ASSEMBLY, No. 5559

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED SEPTEMBER 24, 2026

Sponsored by:
Assemblyman GREGORY E. MYHRE
District 9 (Ocean)
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District 9 (Ocean)

Co-Sponsored by:
Assemblywoman Flynn, Assemblymen McClellan, Webber, McGuckin and Assemblywoman Fantasia

SYNOPSIS

Repeals enactment concerning access to and provision of reproductive health care services.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 9/24/26)

AN ACT concerning reproductive health care services, amending various parts of statutory law, and repealing P.L.2026, c.74.

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

1. Section 9 of P.L.1978, c.73 (C.45:1-22) is amended to read as follows:

9. In addition or as an alternative, as the case may be, to revoking, suspending or refusing to renew any license, registration or certificate issued by it, a board may, after affording an opportunity to be heard:

a. Issue a letter of warning, reprimand, or censure with regard to any act, conduct or practice which in the judgment of the board upon consideration of all relevant facts and circumstances does not warrant the initiation of formal action;

b. Assess civil penalties in accordance with this act;

c. Order that any person violating any provision of an act or regulation administered by such board to cease and desist from future violations thereof or to take such affirmative corrective action as may be necessary with regard to any act or practice found unlawful by the board;

d. Order any person found to have violated any provision of an act or regulation administered by such board to restore to any person aggrieved by an unlawful act or practice, any moneys or property, real or personal, acquired by means of such act or practice; provided, however, no board shall order restoration in a dollar amount greater than those moneys received by a licensee or his agent or any other person violating the act or regulation administered by the board;

e. Order any person, as a condition for continued, reinstated or renewed licensure, to secure medical or such other professional treatment as may be necessary to properly discharge licensee functions;

f. Order any person, as a condition for continued, reinstated or renewed licensure, to submit to any medical or diagnostic testing and monitoring or psychological evaluation which may be required to evaluate whether continued practice may jeopardize the safety and welfare of the public;

g. Order any person, as a condition for continued, reinstated or renewed licensure, to submit to an assessment of skills to determine whether the licensee can continue to practice with reasonable skill and safety, and to take and successfully complete educational training determined by the board to be necessary;

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 <u>thus</u> is new matter.

h. Order any person, as a condition for continued, reinstated or renewed licensure, to submit to an assessment of skills to determine whether the licensee can continue to practice with reasonable skill and safety, and to submit to any supervision, monitoring or limitation on practice determined by the board to be necessary.

A board may, upon a duly verified application of the Attorney General that either provides proof of a conviction of a court of competent jurisdiction for a crime or offense involving moral turpitude or relating adversely to the regulated profession or occupation, or alleges an act or practice violating any provision of an act or regulation administered by such board, enter a temporary order suspending or limiting any license issued by the board pending plenary hearing on an administrative complaint; provided, however, no such temporary order shall be entered unless the application made to the board palpably demonstrates a clear and imminent danger to the public health, safety and welfare and notice of such application is given to the licensee affected by such order. If, upon review of the Attorney General's application, the board determines that, although no palpable demonstration of a clear and imminent danger has been made, the licensee's continued unrestricted practice pending plenary hearing may pose a risk to the public health, safety and welfare, the board may order the licensee to submit to medical or diagnostic testing and monitoring, or psychological evaluation, or an assessment of skills to determine whether the licensee can continue to practice with reasonable skill and safety.

In any administrative proceeding commenced on a complaint alleging a violation of an act or regulation administered by a board, such board may issue subpoenas to compel the attendance of witnesses or the production of books, records, or documents at the hearing on the complaint.

[Notwithstanding any provision of law to the contrary, a board shall not impose any penalties pursuant to this section on the holder of a certificate, registration, or license based solely on the holder engaging in reproductive health care activity, as defined in section 1 of P.L. , c. (C.) (pending before the Legislature as this bill).**]**

(cf: P.L.2026, c.74, s.2)

2. Section 1 of P.L.2022, c.51 (C.2A:84A-22.18) is amended to read as follows:

1. As used in sections 1 and 2 of P.L.2022, c.51 (C.2A:84A-22.18 and C.2A:84A-22.19):

"Person" includes an individual, partnership, association, limited liability company, or corporation.

“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 [activity" shall have the same meaning as provided in section 1 of P.L.2026, c.74 (C.2C:12-17)].

a. Except as provided in sections 3 through 7 of P.L.1968, c.185 (C.2A:84A-22.3 through 2A:84A-22.7), section 1 of P.L.1970, c. 313 (C.2A:84A-22.8), section 29 of P.L.1968, c.401 (C.45:8B-29), and subsection b. of this section, in any civil action or proceeding preliminary thereto or in any probate, legislative or administrative proceeding, a covered entity, as set forth in the medical privacy and security rules pursuant to Parts 160 and 164 of Subchapter C of Subtitle A of Title 45 of the Code of Federal Regulations, established pursuant to the "Health Insurance Portability and Accountability Act of 1996," Pub.L.104-191, shall not disclose, unless the patient or that patient's conservator, guardian, or other authorized legal representative explicitly consents in writing to the disclosure:

(1) any communication made to the covered entity, or any information obtained by the covered entity from, a patient or the conservator, guardian, or other authorized legal representative of a patient relating to reproductive health care services [activity] that are [is] permitted under the laws of this State; or

(2) any information obtained by personal examination of a patient relating to reproductive health care services [activity] that are [is] permitted under the laws of this State.

A covered entity shall inform the patient or the patient's conservator, guardian, or other authorized legal representative of the patient's right to withhold such written consent at or before the time reproductive health care services are [activity is] rendered or at such time as the patient discloses any information relating to reproductive health care services [activity] that have been [was] previously rendered.

b. Written consent of the patient or the patient's conservator, guardian, or other authorized legal representative shall not be required for the disclosure of any communication or information:

(1) pursuant to the laws of this State or the Rules of Court;

(2) by a covered entity against whom a claim has been made, or there is a reasonable belief that a claim will be made, in an action or proceeding, to the covered entity's attorney or professional liability insurer or insurer's agent for use in the defense of the action or proceeding;

(3) to the Commissioner of Health, Human Services, or Banking and Insurance, or any professional licensing board operating under the authority of the Division of Consumer Affairs in the Department of Law and Public Safety for records of a patient of a covered entity in connection with an investigation of a complaint, if the records are related to the complaint; or

(4) if child abuse, abuse of an elderly individual, abuse of an individual who is incapacitated, or abuse of an individual with a physical or mental disability is known or in good faith suspected. For the purposes of this paragraph, the provision of or material support for reproductive health care services [activity] that are [is] permitted under the laws of this State shall not constitute abuse.

Nothing in this subsection shall be construed to conflict with or displace any requirements or conditions for disclosure set forth under 45 C.F.R. ss.160.203 and 164.514.

c. Nothing in this section shall be construed to impede the lawful sharing of medical records as permitted by State or federal law or the Rules of Court.

(cf: P.L.2026, c.74, s.3)

3. Section 17 of P.L.2004, c.17 (C.17:30D-22) is amended to read as follows:

17. [a.] Notwithstanding any other law or regulation to the contrary, an insurer authorized to transact medical malpractice liability insurance in this State shall not increase the premium of any medical malpractice liability insurance policy based on a claim of medical negligence or malpractice against the insured if the insured is dismissed from an action alleging medical malpractice within 180 days of the filing of the last responsive pleading.

[b. An insurer authorized to transact medical malpractice liability insurance in this State shall not take any adverse action, including but not limited to, loss or denial of coverage, or imposition of sanctions, fines, penalties, or rate increases, against an insured licensed, certified, or registered in this State for reproductive health care activity based on the fact that the patient receiving the service is a resident of a state where those services are illegal, or based on a revocation of an insured's license from another state or other disciplinary action by another state that resulted solely from an insured's reproductive health care activity, if the revocation or disciplinary action was based on a violation of the other state's law prohibiting the reproductive health care activity.]

(cf: P.L.2026, c.74, s.4)

4. Section 1 of P.L.2022, c.50 (C.2A:160-14.1) is amended to read as follows:

1. Notwithstanding the provisions of N.J.S.2A:160-14, the Governor shall not surrender, on demand of the executive authority of any other state, any person who:

a. is found in this State;

b. was not in the state whose executive authority is making the demand at the time of the commission of the alleged crime and has not fled therefrom; and

c. is charged in the state whose executive authority is making the demand with providing, receiving, assisting in providing or receiving, providing material support for, or traveling to obtain **[**based on**]** reproductive health care services that are permitted under the laws of this State **[**activity, as defined in section 1 of P.L.2026, c.74 (C.2C:12-17)**]**, including on any theory of vicarious, joint, several or conspiracy liability.

As used in this section, "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.

(cf: P.L.2026, c.74, s.8)

5. Section 2 of P.L.2022, c.51 (C.2A:84A-22.19) is amended to read as follows:

2. A public entity of this State or employee, appointee, officer or official or any other person acting on behalf of a public entity shall not provide any information or expend or use time, money, facilities, property, equipment, personnel or other resources in furtherance of any interstate **[**or, to the extent permitted by federal law, federal**]** investigation or proceeding seeking to impose civil or criminal liability upon a person or entity for :

(1) the provision, receipt, or seeking of, or inquiring or responding to an inquiry about, reproductive health care services, as defined in section 1 of P.L.2022, c.51 (C.2A:84A-22.18), that are legal in this State; or

(2) assisting, advising, aiding, abetting, facilitating, soliciting, or conspiring with any person or entity providing, receiving, seeking, or inquiring or responding to an inquiry about, reproductive health care services **[**activity**]**, as defined in section 1 of P.L.2022, c.51 (C.2A:84A-22.18), that are legal in this State **[**P.L.2026, c.74 (C.2C:12-17)**]**.

This section shall not apply to any investigation or proceeding when the conduct subject to potential liability under the investigation or proceeding would be subject to liability under the laws of this State if committed in this State. This section shall not apply if it is necessary for the agency or person to engage in conduct otherwise prohibited by this section in order to comply with a valid order issued by a court with jurisdiction over the agency or person, or to comply with applicable provisions of State or federal law.

(cf: P.L.2026, c.74, s.9)

6. P.L.2026, c.74 is repealed.

7. This act shall take effect immediately.

STATEMENT

This bill repeals the recent enactment concerning patients' access to, and medical providers' provision of, reproductive health care services, P.L.2026, c.74.

The enactment, among other provisions:

-- created the crime of "interference with reproductive health care services" and authorized a civil suit for interference with reproductive health care services;

-- barred public entities from expending time or resources in further of interstate proceedings seeking to impose liability for the provision, receipt, or seeking of reproductive health care services that are legal in this State; and

-- expanded the existing ban on extradition from this State of a person charged in another state with providing or receiving reproductive health care services that are legal in this State.

P.L.2026, c.74 took effect August 20, 2026. Under this bill, the repeal of P.L.2026, c.74 would take effect immediately.