may, upon a duly verified application of the Attorney
41 General that either provides proof of a conviction of a court of
42 competent jurisdiction for a crime or offense involving moral
43 turpitude or relating adversely to the regulated profession or
44 occupation, or alleges an act or practice violating any provision of
45 an act or regulation administered by such board, enter a temporary
46 order suspending or limiting any license issued by the board
47 pending plenary hearing on an administrative complaint; provided,
48 however, no such temporary order shall be entered unless the

1 application made to the board palpably demonstrates a clear and
2 imminent danger to the public health, safety and welfare and notice
3 of such application is given to the licensee affected by such order.
4 If, upon review of the Attorney General's application, the board
5 determines that, although no palpable demonstration of a clear and
6 imminent danger has been made, the licensee's continued
7 unrestricted practice pending plenary hearing may pose a risk to the
8 public health, safety and welfare, the board may order the licensee
9 to submit to medical or diagnostic testing and monitoring, or
10 psychological evaluation, or an assessment of skills to determine
11 whether the licensee can continue to practice with reasonable skill
12 and safety.

13 In any administrative proceeding commenced on a complaint
14 alleging a violation of an act or regulation administered by a board,
15 such board may issue subpoenas to compel the attendance of
16 witnesses or the production of books, records, or documents at the
17 hearing on the complaint.

18 A board shall not impose any additional or alternative penalties
19 pursuant to this section on the holder of a certificate, registration, or
20 license based solely on the holder providing, authorizing,
21 participating, referring for, or assisting with any health care,
22 medical service, or procedure related to an abortion for a person
23 who resides in a jurisdiction where the provision, authorization,
24 participation, referral, or assistance is illegal, if it would not be a
25 basis for additional or alternative penalties in this State.

26 (cf: P.L.2001, c.307, s.2)

27
28 36. The following sections are repealed:

29 Sections 1 through 3 of P.L.1997, c.262 (C.2A:65A-5 through
30 C.2A:65A-7);

31 Sections 2 through 13 of P.L.1999, c.145 (C.9:17A-1.1 through
32 C.9:17A-1.12);

33 Sections 3, 4, and 5 of P.L.2021, c.375 (C.26:2S-39, C.52:14-
34 17.29hh, and C.52:14-17.46.6q); and

35 Section 1 of P.L.1975, c.26 (C.30:4D-6.1).

36
37 37. (New section) The Commissioners of Health, Human
38 Services and Banking and Insurance and the Directors of Homeland
39 Security and Preparedness and the Division of Consumer Affairs
40 shall adopt rules and regulations, pursuant to the "Administrative
41 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as may be
42 necessary to implement the provisions of P.L. , c. (C.)
43 (pending before the Legislature as this bill). Each professional
44 licensing board operating under the authority of the Division of
45 Consumer Affairs shall additionally adopt rules and regulations,
46 pursuant to the "Administrative Procedure Act, P.L.1968, c.410
47 (C.52:14B-1 et seq.), with respect to the health care professionals
48 under each licensing board's respective jurisdiction, as may be

1 necessary to implement the provisions of P.L. , c. (C.)
2 (pending before the Legislature as this bill). Notwithstanding the
3 provisions of the "Administrative Procedure Act," P.L.1968, c.410
4 (C.52:14B-1 et seq.), to the contrary, the commissioners and
5 directors may adopt, immediately upon filing with the Office of
6 Administrative Law, regulations that the commissioners and
7 directors deem necessary to effectuate the purposes of this section,
8 which regulations shall be effective for a period not to exceed 18
9 months from the date of the filing. The commissioners and
10 directors may thereafter amend, adopt, or readopt the regulations in
11 accordance with the requirements of P.L.1968, c.410 (C.52:14B-1
12 et seq.).

13
14 38. (New section) There is appropriated from the General Fund
15 to the Reproductive Health Access Fund \$20 million, subject to the
16 approval of the Director of Budget and Accounting, to carry out the
17 purposes and objectives of section 22 of P.L. , c. (C.)
18 (pending before the Legislature as this bill).

19
20 39. (New section) The provisions of P.L. , c. (C.)
21 (pending before the Legislature as this bill) shall be deemed
22 severable. If any provision of P.L. , c. (C.) (pending before
23 the Legislature as this bill), or any application of any provision, is
24 held invalid, the invalidity shall not affect other applications of the
25 provision, or other provisions of P.L. , c. (C.) (pending
26 before the Legislature as this bill), that reasonably can be given
27 effect despite the invalidity.

28
29 40. This act shall take effect immediately, except that sections 3
30 through 12 shall take effect on the first day of the third month next
31 following the date of enactment and shall apply to all contracts,
32 plans, and policies delivered, issued, executed, or renewed on or
33 after that date and the amendments made by section 2 of this act to
34 subsection b. of section 2 of P.L.2021, c.375 (C.10:7-2) shall take
35 effect on the 366th day next following the date of enactment. The
36 Department of Banking and Insurance may take anticipatory
37 administrative action, in advance of the effective date specified for
38 sections 3 through 12 of this act, as may be necessary to implement
39 those provisions.

40 41 42 STATEMENT

43
44 This bill implements various measures to strengthen access to
45 reproductive health care in the State. The bill establishes the
46 "Reproductive Health Access Fund" and appropriates \$20 million to
47 the fund.

1 The bill provides that any State program that provides benefits
2 for pregnancy-related care will also provide benefits for the
3 termination of pregnancy.

4 Health insurance coverage also will include coverage for
5 termination of pregnancy. Upon request of a religious employer, a
6 health insurer will grant an exclusion if the coverage conflicts with
7 the religious employer's bona fide religious beliefs and practices.

8 The bill provides that in any civil action or other proceeding, a
9 medical provider is barred from disclosing any communication
10 made by a patient or the patient's legal representative relating to
11 reproductive health care services that are permitted under the laws
12 of this State, or any information obtained by personal examination
13 of a patient relating to reproductive health care services that are
14 permitted under the laws of this State, unless the patient or the
15 patient's representative consents in writing.

16 Under the bill, a public agency, or employee, appointee, officer,
17 or official or any other person acting on behalf of a public agency,
18 is barred from providing any information or using time, money,
19 facilities, property, equipment, personnel, or other resources in
20 furtherance of any interstate investigation or proceeding seeking to
21 impose civil or criminal liability upon a person or entity for
22 providing, seeking, receiving, or inquiring about reproductive
23 health services, or assisting any person or entity providing, seeking,
24 receiving, or responding to an inquiry about reproductive health
25 care services that are legal in this State.

26 This provision of the bill does not apply to any investigation or
27 proceeding where the conduct subject to potential liability would be
28 subject to liability under the laws of this State if committed in this
29 State.

30 The bill also prohibits the Governor from complying with an
31 extradition demand from another state for a person who is in this
32 State, was not in the state making the demand at the time of the
33 commission of the alleged crime and has not fled therefrom, and is
34 charged in that state with providing, receiving, assisting in
35 providing or receiving, providing material support for, or traveling
36 to obtain reproductive health care services that are permitted under
37 the laws of this State.

38 The bill declares that a law of another state that authorizes a
39 person to bring a civil action against a person or entity for
40 undertaking any of the following conduct is contrary to the public
41 policy of this State:

- 42 (1) Receiving or seeking an abortion;
- 43 (2) Performing or inducing an abortion;
- 44 (3) Knowingly engaging in conduct that aids or abets the
45 performance, receipt, or inducement of an abortion; or
- 46 (4) Attempting or intending to engage in the conduct described
47 above.

1 This provision of the bill will not apply to an action founded in
2 tort, contract, or statute under the laws of this State, or an action
3 founded in tort, contract, or statute under the laws of another state
4 and for which a similar claim would exist under the laws of this
5 State, including but not limited to an alleged act of malpractice or
6 negligence by a person in the person's profession or occupation.

7 The bill creates the new crime of "interference with reproductive
8 health services." Among other provisions, a person is guilty of the
9 crime if the person purposely or knowingly, with purpose to
10 unlawfully restrict another's access to or receipt or provision of
11 reproductive health services or to intimidate the person from
12 becoming or remaining a reproductive health services patient,
13 provider, volunteer, or assistant: (1) inflicts or attempts to inflict
14 bodily injury; (2) obstructs any person seeking to enter into or exit
15 from a reproductive services facility or place of religious worship;
16 (3) intimidates, threatens or coerces, or attempts to intimidate,
17 threaten, or coerce, any person or entity because that person or
18 entity is a reproductive health services patient, provider, volunteer,
19 or assistant; (4) damages, defaces, or destroys the property of a
20 person, entity, or facility, or attempts to do so, because the person,
21 entity, or facility is a reproductive health services patient, provider,
22 assistant, volunteer, or facility; (5) videotapes, films, photographs,
23 or records by electronic means, within 100 feet of the entrance to a
24 reproductive health services facility, a patient, provider, volunteer,
25 or assistant without that person's consent, with purpose to
26 intimidate the person from becoming or remaining a reproductive
27 health services patient, provider, volunteer, or assistant, where such
28 conduct would cause a reasonable person to be intimidated; or (6)
29 discloses or distributes a videotape, film, photograph, or recording
30 of the person with purpose to intimidate the person from becoming
31 or remaining a reproductive health services patient, provider,
32 volunteer, or assistant, where such conduct would cause a
33 reasonable person to be intimidated.

34 Interference with reproductive health services is a crime of the
35 fourth degree, except that it is a crime of the second degree if the
36 victim suffers significant bodily injury or serious bodily injury.

37 The bill authorizes the Attorney General or any law enforcement
38 officer to order the immediate dispersal of a gathering that
39 substantially impedes access to or departure from an entrance or
40 driveway to a reproductive health care facility during the business
41 hours of the facility.

42 The bill also authorizes a person to bring a civil action against a
43 person who unlawfully interferes with another person's
44 reproductive health services. The court may award injunctive
45 relief; compensatory damages in an amount not less than liquidated
46 damages computed at the rate of \$1,000 for each violation; punitive
47 damages upon proof of willful or reckless disregard of the law;
48 reasonable attorney's fees and other litigation costs; and other

1 preliminary and equitable relief as the court determines to be
2 appropriate.

3 Under the bill, the Attorney General may bring a civil action to
4 enjoin a violation of the law, for compensatory damages, and for the
5 assessment of a civil penalty against each person who violates the
6 law. The civil penalty imposed will be up to, but not exceeding,
7 \$10,000 for a first violation, and \$25,000 for any subsequent
8 violation.

9 The bill creates the “Reproductive Health Access Fund,” which
10 will be credited with moneys from an appropriation of \$20 million
11 made pursuant to the bill; interest; and any money from any other
12 source. The fund will be used for the following purposes:

13 (1) \$5 million will be appropriated for the “Abortion Care
14 Clinical Training Program” established pursuant to the bill; (2) \$5
15 million for the “Reproductive Health Security Grant Program”
16 established pursuant to the bill; and (3) \$10 million for the
17 “Reproductive Health Care Facility Grant Program” established
18 pursuant to the bill.

19 The bill provides that the “Reproductive Health Security Grant
20 Program” in the Office of Homeland Security and Preparedness will
21 provide grants to eligible reproductive health care facilities which
22 the Director of the Office of Homeland Security and Preparedness
23 determines are at a high risk of being the target of unlawful activity,
24 including acts of violence, property damage, vandalism, and
25 harassment. Grants provided under the program will be used to hire
26 security personnel and target-hardening equipment.

27 The bill requires the Department of Health to conduct a
28 Statewide needs assessment to examine the gaps in delivery of
29 reproductive health services in the State, including the impact that
30 out-of-State restrictions have had on the need for reproductive
31 health services and the provider network in the State.

32 The bill provides that abortions may be performed by physician
33 assistants, certified nurse midwives, and certified midwives.

34 Under the bill, the Department of Human Services will ensure
35 that expenses incurred for abortion services will be provided with
36 no cost-sharing to persons served under the Medicaid program.

37 The bill bars medical malpractice insurers from taking any
38 adverse action, including loss of coverage, sanctions, fines,
39 penalties, or rate increases, against an insured for providing or
40 facilitating an abortion or reproductive health care service based
41 solely on the fact that the patient receiving the service is a resident
42 of a state where providing or facilitating an abortion or reproductive
43 health care service is illegal.

44 Finally, the bill provides that a licensing board cannot refuse to
45 admit a person to an examination and cannot suspend, revoke, or
46 refuse to renew any certificate, registration, or license based solely
47 on grounds that the applicant or the holder of the certificate,
48 registration, or license provided, authorized, participated in,

1 referred for, or assisted with any health care, medical service, or
2 procedure related to an abortion for a person who resides in a
3 jurisdiction where these acts are illegal, if the acts would not be a
4 basis for these sanctions in this State.