

ASSEMBLY, No. 4657

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED JUNE 25, 2024

Sponsored by:

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex and Hudson)

SYNOPSIS

Creates “Reproductive Health Care Access Fund” to strengthen access to reproductive health care; makes appropriation.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning reproductive rights, supplementing Titles 10, 26,
2 and 45 of the Revised Statutes, and making an appropriation.

3

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

6

7 1. The Legislature finds and declares that:

8 a. New Jersey can increase access to abortion by ensuring the
9 sustainability of abortion providers.

10 b. The State's efforts to reduce maternal mortality and improve
11 maternal health, calls for services, and health systems supporting the
12 full range of people's reproductive needs. Yet, there remain gaps in
13 the availability of abortion providers.

14 c. A November 2023 report, "Abortion Needs and Availability
15 in New Jersey," by the Rutgers University, School of Public Health
16 identified 41 brick-and-mortar abortion providers in the State. The
17 report further points out, a "concerning" gap in abortion availability
18 in the southern counties of New Jersey. According to the report, of
19 the 21 counties in New Jersey, five southern counties have no
20 identifiable abortion providers.

21 d. Reproductive health clinics are being increasingly targeted by
22 anti-abortion extremists; State grants are crucial to help ensure
23 patients and providers can safely access clinics.

24 e. Cyber attacks are becoming increasingly common throughout
25 all of health care, and reproductive health care specifically. Between
26 2010 and 2019 there were 128,000 cyber threats made to reproductive
27 health care providers, and these attacks are only getting more
28 sophisticated.

29

30 2. For the purpose of this section:

31 "Abortion" means any medical treatment intended to induce the
32 termination of a pregnancy and services rendered to facilitate the
33 termination which may include follow up care, except for the purpose
34 of producing a live birth. "Abortion" includes, but is not limited to,
35 "aspiration abortion" and "medication abortion," as defined in this
36 section.

37 "Aspiration abortion" means a procedure that terminates a
38 pregnancy utilizing manual or electric suction to empty the uterus.

39 "Health care professional" means a physician and other health care
40 professionals licensed pursuant to Title 45 of the Revised Statutes,
41 and a hospital and other health care facilities licensed pursuant to
42 Title 26 of the Revised Statutes.

43 "Health care facility" means a health care facility as defined in
44 section 2 of P.L.1971, c.136 (C.26:2H-2).

45 "Reproductive health care facility" means a licensed health care
46 facility that provides, refers, or seeks to provide reproductive health
47 care services.

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

6
7 3. a. There is established in the General Fund a separate, non-
8 lapsing fund to be known as the “Reproductive Health Care Access
9 Fund.” The fund shall be credited with moneys made available from
10 the fund established pursuant to section 8 of P.L. , c. (C.)
11 (pending before the Legislature as this bill), interest earnings, and
12 any other money from any other source accepted for the benefit of
13 the fund.

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

15 (1) moneys shall be appropriated for the “Reproductive Health
16 Care Clinical Training Program” established pursuant to section 4 of
17 P.L. , c. (C.) (pending before the Legislature as this bill);

18 (2) moneys shall be appropriated for the “Reproductive Health
19 Care Security Grant Program” established pursuant to section 5 of
20 P.L. , c. (C.) (pending before the Legislature as this bill); and

21 (3) moneys shall be appropriated for the “Reproductive Health
22 Care Facility Loan Program” established pursuant to section 6 of
23 P.L. , c. (C.) (pending before the Legislature as this bill).

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

32
33 4. a. There is established in the Division of Consumer Affairs in
34 the Department of Law and Public Safety the “Reproductive Health
35 Care Clinical Training Program.” The purpose of the program shall
36 be to protect access to reproductive health care by ensuring that there
37 are a sufficient number of health care professionals to provide
38 reproductive health care services. The division shall contract with a
39 coordinating organization to administer the program. The
40 coordinating organization shall:

41 (1) have demonstrated experience in coordinating health care
42 training programs for reproductive health care services and family
43 planning services at licensed health care facilities or licensed health
44 care professional offices.

45 (2) be in good standing in any State or jurisdiction in which the
46 organization is registered or incorporated;

47 (3) submit an annual report to the division on the performance of
48 the program; and

1 (4) meet any other requirements established by the division.

2 b. The coordinating organization shall perform the following
3 functions:

4 (1) administer grants to develop and sustain reproductive health
5 care services training programs at a minimum of two licensed health
6 care facilities;

7 (2) identify and select eligible grant recipients, which may
8 include:

9 (a) licensed health care facilities;

10 (b) health care professionals;

11 (c) education programs for health care professionals and students
12 training to be health care professionals; and

13 (d) programs that provide training or education focused on
14 operational needs related to the provision of reproductive health care
15 services;

16 (3) establish training program requirements that are consistent
17 with evidence-based training standards, comply with applicable State
18 law and regulations, and focus on providing unbiased, culturally
19 congruent care;

20 (4) support reproductive health care services clinical training to
21 health care professionals and to the teams of the health care
22 professionals to:

23 (a) expand the number of health care professionals with
24 reproductive health care services training;

25 (b) increase the racial and ethnic diversity among health care
26 professionals with reproductive health care services training; and

27 (5) support the identification, screening, and placement of
28 students and health care professionals at training sites.

29 c. The program shall be funded by the “Reproductive Health
30 Care Access Fund” established pursuant to section 3
31 of P.L. , c. (C.) (pending before the Legislature as this bill).

32

33 5. a. There is established the “Reproductive Health Care Security
34 Grant Program” in the Office of Homeland Security and
35 Preparedness, which shall provide grants to eligible reproductive
36 health care facilities that provide reproductive health care services
37 and which the Director of the Office of Homeland Security and
38 Preparedness determines are at a high risk of being the target of
39 unlawful activity, including but not limited to, acts of violence,
40 property damage, vandalism, harassment, and cyber attacks. Grants
41 provided under the program shall be used by the grant recipient:

42 (1) to hire permanent or temporary security personnel, including
43 but not limited to, federal law enforcement officers; State, county, or
44 municipal law enforcement officers as defined in section 1 of
45 P.L.1977, c.437 (C.40A:14-152.2); special law enforcement officers
46 appointed pursuant to P.L.1985, c.439 (C.40A:14-146.8 et seq.); or
47 security officers registered pursuant to P.L.2004, c.134 (C.45:19A-1
48 et seq.); or any privately contracted security personnel; and

1 (2) for acquisition of target-hardening equipment for the purpose
2 of preparedness against threats, attacks, and other violent acts,
3 including but not limited to, cyber or physical.

4 b. The director shall administer the Reproductive Health Care
5 Security Grant Program. Subject to availability of funds, there shall
6 annually be distributed to approved eligible health care facilities
7 grants for hiring security personnel and grants for acquisition of
8 target-hardening equipment. The director may adjust the grant
9 amounts based upon the final availability of funds, analytical trends,
10 and emerging threats.

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

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

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

30 d. The program shall be funded by the “Reproductive Health Care
31 Access Fund” established pursuant to section 3
32 of P.L. , c. (C.) (pending before the Legislature as this bill).
33 The office also shall pursue and develop, in conjunction with the
34 Department of Law and Public Safety, the United States Department
35 of Homeland Security, and any other applicable State or federal
36 agency, any available federal, State, local, and private funding for the
37 grants authorized pursuant to this section.

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

41 6. a. There is established the “Reproductive Health Care Facility
42 Loan Program” which shall award loans to eligible reproductive
43 health care facilities that provide reproductive health care services.
44 The Commissioner of Health may award loans to a licensed health
45 care facility or other health care facility where licensed health care
46 professionals deliver reproductive health care services if the
47 commissioner determines that the loan is necessary to maintain
48 access to reproductive health care services or referral sources, as

1 appropriate. Loans awarded pursuant to this section shall be used to
2 support establishing or renovating existing health care facilities,
3 investments in technology to facilitate care, the recruitment and
4 retention of staff, and other operational needs that increase
5 reproductive health care services. In determining whether to award a
6 loan to a licensed health care facility, the Commissioner of Health
7 may consider certain factors, including, but not limited to:

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

10 (2) persons in a community will be without ready access to
11 reproductive health care services in the absence of the award of a
12 loan;

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

15 (4) a loan is likely to stabilize access to the reproductive health
16 care services; or

17 (5) there is a reasonable likelihood that the reproductive health
18 care services will be sustainable upon the termination of the loan.

19 b. A licensed health care facility or other health care facility
20 where licensed health care professionals deliver reproductive health
21 care services may apply for the loan made available pursuant to this
22 section by applying to the commissioner in a form and manner
23 determined by the commissioner. Applications shall include, at a
24 minimum, the prior two years of financial statements and utilization
25 statistics, along with a two-year projection of utilization.

26 c. Notwithstanding the provisions of the “Administrative
27 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to the
28 contrary, the Commissioner of Health may adopt, immediately upon
29 filing with the Office of Administrative Law, regulations that the
30 Commissioner of Health deems necessary to effectuate the purposes
31 of this section, which regulations shall be effective for a period not
32 to exceed 18 months from the date of the filing. The commissioner
33 may thereafter amend, adopt, or readopt the regulations in
34 accordance with the requirements of P.L.1968, c.410 (C.52:14B-
35 1 et seq.).

36 d. Subject to the availability of funds, the program shall be funded
37 by the “Reproductive Health Care Access Fund” established pursuant
38 to section 3 of P.L. , c. (C.) (pending before the Legislature
39 as this bill).

40 e. Of the amount appropriated to the program, five percent shall
41 be allocated to the Department of Health to be used to administer the
42 program.

43
44 7. The Department of Health shall conduct a Statewide needs
45 assessment to examine the gaps in access and delivery of
46 reproductive health care services in the State, including the impact
47 that out-of-state restrictions have had on the need for reproductive
48 health care services and the provider network in the State. The

1 department may choose to examine specific populations as pertains
2 to this work, including State public institutions of higher education,
3 and may contract with any consultant or one or more public or private
4 entities to conduct the needs assessment required by this section.

5
6 8. There is appropriated from the General Fund to the
7 Reproductive Health Care Access Fund such moneys as are available
8 and appropriate, subject to the approval of the Director of Budget and
9 Accounting, to carry out the purposes and objectives of section 3 of
10 P.L. , c. (C.) (pending before the Legislature as this bill).

11
12 9. This act shall take effect immediately.

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15 STATEMENT

16
17 This bill implements various measures to strengthen access to
18 reproductive health care services in the State and establishes the
19 “Reproductive Health Care Access Fund” to address those purposes.

20 The fund will be used for the following purposes:

21 (1 “Reproductive Health Care Clinical Training Program”; (2)
22 “Reproductive Health Care Security Grant Program”; and (3)
23 “Reproductive Health Care Facility Loan Program”.

24 The purpose of the “Reproductive Health Care Clinical Training
25 Program” established in the Division of Consumer Affairs in the
26 Department of Law and Public Safety will be to protect access to
27 reproductive health care by ensuring that there are sufficient number
28 of health care professionals to provide reproductive health care
29 services. For instance, the program will ensure that the coordinating
30 organization has demonstrated experience in coordinating health care
31 training programs for reproductive health care services and family
32 planning services. The coordinating organization will also be
33 responsible for administering grants to develop and sustain
34 reproductive health care services.

35 The bill provides that the “Reproductive Health Care Security
36 Grant Program” in the Office of Homeland Security and
37 Preparedness will make available grants to eligible reproductive
38 health care facilities 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 acts of violence, property
41 damage, vandalism, cyber attacks, and harassment. Grants provided
42 under the program will be used to hire security personnel and target-
43 hardening equipment.

44 Further, the “Reproductive Health Care Facility Loan Program”
45 will award loans to eligible reproductive health care facilities that
46 provide reproductive health care services. Under the bill, loans
47 awarded will be used to support establishing or renovating existing
48 health care facilities, investments in technology to facilitate care, the

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1 recruitment and retention of staff, and other operational needs that
2 increase reproductive health care services.

3 The bill requires that the Department of Health conduct a
4 Statewide needs assessment to examine the gaps in access and
5 delivery of reproductive health care services in the State, including
6 the impact that out-of-State restrictions have had on the need for
7 reproductive health care services and the provider network in the
8 State.

9 Finally, the bill appropriates monies from the General Fund,
10 subject to availability, to the “Reproductive Health Care Access
11 Fund.”

12 The FY 2024 Appropriations Act includes a \$5 million
13 appropriation for OBGYN Clinical Training Program to provide
14 training to licensed members of the health care community. Another
15 \$5 million in FY 2024 is appropriated for the Reproductive Health
16 Security Grant Program toward securing clinics. These grants
17 support reproductive health care facilities that provide reproductive
18 health care with target hardening support. The FY 2024 Governor’s
19 Budget recommends language in which the Office of Homeland
20 Security Preparedness will receive reimbursement to administer the
21 grant.