

**ASSEMBLY, No. 5116**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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INTRODUCED JANUARY 26, 2023

**Sponsored by:**

**Assemblyman ALEX SAUICKIE**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**SYNOPSIS**

Establishes opt-out coverage for abortions under health benefits plans.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning mandatory health insurance coverage of  
2 abortions and amending P.L.2021, c.375.

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

6  
7 1. Section 3 of P.L.2021, c.375 (C.26:2S-39) is amended to  
8 read as follows:

9 3. a. Upon concluding a study and issuing a report to the  
10 Governor and the Legislature demonstrating that such a regulation  
11 is necessary, the Department of Banking and Insurance may,  
12 through regulation adopted pursuant to the "Administrative  
13 Procedure Act", P.L.1968 c.410 (C.52:14B-1 et seq.), provide that  
14 health benefit plans delivered, issued, executed, or renewed in this  
15 State, provide coverage for abortion. If the department provides for  
16 coverage pursuant to this section, then the department shall also  
17 require carriers to grant, upon request of a religious employer, an  
18 exclusion under the contract for the coverage required if the  
19 required coverage conflicts with the religious employer's bona fide  
20 religious beliefs and practices. A religious employer that obtains  
21 such an exclusion shall provide written notice thereof to covered  
22 persons and prospective covered persons, and the carrier shall  
23 provide notice to the Commissioner of Banking and Insurance in  
24 such form and manner as may be determined by the commissioner.  
25 The provisions of this paragraph shall not be construed as  
26 authorizing a carrier to exclude coverage for care that is necessary  
27 to preserve the life or health of a subscriber. An exclusion from an  
28 insurance coverage mandate granted to a religious employer  
29 pursuant to this section shall not be considered a violation of  
30 section 2 of P.L.2021, c.375 (C.10:7-2).

31 b. If the department provides for coverage pursuant to this  
32 section, a carrier shall only provide coverage for abortion to any  
33 covered person who requests that abortion be covered as part of the  
34 covered person's health benefits plan.

35 c. Any covered person, with a health benefits plan in effect  
36 prior to the enactment of P.L. , c. (C. ) (pending before the  
37 Legislature as this bill) that provides abortion coverage, shall be  
38 entitled to a reimbursement of the portion of premiums paid that is  
39 attributable to the previous plan year's abortion coverage, if, when  
40 renewing the plan or agreeing to a new plan, the covered person  
41 does not request abortion coverage.

42 d. For the purposes of this section, "religious employer" means  
43 an organization that is organized and operates as a nonprofit entity  
44 and is referred to in section 6033(a)(3)(A)(i) or (iii) of the Internal  
45 Revenue Code of 1986 (26 U.S.C. s.6033), as amended.  
46 (cf: P.L.2021, c.375, s.3)

**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        2. Section 4 of P.L.2021, c.375 (C.52:14-17.29hh) is amended  
2 to read as follows:

3        4. A contract providing hospital or medical expense benefits  
4 purchased by the State Health Benefits Commission may shall  
5 provide coverage for abortion. A contract providing hospital or  
6 medical expense benefits purchased by the commission shall not  
7 exclude a provider from its network or otherwise restrict services  
8 from the provider solely on the basis that the provider is a religious  
9 employer, as defined in section 3 of P.L.2021, c.375 (C.26:2S-39),  
10 that refuses to provide abortion services. A contract providing  
11 coverage for abortion shall only provide coverage to a person  
12 covered thereunder who requests that abortion be covered as part of  
13 the contract. Any person covered thereunder, with a contract for  
14 hospital or medical expense benefits in effect prior to the enactment  
15 of P.L. , c. (C. ) (pending before the Legislature as this  
16 bill) that provides coverage for abortion, shall be entitled to a  
17 reimbursement of the portion of premiums paid that is attributable  
18 to the previous contract year's abortion coverage, if, when renewing  
19 the contract or agreeing to a new contract, the covered person does  
20 not request abortion coverage.  
21 (cf: P.L.2021, c.375, s.4)

22  
23        3. Section 5 of P.L.2021, c.375 (C.52:14-17.46.6q) is amended  
24 to read as follows:

25        5. A contract providing hospital or medical expense benefits  
26 purchased by the School Employees' Health Benefits Commission  
27 may shall provide coverage for abortion. A contract providing  
28 hospital or medical expense benefits purchased by the commission  
29 shall not exclude a provider from its network or otherwise restrict  
30 services from the provider solely on the basis that the provider is a  
31 religious employer, as defined in section 3 of P.L.2021, c.375  
32 (C.26:2S-39), that refuses to provide abortion services. A contract  
33 providing coverage for abortion shall only provide coverage to a  
34 person covered thereunder who requests that abortion be covered as  
35 part of the contract. Any person covered thereunder, with a contract  
36 for hospital or medical expense benefits in effect prior to the  
37 enactment of P.L. , c. (C. ) (pending before the Legislature  
38 as this bill) that provides coverage for abortion, shall be entitled to  
39 a reimbursement of the portion of premiums paid that is attributable  
40 to the previous contract year's abortion coverage, if, when renewing  
41 the contract or agreeing to a new contract, the covered person does  
42 not request abortion coverage.  
43 (cf: P.L.2021, c.375, s.5)

44  
45        4. This act shall take effect on the first day of the twelfth  
46 month next following enactment and shall apply to health benefits  
47 plans that are delivered, issued, executed or renewed in this State,  
48 or approved for issuance or renewal in this State by the

1 Commissioner of Banking and Insurance, on or after the effective  
2 date of this act.

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**STATEMENT**

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7 This bill requires health insurers (health, hospital and medical  
8 service corporations, commercial individual and group health  
9 insurers, health maintenance organizations, health benefits plans  
10 issued pursuant to the New Jersey Individual Health Coverage and  
11 Small Employer Health Benefits Programs, the State Health  
12 Benefits Program, and the School Employees' Health Benefits  
13 Program) to provide coverage for abortion only if a person covered  
14 under the health benefits plan requests abortion coverage under the  
15 plan. The bill also provides that a covered person be reimbursed for  
16 the portion of premiums paid that are attributable to a plan's  
17 abortion coverage, if the plan included abortion coverage before the  
18 enactment of this bill and, when renewing the plan or agreeing to a  
19 new plan, the covered person does not request abortion coverage.

20 It is the intent of the sponsor that the provisions of the bill  
21 provide an individual with the freedom to exercise the individual's  
22 religious, moral, and ethical beliefs without interference from the  
23 State. It is also the intent of the sponsor to remedy any potential  
24 violations, under present law, of the First Amendment of the United  
25 States Constitution by providing an option within the bill for  
26 individuals to exempt themselves from a health benefit plan's  
27 abortion coverage.