

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 3452

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 24, 2024

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 3452.

As amended, this bill requires health insurance carriers (including health service corporations, hospital service corporations, medical service corporations, commercial individual and group health insurers, and health maintenance organizations) and the NJ FamilyCares/Medicaid program to provide coverage for family planning and reproductive health care services, which includes the termination of pregnancies. The State Health Benefits Commission and School Employees' Health Benefits Commission are also to provide an identical benefit. There is to be no cost-sharing except for certain services involving family planning and reproductive health care services, in which case, a carrier may impose a cost-sharing requirement if those services are provided by an out-of-network provider.

Under the bill, it is provided that, upon request of a religious employer, health insurers are to grant an exclusion if the coverage conflicts with the religious employer's bona fide religious beliefs and practices. "Religious employer" is defined in the bill to mean an organization that is referred to in section 6033(a)(3)(A)(i) or (iii) of the federal Internal Revenue Code of 1986 (26 U.S.C. s.6033), and that is organized and operates as a nonprofit entity.

Additionally, the bill provides that any State program that provides benefits for pregnancy-related care will also provide benefits for the termination of a pregnancy. Lastly, under the bill, medical malpractice insurers are barred from taking any adverse action, including loss of coverage, sanctions, fines, penalties, or rate increases, against an insured for providing or facilitating reproductive health care services or gender-affirming health care services based solely on the fact that the patient receiving the service is a resident of a state where providing or facilitating the activity is illegal.

COMMITTEE AMENDMENTS

The committee amended the bill to:

- 1) require coverage and benefits for family planning and reproductive health care services, which include abortion;
- 2) clarify language allowing religious employers to be exempt from providing coverage otherwise required in the bill;
- 3) modify language on the benefit to terminate a pregnancy required of the State Health Benefits Commission and the School Employees' Health Benefits Commission;
- 4) provide that cost-sharing may be imposed on certain out-of-network benefits; and
- 5) makes technical updates to the laws to be repealed and effective date.