

# ASSEMBLY, No. 4483

## STATE OF NEW JERSEY 221st LEGISLATURE

INTRODUCED JUNE 6, 2024

**Sponsored by:**

**Assemblywoman ROSAURA "ROSY" BAGOLIE**

**District 27 (Essex and Passaic)**

**Assemblywoman GARNET R. HALL**

**District 28 (Essex and Union)**

**Assemblyman REGINALD W. ATKINS**

**District 20 (Union)**

**Co-Sponsored by:**

**Assemblywomen Carter, Morales, Collazos-Gill, Donlon, Assemblymen Moen, Karabinchak, Assemblywomen Peterpaul, Speight, Pintor Marin, Assemblymen Miller, Marengo, Assemblywomen McCann Stamato, Katz, Assemblymen Wimberly, Rodriguez, Stanley, Assemblywoman Drulis, Assemblyman Verrelli, Assemblywomen McCoy, Ramirez and Simmons**

**SYNOPSIS**

“Cancer Patient Care and Compassion Act.”

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 6/26/2024)

1 AN ACT concerning certain protections for cancer patients and  
2 amending and supplementing various parts of the statutory law.

3

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

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7 1. (New section) Sections 1 through 6 of this act shall be known  
8 and may be cited as the “Cancer Patient Care and Compassion Act.”

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10 2. (New section) a. A contract that provides hospital or medical  
11 expense benefits and is delivered, issued, executed, or renewed in  
12 this State by a carrier, the State Health Benefits Commission, or the  
13 School Employees’ Health Benefits Commission, or is approved for  
14 issuance or renewal in this State by the Commissioner of Banking  
15 and Insurance, on or after the effective date of P.L. , c. (C. )  
16 (pending before the Legislature as this bill), shall provide coverage  
17 for individuals diagnosed with cancer and with a prognosis that is  
18 deemed Stage III, Stage IV, or terminal:

19 (1) parenteral treatment of the cancer;

20 (2) survivorship care plan, including follow-up appointments;  
21 and

22 (3) any other service or item, as determined by the Commissioner  
23 of Banking and Insurance.

24 b. A contract subject to this section shall not impose a  
25 coinsurance, copayment, or any other cost-sharing requirement on  
26 the coverage required under this section.

27 c. The provisions of this section shall apply to all contracts in  
28 which the carrier has reserved the right to change the premium.

29 d. As used in this section:

30 “Parenteral treatment” means the intravenous, intra-arterial,  
31 intraperitoneal, or intrathecal administration of nutrition or  
32 medication bypassing the gastrointestinal system.

33 “Survivorship care plan” means a plan for an individual with  
34 cancer from diagnosis through the end of life that focuses on the  
35 health and well-being of the individual. This includes, but is not  
36 limited to, side effects from treatment, cancer recurrence, and quality  
37 of life.

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39 3. (New section) a. Notwithstanding any State law or regulation  
40 to the contrary, the Department of Human Services shall ensure that  
41 expenses incurred for the following services shall be provided with  
42 no cost-sharing to persons served under the Medicaid program,  
43 established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) for  
44 individuals diagnosed with cancer and with a prognosis that is  
45 deemed Stage III, Stage IV, or terminal:

**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 (1) parenteral treatment of the cancer;  
2 (2) survivorship care plan, including follow-up appointments;  
3 and  
4 (3) any other service or item, as determined by the department.
- 5 b. Any copayment or coinsurance that may be required pursuant  
6 to the contract for services covered pursuant to subsection a. of this  
7 section shall not apply.
- 8 c. The department may take any administrative action necessary  
9 to effectuate the provisions of this section.
- 10 d. As used in this section:
- 11 “Carrier” means an insurance company, health service  
12 corporation, hospital service corporation, medical service  
13 corporation, or health maintenance organization authorized to issue  
14 health benefits plans in this State.
- 15 “Parenteral treatment” means the intravenous, intra-arterial,  
16 intraperitoneal, or intrathecal administration of nutrition or  
17 medication bypassing the gastrointestinal system.
- 18 “Survivorship care plan” means a plan for an individual with  
19 cancer from diagnosis through the end of life that focuses on the  
20 health and well-being of the individual. This includes, but is not  
21 limited to, side effects from treatment, cancer recurrence, and quality  
22 of life.  
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- 24 4. (New section) a. Before a residential mortgage lender  
25 provides a notice of intention to a residential mortgage debtor  
26 pursuant to section 4 of P.L.1995, c.244 (C.2A:50-56), and before the  
27 residential mortgage lender accelerates the maturity of a residential  
28 mortgage obligation and commences a foreclosure action to take  
29 possession of the residential property that is the subject of the  
30 mortgage, the residential mortgage lender shall ensure that a  
31 residential mortgage debtor is not undergoing treatment for Stage III,  
32 Stage IV, or terminal cancer. If a residential mortgage debtor is  
33 undergoing treatment for Stage III, Stage IV, or terminal cancer, the  
34 residential mortgage lender shall not provide a notice of intention to  
35 the residential mortgage debtor until the residential mortgage lender  
36 receives notice from the physician treating the residential mortgage  
37 debtor that the debtor is no longer undergoing treatment.
- 38 b. Any foreclosure action to take possession of a residential  
39 property shall be dismissed upon submission by the residential  
40 mortgage debtor to the residential mortgage lender of a letter from  
41 the physician of the debtor certifying that the debtor is undergoing  
42 treatment for Stage III, Stage IV, or terminal cancer.  
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- 44 5. (New section) a. A creditor shall not initiate a collection  
45 proceeding for a default on any debt against an individual who is  
46 undergoing treatment for Stage III, Stage IV, or terminal cancer and  
47 who submits to the creditor a letter from the individual’s physician

1 certifying treatment of the individual for Stage III, Stage IV, or  
2 terminal cancer.

3 b. Any collection proceeding against an individual who is  
4 undergoing treatment for Stage III, Stage IV, or terminal cancer shall  
5 be dismissed upon submission by the individual to the creditor of a  
6 letter from the individual's physician certifying treatment of the  
7 individual for Stage III, Stage IV, or terminal cancer.

8 c. As used in this section:

9 "Collection proceeding" means actions related to the collection of  
10 an individual's debt that require a legal or judicial process, including,  
11 but not limited to, placing a lien on an individual's property, attaching  
12 or seizing an individual's bank account or any other personal  
13 property, commencing a civil action against an individual, or  
14 garnishing an individual's wages.

15 "Creditor" means a federal or State chartered bank, savings bank,  
16 savings and loan association or credit union, any person required to  
17 be licensed under the provisions of the "New Jersey Consumer  
18 Finance Licensing Act," P.L.2009, c.53 (C.17:11C-51 et al.) and any  
19 entity acting on behalf of the creditor named in the debt obligation  
20 including, but not limited to, servicers, and any entity operating as a  
21 collection agency or in the business of purchasing debt.

22

23 6. (New section) For an eviction action based on nonpayment  
24 or habitual late payment of rent, or failure to pay a rent increase, the  
25 Superior Court shall authorize a stay of eviction, for a period of time  
26 not to exceed 45 days, if the tenant is an individual undergoing  
27 treatment for Stage III, Stage IV, or terminal cancer.

28 a. For a tenant to be entitled to a stay of eviction pursuant to this  
29 section, the tenant shall submit a certification from the treating  
30 physician, which shall be deemed confidential and submitted under  
31 seal.

32 b. During the time of the stay of eviction provided pursuant to  
33 this section, the tenant shall be entitled to renew the lease at its term  
34 of expiration, subject to reasonable changes proposed to the tenant  
35 by the landlord.

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37 7. Section 24 of P.L.2019, c.37 (C.43:21-55.2) is amended to  
38 read as follows:

39 24. a. Any covered individual who took any temporary disability  
40 benefits pursuant to P.L.1948, c.110 (C.43:21-25 et al.), or family  
41 temporary disability leave benefits pursuant to P.L.2008, c.17  
42 (C.43:21-39.1 et al.), shall, upon the expiration of the leave, be  
43 entitled to be restored by the employer to the position held by the  
44 employee when the leave commenced or to an equivalent position of  
45 like seniority, status, employment benefits, pay, and other terms and  
46 conditions of employment. If, during that period of leave, the  
47 employer has a reduction in force or layoffs and the employee would

1 have lost the employee's position had the employee not been on the  
2 leave as a result of the reduction in force or layoff, or pursuant to the  
3 good faith operation of a bona fide layoff and recall system including  
4 a system under an applicable collective bargaining agreement, the  
5 employee shall not be entitled to reinstatement to the former or an  
6 equivalent position, if the employer notifies the employee of the  
7 employee's right pursuant to paragraph (2) of subsection (c) of  
8 R.S.43:21-19 to file a claim for unemployment benefits after the  
9 leave period ends. The employee shall retain all rights under any  
10 applicable layoff and recall system, including a system under a  
11 collective bargaining agreement, as if the employee had not taken the  
12 leave.

13 b. An employer shall not discharge, harass, threaten, or  
14 otherwise discriminate or retaliate against an employee with respect  
15 to the compensation, terms, conditions, or privileges of employment  
16 on the basis that the employee requested or took any temporary  
17 disability benefits pursuant to P.L.1948, c.110 (C.43:21-25 et al.), or  
18 family temporary disability leave benefits pursuant to P.L.2008, c.17  
19 (C.43:21-39.1 et al.), including retaliation by refusing to **[restore]**  
20 reinstatement to equivalent employment the employee following a period  
21 of leave **[**, except that, pursuant to section 2 of P.L.1948, c.110  
22 (C.43:21-26), nothing in this section or any other section of P.L.1948,  
23 c.110 (C.43:21-25 et al.) or P.L.2008, c.17 (C.43:21-39.1 et al.) shall  
24 be construed as increasing, reducing or otherwise modifying any  
25 entitlement provided to a worker by the provisions of the "Family  
26 Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.) to be restored to  
27 employment by the employer after a period of family temporary  
28 disability leave **]** as required by subsection a. of this section .

29 c. During any period that temporary disability benefits are  
30 provided pursuant to P.L.1948, c.110 (C.43:21-25 et al.), or family  
31 temporary disability leave benefits provided pursuant to P.L.2008,  
32 c.17 (C.43:21-39.1 et al.), the employer shall:

33 (1) maintain coverage under any group health insurance policy,  
34 group subscriber contract or health care plan at the same level and  
35 with the same or equivalent terms, including the employee's cost of  
36 coverage, such as premium contributions, co-pays, and deductibles,  
37 as would have been provided if the employee's employment had been  
38 continuous throughout that period; and

39 (2) provide, in addition to the benefits required by this section,  
40 any other employment benefits that would be provided pursuant to  
41 the employer's policy for employees on temporary leave from  
42 employment.

43 **[b.]** d. Upon a violation of subsection a., b. or c. of this section,  
44 including a failure of the employer to restore an employee to the  
45 position the employee held prior to leave under subsection b. of this  
46 section, an employee or former employee affected by the violation

1 may take one of the following actions:

2 (1) file a written complaint with the Commissioner of Labor and  
3 Workforce Development to seek reinstatement to employment. If the  
4 employer is found by a preponderance of the evidence to be in  
5 violation, the commissioner shall order the reinstatement the  
6 employee to the position previously held with no reduction in  
7 seniority, status, employment benefits, pay, and other terms and  
8 conditions of employment, compensation for any lost wages, benefits  
9 and other remuneration, and fine the employer \$2,500 for each  
10 violation of subsection a., b. or c. of this section, or

11 (2) institute a civil action in the Superior Court for relief. All  
12 remedies available in common law tort actions shall be available to a  
13 prevailing plaintiff. The court may also order any or all of the  
14 following relief:

15 **[(1)]** (a) an assessment of a civil fine of not less than \$1,000  
16 and not more than \$2,000 for the first violation of any of the  
17 provisions of this section and not more than \$5,000 for each  
18 subsequent violation;

19 **[(2)]** (b) an injunction to restrain the continued violation of any  
20 of the provisions of this section;

21 **[(3)]** (c) reinstatement of the employee to the same position or  
22 to a position equivalent to that which the employee held prior to  
23 unlawful discharge or retaliatory action, or other failure to reinstate  
24 the employee in violation of this section;

25 **[(4)]** (d) reinstatement of full fringe benefits and seniority  
26 rights;

27 **[(5)]** (e) compensation for any lost wages, benefits and other  
28 remuneration; and

29 **[(6)]** (f) payment of reasonable costs and attorney's fees.

30 e. An employee who is eligible for both earned sick leave  
31 pursuant to P.L.2018, c.10 (C.34:11D-1 et seq.) and either temporary  
32 disability benefits pursuant to P.L.1948, c. 110 (C.43:21-25 et al.), or  
33 family temporary disability leave benefits pursuant to P.L.2008, c. 17  
34 (C.43:21-39.1 et al.) shall have the option of using either the earned  
35 sick leave or whichever is applicable of temporary disability benefits  
36 or family temporary disability leave benefits, and may select the  
37 order in which the different kinds of leave are taken, but shall not  
38 receive more than one kind of paid leave simultaneously during any  
39 period of time.

40 (cf: P.L.2019, c.37, s.24)

41

42 8. This act shall take effect on the first day of the fourth month  
43 next after enactment and shall apply to all policies, plans, and  
44 contracts delivered, issued, executed, or renewed on or after the  
45 effective date.

STATEMENT

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This bill, to be known as the “Cancer Patient Care and Compassion Act,” provides certain protections for Stage III, Stage IV, or terminal cancer patients. The bill:

1. Requires health insurance carriers (including health service corporations, hospital service corporations, medical service corporations, commercial individual and group health insurers, and health maintenance organizations), entities contracted to administer health benefits in connection with the State Health Benefits Program and School Employees’ Health Benefits Program, and the NJ FamilyCares/Medicaid program to provide coverage for individuals diagnosed with cancer and with a prognosis that is deemed Stage III, Stage IV, or terminal (1) parenteral treatment of the cancer; (2) survivorship care plan, including follow-up appointments; and (3) any other service or item as determined by the regulators of each type of carrier or contract. Under the bill, “parenteral treatment” means the intravenous, intra-arterial, intraperitoneal, or intrathecal administration of nutrition or medication bypassing the gastrointestinal system and “survivorship care plan” means a plan for an individual with cancer from diagnosis through the end of life that focuses on the health and well-being of the individual. This includes, but is not limited to, side effects from treatment, cancer recurrence, and quality of life. Any cost-sharing or copayment or coinsurance that may be required for coverage will not apply.

2. Prohibits residential mortgage lenders from providing a notice of intention to a residential mortgage debtor undergoing treatment for Stage III, Stage IV, or terminal cancer. Under the bill, a residential mortgage lender shall ensure, before sending a notice of intention to cure a default on a mortgage debtor’s residential mortgage obligation, that the residential mortgage debtor is not undergoing treatment for Stage III, Stage IV, or terminal cancer. If a mortgage debtor is undergoing treatment, the mortgage lender will be prohibited from providing a notice of intention to the mortgage debtor until the mortgage lender receives notice from the physician of the mortgage debtor that the debtor is no longer undergoing treatment. Additionally, the bill provides that any foreclosure action to take possession of a residential property will be dismissed upon submission by the residential mortgage debtor to the residential mortgage lender of a letter from the physician of the debtor certifying that the debtor is undergoing treatment for Stage III, Stage IV, or terminal cancer.

3. Prohibits a creditor from initiating a collection proceeding for a default on any debt against an individual who is undergoing treatment for Stage III, Stage IV, or terminal cancer and who submits to the creditor a letter from the individual’s physician certifying treatment of the individual for Stage III, Stage IV, or terminal cancer. The bill also provides that any collection proceeding against an

1 individual who is undergoing treatment for Stage III, Stage IV, or  
2 terminal cancer is required to be dismissed upon submission by the  
3 individual of a letter from the individual's physician certifying  
4 treatment of the individual for Stage III, Stage IV, or terminal cancer.

5 4. Requires that for eviction actions based on nonpayment or  
6 habitual late payment of rent, or for failure to pay a rent increase, the  
7 Superior Court will authorize a stay of eviction for up to 45 days if  
8 the tenant is actively undergoing Stage III, Stage IV, or terminal  
9 cancer treatment. To qualify for this stay, the tenant must provide a  
10 confidential certification from their treating physician, submitted  
11 under seal. Additionally, during the stay period, the tenant has the  
12 right to renew their lease upon its expiration, subject to reasonable  
13 changes proposed by the landlord.

14 The bill also provides the right to reinstatement to equivalent  
15 employment after a period of leave applies to all periods in which  
16 TDI or FLI benefits are provided, including extending that right to  
17 FLI leave takers employed by employers with less than 30  
18 employees, as is presently the case for TDI leave takers. Under the  
19 bill, an employee who is eligible for both earned sick leave and either  
20 TDI or FLI benefits, may use either the earned sick leave or  
21 whichever is applicable of the TDI or FLI benefits, and may select  
22 the order in which they are taken, but may not receive more than one  
23 kind of paid leave benefits during any period of time.