

**SENATE, No. 2918**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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INTRODUCED JUNE 23, 2022

**Sponsored by:**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Senator VIN GOPAL**

**District 11 (Monmouth)**

**Co-Sponsored by:**

**Senators Stack, Gill, Burgess, Zwicker and Greenstein**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/4/2024)**

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  
10 bill):

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

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

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

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

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

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

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

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

45 “Public entity” means the State and any county, municipality,  
46 district, public authority, public agency, or other political  
47 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. of  
2 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. of  
47 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 that  
23 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. of  
44 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 that  
21 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 deductible,  
30 coinsurance, copayment, or any other cost-sharing requirement on  
31 the coverage required under this section. For a qualifying high-  
32 deductible health plan for a health savings account, the individual  
33 health insurer shall establish the plan's cost-sharing for the  
34 coverage provided pursuant to this section at the minimum level  
35 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. of  
42 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 deductible,  
28 coinsurance, copayment, or any other cost-sharing requirement on  
29 the coverage required under this section. For a qualifying high-  
30 deductible health plan for a health savings account, the group health  
31 insurer shall establish the plan's cost-sharing for the coverage  
32 provided pursuant to this section at the minimum level necessary to  
33 preserve the insured's ability to claim tax-exempt contributions and  
34 withdrawals from the insured's health savings account under 26  
35 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. of  
40 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 insurer  
47 shall grant, an exclusion under the policy for the coverage required  
48 by this section if the required coverage conflicts with the religious



1 employer's bona fide religious beliefs and practices. A religious  
2 employer that obtains an exclusion shall provide written notice  
3 thereof to insureds and prospective insureds, and the group health  
4 insurer shall provide notice to the Commissioner of Banking and  
5 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 impose  
25 a deductible, coinsurance, copayment, or any other cost-sharing  
26 requirement on the coverage required under this section. For a  
27 qualifying high-deductible health plan for a health savings account,  
28 the carrier shall establish the plan's cost-sharing for the coverage  
29 provided pursuant to this section at the minimum level necessary to  
30 preserve the covered person's ability to claim tax-exempt  
31 contributions and withdrawals from the covered person's health  
32 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. of  
37 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, an  
43 exclusion under the health benefits plan for the coverage required  
44 by this section if the required coverage conflicts with the religious  
45 employer's bona fide religious beliefs and practices. A religious  
46 employer that obtains an exclusion shall provide written notice  
47 thereof to covered persons and prospective covered persons, and the  
48 carrier shall provide notice to the Commissioner of Banking and

1 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 impose  
20 a deductible, coinsurance, copayment, or any other cost-sharing  
21 requirement on the coverage required under this section. For a  
22 qualifying high-deductible health plan for a health savings account,  
23 the carrier shall establish the plan’s cost-sharing for the coverage  
24 provided pursuant to this section at the minimum level necessary to  
25 preserve the covered person’s ability to claim tax-exempt  
26 contributions and withdrawals from the covered person’s health  
27 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. of  
32 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, an  
39 exclusion under the health benefits plan for the coverage required  
40 by this section if the required coverage conflicts with the religious  
41 employer’s bona fide religious beliefs and practices. A religious  
42 employer that obtains an exclusion shall provide written notice  
43 thereof to covered persons and prospective covered persons, and the  
44 carrier shall provide notice to the Commissioner of Banking and  
45 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-1 et  
9 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 deductible,  
16 coinsurance, copayment, or any other cost-sharing requirement on  
17 the coverage required under this section. For a qualifying high-  
18 deductible health plan for a health savings account, the health  
19 maintenance organization shall establish the plan’s cost-sharing for  
20 the coverage provided pursuant to this section at the minimum level  
21 necessary to preserve the enrollee’s ability to claim tax-exempt  
22 contributions and withdrawals from the enrollee’s health savings  
23 account under 26 U.S.C. s.223.

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

27 d. Notwithstanding the provisions of subsections a. through c. of  
28 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 maintenance  
35 organization shall grant, an exclusion under the contract for the  
36 coverage required by this section if the required coverage conflicts  
37 with the religious employer’s bona fide religious beliefs and  
38 practices. A religious employer that obtains an exclusion shall  
39 provide written notice thereof to enrollees and prospective  
40 enrollees, and the health maintenance organization shall provide  
41 notice to the Commissioner of Banking and Insurance in a form and  
42 manner as may be determined by the commissioner. The provisions  
43 of this subsection shall not be construed as authorizing a health  
44 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, and  
20 shall not require prior authorization for, the coverage required under  
21 this section.

22 d. Notwithstanding the provisions of subsections a. through c. of  
23 this section, if the Department of Banking and Insurance concludes  
24 that enforcement of this section may adversely affect the allocation  
25 of federal funds to this State, the commissioner may grant an  
26 exemption to the requirements, but only to the minimum extent  
27 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, 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. of  
2 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 read  
10 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  
18 of **his or her** the minor's children, shall be valid and binding, and,  
19 for 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, or  
2 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  
22 the 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 in  
37 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, entity,  
23 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 limit  
22 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 or  
3 private parking area used by a reproductive health care facility;

4 (2) “entrance” means a door to a reproductive health care facility  
5 that directly abuts the public sidewalk; provided, however, that if  
6 the door does not directly abut the public sidewalk, the “entrance”  
7 shall be the point at which the public sidewalk intersects with a  
8 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 of  
14 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 a  
35 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 action  
41 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 section  
30 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 of  
4 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 of  
32 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  
4 Security Grant Program. There shall annually be distributed to  
5 approved eligible health care facilities a maximum grant of up to  
6 \$10,000 per approved application for personnel and a maximum  
7 grant of up to \$50,000 for target-hardening equipment. The director  
8 may adjust these amounts based upon the final availability of funds,  
9 analytical 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 of  
33 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) a. 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-1  
43 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 to  
6 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-1 et  
42 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.