

ASSEMBLY, No. 5305

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 16, 2023

Sponsored by:

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

SYNOPSIS

Enters New Jersey in Women's Reproductive Health Care Compact.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT entering New Jersey in the Women's Reproductive Health
2 Care Compact and supplementing Title 10 of the Revised
3 Statutes.

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

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8 1. This act shall be known and may be cited as the "Women's
9 Reproductive Health Care Compact Act."

10
11 2. The Governor of New Jersey, on behalf of this State, is
12 authorized to execute a compact in substantially the following form
13 with any one or more of the states, districts, or territories of the
14 United States of America:

15
16 **ARTICLE 1 MEMBERSHIP**

17 A state, district, or territory of the United States of America may
18 become a member state of this compact by enacting this compact.

19
20 **ARTICLE 2 DEFINITIONS**

21 As used in this compact:

22 "Member state" means a state, district, or territory of the United
23 States of America that has entered into this compact.

24 "Reproductive health care services" means a medical, surgical,
25 counseling, or referral service relating to the human reproductive
26 system, including services relating to pregnancy or the termination
27 of a pregnancy.

28
29 **ARTICLE 3 FINDINGS**

30 The member states find that:

31 a. In 1973, Roe v. Wade articulated the protection under the
32 Constitution of the United States of a woman's fundamental right to
33 make reproductive health care decisions.

34 b. Today, the fundamental right of a woman to make
35 reproductive health care decisions has been denied to millions of
36 women across the United States.

37 c. In states that are banning or severely restricting abortion care,
38 access to reproductive health care services is now threatened.

39 d. States must collect data, protect women's reproductive health
40 care service delivery, and find ways to work with neighboring states
41 to protect and defend reproductive rights.

42
43 **ARTICLE 4 PROHIBITIONS**

44 A member state shall work with other member states to:

45 a. prevent the extradition or investigation of an individual or
46 entity involved in the provision or receipt of women's reproductive
47 health care services;

- 1 b. prevent the disclosure of records or permitting civil discovery
2 orders for the provision or receipt of women's reproductive health
3 care services;
- 4 c. prevent negative licensing actions or malpractice insurance
5 increases and clawback lawsuits against individuals or entities for
6 the provision or receipt of women's reproductive health care
7 services; and
- 8 d. prohibit collection of data on:
- 9 (1) the number of individuals seeking women's reproductive
10 health care services;
- 11 (2) the domicile of an individual seeking women's reproductive
12 health care services;
- 13 (3) the form of actions taken against women and their medical
14 providers for seeking out-of-state reproductive health care services;
15 and
- 16 (4) barriers identified by women seeking out-of-state
17 reproductive health care services, including costs for transportation,
18 lodging, food, child care, and any other relevant issues.

19

20 ARTICLE 5 EXCLUSIONS

21 The following are not subject to this compact:

- 22 a. The collection of data not relating to women's reproductive
23 health care services; and
- 24 b. The collection of information which would constitute
25 a violation of:
- 26 (1) the "Health Insurance Portability and Accountability Act of
27 1996," Pub.L.104-191; or
- 28 (2) Any federal or state privacy law.

29

30 ARTICLE 6 WITHDRAWAL

31 Any member state may withdraw from this compact with six
32 months' written notice to the chief executive officer of every other
33 member state to the compact.

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35 ARTICLE 7 ENFORCEMENT

36 The attorney general of each member state shall enforce this
37 compact. A taxpaying resident of any member state has standing in
38 the courts of any member state to require the attorney general of
39 that member state to enforce this compact.

40

41 ARTICLE 8 CONSTRUCTION AND SEVERABILITY

42 This compact shall be liberally construed so as to effectuate its
43 purposes. If any provision of this compact, or the applicability of
44 any provision of this compact to any government, agency, person,
45 or circumstance, is declared in a final judgment by a court of
46 competent jurisdiction to be contrary to the Constitution of the
47 United States or is otherwise held invalid, the validity of the
48 remainder of this compact and the applicability of the remainder of

1 this compact to any government, agency, person, or circumstance
2 shall not be affected. If this compact is held to be contrary to the
3 constitution of any member state, the compact shall remain in full
4 force and effect as to the remaining member states and in full force
5 and effect as to the affected member state as to all severable
6 matters.

7

8 ARTICLE 9 OPERATION

9 When the Governor executes the Women's Reproductive Health
10 Care Compact on behalf of this State and files a verified copy
11 thereof with the Secretary of State and when the compact is ratified
12 by one or more other states, districts, or territories of the United
13 States of America, the compact shall become operative and
14 effective between this State and the other states, districts, or
15 territories of the United States of America. The Governor is
16 authorized and directed to take action as may be necessary to
17 complete the exchange of official documents between this State and
18 any other state, district, or territory of the United States of America
19 ratifying the compact.

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21 3. This act shall take effect 60 days following the date of
22 enactment.

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STATEMENT

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27 This bill enters New Jersey in the Women's Reproductive Health
28 Care Compact (compact).

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30 Under the bill, a member state is to work with other member
31 states to: (1) prevent the extradition or investigation of an
32 individual or entity involved in the provision or receipt of women's
33 reproductive health care services; (2) prevent the disclosure of
34 records or permitting civil discovery orders for the provision or
35 receipt of women's reproductive health care services; (3) prevent
36 negative licensing actions or malpractice insurance raises and
37 clawback lawsuits against individuals or entities for the provision or
38 receipt of women's reproductive health care services; and (4)
39 prohibit collection of data on: (i) the number of individuals seeking
40 women's reproductive health care services; (ii) the domicile of an
41 individual seeking women's reproductive health care services; (iii)
42 the form of actions taken against women and their medical
43 providers for seeking out-of-state reproductive health care services;
44 and (iv) barriers identified by women seeking out-of-state
45 reproductive health care services, including costs for transportation,
46 lodging, food and child care and any other relevant issues.

46

47 The bill provides that the following are not subject to this
48 compact: (1) the collection of data not relating to women's
reproductive health care services; and (2) the collection of

1 information which would constitute a violation of: (i) the “Health
2 Insurance Portability and Accountability Act of 1996,” Pub.L.104-
3 191; or (ii) any federal or state privacy law.

4 Under the bill, any member state may withdraw from this
5 compact with six months' written notice to the chief executive
6 officer of every other member state to the compact. The attorney
7 general of each member state is to enforce this compact. A
8 taxpaying resident of any member state has standing in the courts of
9 any member state to require the attorney general of that member
10 state to enforce this compact.

11 The bill provides that the compact is to be liberally construed so
12 as to effectuate its purposes. If any provision of this compact, or the
13 applicability of any provision of this compact to any government,
14 agency, person, or circumstance, is declared in a final judgment by
15 a court of competent jurisdiction to be contrary to the Constitution
16 of the United States or is otherwise held invalid, the validity of the
17 remainder of this compact and the applicability of the remainder of
18 this compact to any government, agency, person, or circumstance is
19 not to be affected. If this compact is held to be contrary to the
20 constitution of any member state, the compact is to remain in full
21 force and effect as to the remaining member states and in full force
22 and effect as to the affected member state as to all severable
23 matters.