

SENATE BILL NO. 3663

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 3663 with my recommendations for reconsideration.

This bill would require the Department of State ("DOS") to establish a "New Jersey Reproductive Health Travel Advisory" ("advisory"), with the goal of "inform[ing] New Jersey residents of the extent to which states within the United States restrict access to reproductive healthcare services." To that end, the bill would require that the advisory summarize states' reproductive healthcare services, such as gestational duration bans, waiting periods, insurance coverage bans, medication restrictions, constitutional protections, available funding, and liability for patients and providers.

The advisory would incorporate this information into a three-tiered system assigning each state to one of the following categories: "Blue: Exercise normal caution"; "Yellow: Exercise increased caution"; and "Red: Reconsider Travel." DOS would be required to update the advisory every time a state experiences a change in its laws or rules concerning these services.

I share the Legislature's commitment to ensuring that New Jersey residents have access to reliable information about the reproductive health risks associated with interstate travel. Since the United States Supreme Court's decision in Dobbs v. Jackson Women's Health Org., 597 U.S. 215 (2022), some states have banned or restricted access to reproductive healthcare, while others - like New Jersey - have preserved or expanded it. The result has been a legal patchwork that can be challenging for consumers to navigate.

In the aftermath of Dobbs, New Jersey has taken critical steps to educate both its own residents and residents of other states about access to reproductive healthcare in New Jersey. In 2023, for instance, I signed P.L.2023, c.170, which tasked the Department of Health ("DOH") with providing on its website information on reproductive rights under State law and on health benefits coverage for reproductive healthcare services. The resulting "Reproductive Health Information Hub" features, among other things, information about the right to an abortion; preventive and emergency reproductive healthcare; access to contraception; and insurance coverage for reproductive healthcare services. The Reproductive Health Information Hub has been an invaluable resource for understanding reproductive healthcare in New Jersey.

I commend the Legislature for endeavoring to build on this foundation. In its current form, however, I am concerned that this bill will require DOS to maintain, in effect, an ongoing 50-state survey of reproductive healthcare law - a massive undertaking for which DOS has neither the resources nor the expertise. As the agency that is already responsible for compiling reproductive healthcare resources for the Reproductive Health Information Hub, DOH is better suited to educate the public about the status of reproductive healthcare laws throughout the country.

Accordingly, I am recommending revisions to the bill that will leverage the existing Reproductive Health Information Hub and DOH's expertise in this area, without imposing an undue burden on State resources. The amendments I am proposing would replace the requirement that DOS establish a reproductive health travel advisory with a requirement that DOH post to the Reproductive Health Information Hub a resource where individuals can find information about the rights and limitations to reproductive health care services in other states. This information would include, but not be limited to, gestational duration bans, waiting

period requirements, and state-level constitutional protections. These amendments would give DOH the flexibility to rely on trustworthy third-party sources for information about reproductive health care in other states, alleviating the burden on State resources without compromising the goal of educating New Jersey residents about the reproductive health risks associated with interstate travel.

Therefore, I herewith return Senate Bill No. 3663 and recommend that it be amended as follows:

- Page 2, Title, Lines 1-2: Delete "the establishment of a reproductive health travel advisory" and insert "information about reproductive health care services in other states and amending"
- Page 2, Title, Line 2: Delete "P.L.2021, c.375 (C.10:7-1 et al.)" and insert "P.L.2023, c.170"
- Page 2, Section 1, Line 19: Delete "create an advisory that will"
- Page 2, Section 2, Lines 24-50: Delete in their entirety
- Page 3, Section 2, Lines 1-2: Delete in their entirety and insert: "2. Section 1 of P.L.2023, c.170 (C.26:2-200) is amended to read as follows:
1. a. As used in this act, 'reproductive health care services' means all medical, surgical, counseling, or referral services relating to the human reproductive system including, but not limited to, services relating to pregnancy, contraception, or termination of a pregnancy.
 - b. No later than 180 days after the effective date of this act, the Commissioner of Health, in consultation with the Attorney General, the Commissioner of Banking and Insurance, the Commissioner of Human Services, and the State Treasurer, shall provide on the Department of Health's Internet website comprehensive information on reproductive rights under State law, as well as information concerning health benefits coverage for reproductive health care services, which information shall include, but shall not be

limited to, information concerning:

(1) the right under State law to access and receive emergency reproductive health care services;

(2) the right under State law to access and use contraception, including, but not limited to, condoms, diaphragms, spermicides, contraceptive vaginal rings, transdermal contraceptive patches, contraceptive hormonal injections, hormonal contraceptive pills, uterine implants, intrauterine devices, and surgical and non-surgical sterilization;

(3) the right under State law to self-determination regarding the use of contraception and the right under State law to refuse sterilization;

(4) the right under State law to access and use prescription and non-prescription medications for reproductive health care;

(5) the right under State law to carry a pregnancy to term and the right under State law to terminate a pregnancy, as well as the right to access services necessary for childbirth and abortion care;

(6) the right under State law to access preventative reproductive health care services;

(7) the right under State law to receive reproductive health care services regardless of insurance status, which information shall include links to appropriate Internet websites and other resources that can provide assistance in enrolling individuals without insurance or who are underinsured in a health benefits plan or to apply for medical assistance under the Medicaid or NJ FamilyCare programs;

(8) a resource page, or a link to a resource website, where patients can locate current, verified reproductive health care providers, including abortion care providers; [and]

(9) information on where and how to file a complaint in the event that an individual's reproductive rights are violated; and

(10) a resource page, or a link or links to a resource website or websites, where individuals can find information about the rights and limitations to reproductive health care services in other states, which information shall include but not be limited to gestational duration bans, waiting period requirements, and state-level constitutional protections. The resource page shall also advise individuals to contact their health insurance provider regarding their coverage for out-of-state reproductive health care."

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Kate E. McDonnell

Chief Counsel to the Governor