

ASSEMBLY, No. 3514

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED FEBRUARY 5, 2024

Sponsored by:
Assemblywoman TENNILLE R. MCCOY
District 14 (Mercer and Middlesex)

SYNOPSIS

Enhances access to reproductive health care; appropriates \$20 million; repeals various sections of law.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/5/2024)

1 AN ACT concerning reproductive rights, revising and supplementing
2 various parts of the statutory law, 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. (New section) As used in P.L.2021, c.375 and
8 P.L. , c. (C.) (pending before the Legislature as this bill):

9 “Abortion” means any medical treatment intended to induce the
10 termination of pregnancy except for the purpose of producing a live
11 birth. Abortion includes, but is not limited to, “medication
12 abortion” and “early aspiration abortion” as defined in this section.

13 “Early aspiration abortion” means a procedure that terminates a
14 pregnancy in the first trimester of pregnancy, utilizing manual or
15 electric suction to empty the uterus.

16 “First trimester of pregnancy” means the period of up to 14
17 completed weeks as calculated by an estimate of gestational age
18 that utilizes the last menstrual period, ultrasound, physical
19 examination, or any combination thereof as appropriate to the
20 standard of care.

21 “Physician” means an individual licensed to practice medicine
22 and surgery in this State.

23 “Medical abortion” means the use, prescription, order,
24 dispensing, administration, or any combination thereof as
25 applicable, of a medication or a combination of medications to
26 induce termination of pregnancy.

27 “Practical support” means direct assistance to enable a person to
28 obtain services related to the termination of a pregnancy including,
29 but not limited to, ground and air transportation, gas money,
30 lodging, meals, child care, translation services, doula support, and
31 assistance related to shipping and handling of medications related to
32 abortion care.

33 “Pregnancy” means the period of the human reproductive
34 process beginning with the implantation of a fertilized egg.

35 “Public entity” means the State and any county, municipality,
36 district, public authority, public agency, or other political
37 subdivision or public body in the State.

38 “Reproductive health care services” includes all medical,
39 surgical, counseling or referral services relating to the human
40 reproductive system, including, but not limited to, services relating
41 to pregnancy, contraception or the termination of a pregnancy.

42 “State” means the State and any office, department, branch,
43 division, subdivision, bureau, board, commission, agency,
44 instrumentality, or individual acting under color of law of the State,
45 but shall not include any entity that is statutorily authorized to sue
46 and be sued.

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 2. Section 2 of P.L.2021, c.375 (C.10:7-2) is amended to read as
2 follows:

3 2. a. Every individual present in the State, including, but not
4 limited to, an individual who is under State control or supervision,
5 shall have the fundamental right to: choose or refuse contraception
6 or sterilization; and choose whether to carry a pregnancy, to give
7 birth, or to terminate a pregnancy. The New Jersey Constitution
8 recognizes the fundamental nature of the right to reproductive
9 choice, including the right to access contraception, to terminate a
10 pregnancy, and to carry a pregnancy to term, shall not be abridged
11 by any law, rule, regulation, ordinance, or order issued by any State,
12 county, or local governmental authority. Any law, rule, regulation,
13 ordinance, or order, in effect on or adopted after the effective date
14 of this act, that is determined to have the effect of limiting the
15 constitutional right to freedom of reproductive choice and that does
16 not conform with the provisions and the express or implied
17 purposes of this act, shall be deemed invalid and shall have no force
18 or effect.

19 b. If the State provides, directly or by contract, hospital or
20 medical benefits for pregnancy-related care through any program
21 administered or funded in whole or in part by the State, the State
22 also shall provide a pregnant individual otherwise eligible for the
23 program with substantially equivalent benefits to permit the
24 individual to voluntarily terminate the individual's pregnancy.

25 c. A physician, acting within the physician's lawful scope of
26 practice and in compliance with all generally applicable regulations,
27 shall be authorized to provide and assist in the provision of abortion
28 care in this State.

29 d. A public entity shall not, in regulating or providing benefits,
30 facilities, services, or information, deny or interfere with an
31 individual's fundamental reproductive rights pursuant to subsection
32 a. of this section or discriminate against an individual on the basis
33 of the individual's exercise of fundamental reproductive rights
34 pursuant to subsection a. of this section.

35 e. The following rules and regulations shall be void, and be
36 given no force or effect following the effective date of P.L. _____,
37 c. _____ (pending before the Legislature as this bill):

38 (1) all rules and regulations promulgated by the Department of
39 Human Services as of the effective date of P.L. _____, c. _____ (pending
40 before the Legislature as this bill), or parts thereof, which limit
41 coverage for abortion services based on the type of facility that
42 provides the services, or which are otherwise inconsistent or in
43 conflict with the provisions or express or implied purposes of
44 P.L.2021, c.375 (C.10:7-1 et seq.) including, but not limited to,
45 relevant parts or subparts of N.J.A.C.10:54-5.43 and
46 N.J.A.C.10:66-2.16; and

47 (2) any rules and regulations promulgated by any other State
48 agency as of the effective date of P.L. _____, c. _____ (pending before the

1 Legislature as this bill), or parts thereof, which are inconsistent or
2 in conflict with the provisions or express or implied purposes of
3 P.L.2021, c.375 (C.10:7-1 et seq.).

4 f. The provisions of this section shall be enforceable under the
5 "New Jersey Civil Rights Act," P.L.2004, c.143 (C.10:6-1 et seq.)
6 or in any other manner provided by law.
7 (cf: P.L.2021, c.375, s.2).

8
9 3. (New section) a. Each hospital service corporation contract
10 that provides hospital or medical expense benefits and is delivered,
11 issued, executed, or renewed in this State pursuant to P.L.1938,
12 c.366 (C.17:48-1 et seq.) or is approved for issuance or renewal in
13 this State by the Commissioner of Banking and Insurance, on or
14 after the effective date of P.L. , c. (pending before the
15 Legislature as this bill), shall provide coverage for abortion, as
16 defined by section 1 of P.L. , c. (C.) (pending before the
17 Legislature as this bill).

18 b. A contract subject to this section shall not impose a
19 deductible, coinsurance, copayment, or any other cost-sharing
20 requirement on the coverage required under this section. For a
21 qualifying high-deductible health plan for a health savings account,
22 the hospital service corporation shall establish the plan's cost-
23 sharing for the coverage provided pursuant to this section at the
24 minimum level necessary to preserve the subscriber's ability to
25 claim tax-exempt contributions and withdrawals from the
26 subscriber's health savings account under 26 U.S.C. s.223.

27 c. A contract shall not impose any restrictions or delays on, and
28 shall not require prior authorization for, the coverage required under
29 this section.

30 d. Notwithstanding the provisions of subsections a. through c.
31 of this section to the contrary, if the Commissioner of Banking and
32 Insurance concludes that enforcement of this section may adversely
33 affect the allocation of federal funds to this State, the commissioner
34 may grant an exemption to the requirements of this section, but only
35 to the minimum extent necessary to ensure the continued receipt of
36 federal funds.

37 e. A religious employer may request, and a hospital service
38 corporation shall grant, an exclusion under the contract for the
39 coverage required by this section if the required coverage conflicts
40 with the religious employer's bona fide religious beliefs and
41 practices. A religious employer that obtains an exclusion shall
42 provide written notice thereof to subscribers and prospective
43 subscribers, and the hospital service corporation shall provide
44 notice to the Commissioner of Banking and Insurance in such form
45 and manner as may be determined by the commissioner. The
46 provisions of this subsection shall not be construed as authorizing a
47 hospital service corporation to exclude coverage for care that is
48 necessary to preserve the life or health of a subscriber.

1 For the purposes of this subsection, “religious employer” means
2 an organization that is organized and operates as a nonprofit entity
3 and is referred to in section 6033(a)(3)(A)(i) or (iii) of the Internal
4 Revenue Code of 1986 (26 U.S.C. s.6033), as amended.

5
6 4. (New section) a. Each medical service corporation contract
7 that provides hospital or medical expense benefits and is delivered,
8 issued, executed, or renewed in this State pursuant to P.L.1940, c.74
9 (C.17:48A-1 et seq.) or is approved for issuance or renewal in this
10 State by the Commissioner of Banking and Insurance, on or after
11 the effective date of P.L. , c. (pending before the Legislature as
12 this bill), shall provide coverage for abortion, as defined by section
13 1 of P.L. , c. (C.) (pending before the Legislature as this
14 bill).

15 b. A contract subject to this section shall not impose a
16 deductible, coinsurance, copayment, or any other cost-sharing
17 requirement on the coverage required under this section. For a
18 qualifying high-deductible health plan for a health savings account,
19 the medical service corporation shall establish the plan’s cost-
20 sharing for the coverage provided pursuant to this section at the
21 minimum level necessary to preserve the subscriber’s ability to
22 claim tax-exempt contributions and withdrawals from the
23 subscriber’s health savings account under 26 U.S.C. s.223.

24 c. A contract shall not impose any restrictions or delays on, and
25 shall not require prior authorization for, the coverage required under
26 this section.

27 d. Notwithstanding the provisions of subsections a. through c.
28 of this section to the contrary, if the Commissioner of Banking and
29 Insurance concludes that enforcement of this section may adversely
30 affect the allocation of federal funds to this State, the commissioner
31 may grant an exemption to the requirements, but only to the
32 minimum extent necessary to ensure the continued receipt of federal
33 funds.

34 e. A religious employer may request, and a medical service
35 corporation shall grant, an exclusion under the contract for the
36 coverage required by this section if the required coverage conflicts
37 with the religious employer’s bona fide religious beliefs and
38 practices. A religious employer that obtains an exclusion shall
39 provide written notice thereof to subscribers and prospective
40 subscribers, and the medical service corporation shall provide
41 notice to the Commissioner of Banking and Insurance in a form and
42 manner as may be determined by the commissioner. The provisions
43 of this subsection shall not be construed as authorizing a medical
44 service corporation to exclude coverage for care that is necessary to
45 preserve the life or health of a subscriber.

46 For the purposes of this subsection, “religious employer” means
47 an organization that is organized and operates as a nonprofit entity

1 and is referred to in section 6033(a)(3)(A)(i) or (iii) of the Internal
2 Revenue Code of 1986 (26 U.S.C. s.6033), as amended.

3
4 5. (New section) a. Each health service corporation contract
5 that provides hospital or medical expense benefits and is delivered,
6 issued, executed, or renewed in this State pursuant to P.L.1985,
7 c.236 (C.17:48E-1 et seq.) or is approved for issuance or renewal in
8 this State by the Commissioner of Banking and Insurance, on or
9 after the effective date of P.L. , c. (pending before the
10 Legislature as this bill), shall provide coverage for abortion, as
11 defined by section 1 of P.L. , c. (C.) (pending before the
12 Legislature as this bill).

13 b. A contract subject to this section shall not impose a
14 deductible, coinsurance, copayment, or any other cost-sharing
15 requirement on the coverage required under this section. For a
16 qualifying high-deductible health plan for a health savings account,
17 the health service corporation shall establish the plan's cost-sharing
18 for the coverage provided pursuant to this section at the minimum
19 level necessary to preserve the subscriber's ability to claim tax-
20 exempt contributions and withdrawals from the subscriber's health
21 savings account under 26 U.S.C. s.223.

22 c. A contract shall not impose any restrictions or delays on, and
23 shall not require prior authorization for, the coverage required under
24 this section.

25 d. Notwithstanding the provisions of subsections a. through c.
26 of this section to the contrary, if the Commissioner of Banking and
27 Insurance concludes that enforcement of this section may adversely
28 affect the allocation of federal funds to this State, the commissioner
29 may grant an exemption to the requirements, but only to the
30 minimum extent necessary to ensure the continued receipt of federal
31 funds.

32 e. A religious employer may request, and a health service
33 corporation shall grant, an exclusion under the contract for the
34 coverage required by this section if the required coverage conflicts
35 with the religious employer's bona fide religious beliefs and
36 practices. A religious employer that obtains an exclusion shall
37 provide written notice thereof to subscribers and prospective
38 subscribers, and the health service corporation shall provide notice
39 to the Commissioner of Banking and Insurance in such form and
40 manner as may be determined by the commissioner. The provisions
41 of this subsection shall not be construed as authorizing a health
42 service corporation to exclude coverage for care that is necessary to
43 preserve the life or health of a subscriber.

44 For the purposes of this subsection, "religious employer" means
45 an organization that is organized and operates as a nonprofit entity
46 and is referred to in section 6033(a)(3)(A)(i) or (iii) of the Internal
47 Revenue Code of 1986 (26 U.S.C. s.6033), as amended.

1 6. (New section) a. Each individual health insurance policy
2 that provides hospital or medical expense benefits and is delivered,
3 issued, executed, or renewed in this State pursuant to chapter 26 of
4 Title 17B of the New Jersey Statutes or is approved for issuance or
5 renewal in this State by the Commissioner of Banking and
6 Insurance, on or after the effective date of P.L. , c. (pending
7 before the Legislature as this bill), shall provide coverage for
8 abortion, as defined by section 1 of P.L. , c. (C.) (pending
9 before the Legislature as this bill).

10 b. A policy subject to this section shall not impose a
11 deductible, coinsurance, copayment, or any other cost-sharing
12 requirement on the coverage required under this section. For a
13 qualifying high-deductible health plan for a health savings account,
14 the individual health insurer shall establish the plan's cost-sharing
15 for the coverage provided pursuant to this section at the minimum
16 level necessary to preserve the insured's ability to claim tax-exempt
17 contributions and withdrawals from the insured's health savings
18 account under 26 U.S.C. s.223.

19 c. A policy shall not impose any restrictions or delays on, and
20 shall not require prior authorization for, the coverage required under
21 this section.

22 d. Notwithstanding the provisions of subsections a. through c.
23 of this section to the contrary, if the Commissioner of Banking and
24 Insurance concludes that enforcement of this section may adversely
25 affect the allocation of federal funds to this State, the commissioner
26 may grant an exemption to the requirements, but only to the
27 minimum extent necessary to ensure the continued receipt of federal
28 funds.

29 e. A religious employer may request, and an individual health
30 insurer shall grant, an exclusion under the policy for the coverage
31 required by this section if the required coverage conflicts with the
32 religious employer's bona fide religious beliefs and practices. A
33 religious employer that obtains an exclusion shall provide written
34 notice thereof to insureds and prospective insureds, and the
35 individual health insurer shall provide notice to the Commissioner
36 of Banking and Insurance in a form and manner as may be
37 determined by the commissioner. The provisions of this subsection
38 shall not be construed as authorizing an individual health insurer to
39 exclude coverage for care that is necessary to preserve the life or
40 health of an insured.

41 For the purposes of this subsection, "religious employer" means
42 an organization that is organized and operates as a nonprofit entity
43 and is referred to in section 6033(a)(3)(A)(i) or (iii) of the Internal
44 Revenue Code of 1986 (26 U.S.C. s.6033), as amended.

45

46 7. (New section) a. Each group health insurance policy that
47 provides hospital or medical expense benefits and is delivered,
48 issued, executed, or renewed in this State pursuant to chapter 27 of

1 Title 17B of the New Jersey Statutes or is approved for issuance or
2 renewal in this State by the Commissioner of Banking and
3 Insurance, on or after the effective date of P.L. , c. (pending
4 before the Legislature as this bill), shall provide benefits for
5 abortion, as defined by section 1 of P.L. , c. (C.) (pending
6 before the Legislature as this bill).

7 b. A policy subject to this section shall not impose a
8 deductible, coinsurance, copayment, or any other cost-sharing
9 requirement on the coverage required under this section. For a
10 qualifying high-deductible health plan for a health savings account,
11 the group health insurer shall establish the plan's cost-sharing for
12 the coverage provided pursuant to this section at the minimum level
13 necessary to preserve the insured's ability to claim tax-exempt
14 contributions and withdrawals from the insured's health savings
15 account under 26 U.S.C. s.223.

16 c. A policy shall not impose any restrictions or delays on, and
17 shall not require prior authorization for, the coverage required under
18 this section.

19 d. Notwithstanding the provisions of subsections a. through c.
20 of this section to the contrary, if the Commissioner of Banking and
21 Insurance concludes that enforcement of this section may adversely
22 affect the allocation of federal funds to this State, the commissioner
23 may grant an exemption to the requirements, but only to the
24 minimum extent necessary to ensure the continued receipt of federal
25 funds.

26 e. A religious employer may request, and a group health
27 insurer shall grant, an exclusion under the policy for the coverage
28 required by this section if the required coverage conflicts with the
29 religious employer's bona fide religious beliefs and practices. A
30 religious employer that obtains an exclusion shall provide written
31 notice thereof to insureds and prospective insureds, and the group
32 health insurer shall provide notice to the Commissioner of Banking
33 and Insurance in a form and manner as may be determined by the
34 commissioner. The provisions of this subsection shall not be
35 construed as authorizing a group health insurer to exclude coverage
36 for care that is necessary to preserve the life or health of an
37 insured.

38 For the purposes of this subsection, "religious employer" means
39 an organization that is organized and operates as a nonprofit entity
40 and is referred to in section 6033(a)(3)(A)(i) or (iii) of the Internal
41 Revenue Code of 1986 (26 U.S.C. s.6033), as amended.

42

43 8. (New section) a. Each individual health benefits plan that
44 provides hospital or medical expense benefits and is delivered,
45 issued, executed, or renewed in this State pursuant to P.L.1992,
46 c.161 (C.17B:27A-2 et seq.) or is approved for issuance or renewal
47 in this State by the Commissioner of Banking and Insurance, on or
48 after the effective date of P.L. , c. (pending before the

1 Legislature as this bill), shall provide benefits for abortion, as
2 defined by section 1 of P.L. , c. (C.) (pending before the
3 Legislature as this bill).

4 b. A health benefits plan subject to this section shall not
5 impose a deductible, coinsurance, copayment, or any other cost-
6 sharing requirement on the coverage required under this section.
7 For a qualifying high-deductible health plan for a health savings
8 account, the carrier shall establish the plan's cost-sharing for the
9 coverage provided pursuant to this section at the minimum level
10 necessary to preserve the covered person's ability to claim tax-
11 exempt contributions and withdrawals from the covered person's
12 health savings account under 26 U.S.C. s.223.

13 c. A health benefits plan shall not impose any restrictions or
14 delays on, and shall not require prior authorization for, the coverage
15 required under this section.

16 d. Notwithstanding the provisions of subsections a. through c.
17 of this section, if the Commissioner of Banking and Insurance
18 concludes that enforcement of this section may adversely affect the
19 allocation of federal funds to this State, the commissioner may
20 grant an exemption to the requirements, but only to the minimum
21 extent necessary to ensure the continued receipt of federal funds.

22 e. A religious employer may request, and a carrier shall grant,
23 an exclusion under the health benefits plan for the coverage
24 required by this section if the required coverage conflicts with the
25 religious employer's bona fide religious beliefs and practices. A
26 religious employer that obtains an exclusion shall provide written
27 notice thereof to covered persons and prospective covered persons,
28 and the carrier shall provide notice to the Commissioner of Banking
29 and Insurance in a form and manner as may be determined by the
30 commissioner. The provisions of this subsection shall not be
31 construed as authorizing a carrier to exclude coverage for care that
32 is necessary to preserve the life or health of a covered person.

33 For the purposes of this subsection, "religious employer" means
34 an organization that is organized and operates as a nonprofit entity
35 and is referred to in section 6033(a)(3)(A)(i) or (iii) of the Internal
36 Revenue Code of 1986 (26 U.S.C. s.6033), as amended.

37

38 9. (New section) a. Each small employer health benefits plan
39 that provides hospital or medical expense benefits and is delivered,
40 issued, executed, or renewed in this State pursuant to P.L.1992,
41 c.162 (C.17B:27A-17 et seq.) or is approved for issuance or renewal
42 in this State by the Commissioner of Banking and Insurance, on or
43 after the effective date of P.L. , c. (pending before the
44 Legislature as this bill), shall provide benefits for abortion, as
45 defined by section 1 of P.L. , c. (C.) (pending before the
46 Legislature as this bill).

47 b. A health benefits plan subject to this section shall not
48 impose a deductible, coinsurance, copayment, or any other cost-

1 sharing requirement on the coverage required under this
2 section. For a qualifying high-deductible health plan for a health
3 savings account, the carrier shall establish the plan's cost-sharing
4 for the coverage provided pursuant to this section at the minimum
5 level necessary to preserve the covered person's ability to claim
6 tax-exempt contributions and withdrawals from the covered
7 person's health savings account under 26 U.S.C. s.223.

8 c. A health benefits plan shall not impose any restrictions or
9 delays on, and shall not require prior authorization for, the coverage
10 required under this section.

11 d. Notwithstanding the provisions of subsections a. through c.
12 of this section to the contrary, if the Commissioner of Banking and
13 Insurance concludes that enforcement of this section may adversely
14 affect the allocation of federal funds to this State, the commissioner
15 may grant an exemption to the requirements, but only to the
16 minimum extent necessary to ensure the continued receipt of federal
17 funds.

18 e. A religious employer may request, and a carrier shall grant,
19 an exclusion under the health benefits plan for the coverage
20 required by this section if the required coverage conflicts with the
21 religious employer's bona fide religious beliefs and practices. A
22 religious employer that obtains an exclusion shall provide written
23 notice thereof to covered persons and prospective covered persons,
24 and the carrier shall provide notice to the Commissioner of Banking
25 and Insurance in a form and manner as may be determined by the
26 commissioner. The provisions of this subsection shall not be
27 construed as authorizing a carrier to exclude coverage for care that
28 is necessary to preserve the life or health of a covered person.

29 For the purposes of this subsection, "religious employer" means
30 an organization that is organized and operates as a nonprofit entity
31 and is referred to in section 6033(a)(3)(A)(i) or (iii) of the Internal
32 Revenue Code of 1986 (26 U.S.C. s.6033), as amended.

33
34 10. (New section) a. Each health maintenance organization
35 contract for health care services that is delivered, issued, executed,
36 or renewed in this State pursuant to P.L.1973, c.337
37 (C.26:2J-1 et seq.) or is approved for issuance or renewal in this
38 State by the Commissioner of Banking and Insurance, on or after
39 the effective date of P.L. , c. (pending before the Legislature as
40 this bill), shall provide health care services for abortion, as defined
41 by section 1 of P.L. , c. (C.) (pending before the
42 Legislature as this bill).

43 b. A contract subject to this section shall not impose a
44 deductible, coinsurance, copayment, or any other cost-sharing
45 requirement on the coverage required under this section. For a
46 qualifying high-deductible health plan for a health savings account,
47 the health maintenance organization shall establish the plan's cost-
48 sharing for the coverage provided pursuant to this section at the

1 minimum level necessary to preserve the enrollee's ability to claim
2 tax-exempt contributions and withdrawals from the enrollee's
3 health savings account under 26 U.S.C. s.223.

4 c. A contract shall not impose any restrictions or delays on,
5 and shall not require prior authorization for, the coverage required
6 under this section.

7 d. Notwithstanding the provisions of subsections a. through c.
8 of this section to the contrary, if the Department of Banking and
9 Insurance concludes that enforcement of this section may adversely
10 affect the allocation of federal funds to this State, the commissioner
11 may grant an exemption to the requirements, but only to the
12 minimum extent necessary to ensure the continued receipt of federal
13 funds.

14 e. A religious employer may request, and a health
15 maintenance organization shall grant, an exclusion under the
16 contract for the coverage required by this section if the required
17 coverage conflicts with the religious employer's bona fide religious
18 beliefs and practices. A religious employer that obtains an
19 exclusion shall provide written notice thereof to enrollees and
20 prospective enrollees, and the health maintenance organization shall
21 provide notice to the Commissioner of Banking and Insurance in a
22 form and manner as may be determined by the commissioner. The
23 provisions of this subsection shall not be construed as authorizing a
24 health maintenance organization to exclude coverage for care that is
25 necessary to preserve the life or health of an enrollee.

26 For the purposes of this subsection, "religious employer" means
27 an organization that is organized and operates as a nonprofit entity
28 and is referred to in section 6033(a)(3)(A)(i) or (iii) of the Internal
29 Revenue Code of 1986 (26 U.S.C. s.6033), as amended.

30

31 11. (New section) a. The State Health Benefits Commission
32 shall ensure that every contract providing hospital or medical
33 expense benefits, which is purchased by the commission on or after
34 the effective date of P.L. , c. (pending before the Legislature as
35 this bill), provides coverage for abortion, as defined by section 1 of
36 P.L. , c. (C.) (pending before the Legislature as this bill).

37 b. A contract subject to this section shall not impose a
38 deductible, coinsurance, copayment, or any other cost-sharing
39 requirement on the coverage required under this section. For a
40 qualifying high-deductible health plan for a health savings account,
41 the commission shall establish the plan's cost-sharing for the
42 coverage provided pursuant to this section at the minimum level
43 necessary to preserve the covered person's ability to claim tax-
44 exempt contributions and withdrawals from the covered person's
45 health savings account under 26 U.S.C. s.223.

46 c. A contract shall not impose any restrictions or delays on,
47 and shall not require prior authorization for, the coverage required
48 under this section.

1 d. Notwithstanding the provisions of subsections a. through c.
2 of this section, if the Department of Banking and Insurance
3 concludes that enforcement of this section may adversely affect the
4 allocation of federal funds to this State, the commissioner may
5 grant an exemption to the requirements, but only to the minimum
6 extent necessary to ensure the continued receipt of federal funds.

7
8 12. (New section) a. The School Employees' Health Benefits
9 Commission shall ensure that every contract providing hospital or
10 medical expense benefits, which is purchased by the commission on
11 or after the effective date of P.L. , c. (pending before the
12 Legislature as this bill), provides coverage for abortion, as defined
13 by section 1 of P.L. , c. (C.) (pending before the
14 Legislature as this bill).

15 b. A contract subject to this section shall not impose a
16 deductible, coinsurance, copayment, or any other cost-sharing
17 requirement on the coverage required under this section. For a
18 qualifying high-deductible health plan for a health savings account,
19 the commission shall establish the plan's cost-sharing for the
20 coverage provided pursuant to this section at the minimum level
21 necessary to preserve the covered person's ability to claim tax-
22 exempt contributions and withdrawals from the covered person's
23 health savings account under 26 U.S.C. s.223.

24 c. A contract shall not impose any restrictions or delays on,
25 and shall not require prior authorization for, the coverage required
26 under this section.

27 d. Notwithstanding the provisions of subsections a. through c.
28 of this section to the contrary, if the Department of Banking and
29 Insurance concludes that enforcement of this section may adversely
30 affect the allocation of federal funds to this State, the commissioner
31 may grant an exemption to the requirements, but only to the
32 minimum extent necessary to ensure the continued receipt of federal
33 funds.

34
35 13. Section 1 of P.L.1965, c.217 (C.9:17A-1) is amended to
36 read as follows:

37 1. The consent to the performance of medical or surgical care
38 and **procedure** procedures by a hospital or by a physician licensed
39 to practice medicine and surgery executed by a married person who
40 is a minor, or by a pregnant **woman** person who is a minor,
41 on **his or her** the minor's behalf or on behalf of any of **his or**
42 **her** the minor's children, shall be valid and binding, and, for such
43 purposes, a married person who is a minor or a
44 pregnant **woman** person who is a minor shall be deemed to have
45 the same legal capacity to act and shall have the same powers and
46 obligations as **has** a person of legal age. Notwithstanding any
47 other provision of the law, an unmarried, pregnant minor may give

1 consent to the furnishing of hospital, medical, and surgical care
2 related to **[her] the minor's** pregnancy or **[her] the minor's** child,
3 although prior notification of a parent may be required pursuant to
4 P.L.1999, c.145 (C.9:17A-1.1 et al.) and such consent shall not be
5 subject to disaffirmance because of minority. The consent of the
6 parent or parents of an unmarried, pregnant minor shall not be
7 necessary in order to authorize hospital, medical, and surgical care
8 related to **[her] the minor's** pregnancy or **[her] the minor's** child.
9 (cf: P.L.1999, c.145, s.1)

10
11 14. (New section) a. A law of another state that authorizes a
12 person to bring a civil action against a person or entity for
13 undertaking any of the following conduct is contrary to the public
14 policy of this State:

15 (1) Receiving or seeking an abortion.

16 (2) Performing or inducing a termination of an abortion.

17 (3) Knowingly engaging in conduct that aids or abets the
18 performance, receipt, or inducement of an abortion.

19 (4) Attempting or intending to engage in the conduct described
20 in paragraphs (1) to (3) of this subsection, inclusive.

21 b. A law described in subsection a. of this section shall not be
22 applied to any matter, case, or controversy heard in a State court or
23 in an administrative tribunal of this State.

24 c. The provisions of this section shall not apply to an action
25 founded in tort, contract, or statute under the laws of this State, or
26 an action founded in tort, contract, or statute under the laws of
27 another state and for which a similar claim would exist under the
28 laws of this State including, but not limited to, an alleged act of
29 malpractice or negligence by a person in the person's profession or
30 occupation.

31
32 15. (New section) a. A person is guilty of interference with
33 reproductive health services if the person purposely or knowingly:

34 (1) inflicts or attempts to inflict bodily injury on another person,
35 with purpose to unlawfully restrict another's access to or receipt or
36 provision of reproductive health services or to intimidate the person
37 from becoming or remaining a reproductive health services patient,
38 provider, volunteer, or assistant, if the conduct would cause a
39 reasonable person to be intimidated;

40 (2) physically obstructs any person seeking to enter into or exit
41 from a reproductive services facility or place of religious worship,
42 with purpose to unlawfully restrict another's access to or receipt or
43 provision of reproductive health services or to intimidate the person
44 from becoming or remaining a reproductive health services patient,
45 provider, volunteer, or assistant, if the conduct would cause a
46 reasonable person to be intimidated;

47 (3) intimidates, threatens, or coerces, or attempts to intimidate,
48 threaten or coerce, any person or entity because that person or entity

1 is a reproductive health services patient, provider, volunteer, or
2 assistant, or in order to intimidate a person or entity, or a class of
3 persons or entities, from becoming or remaining a reproductive
4 health services patient, provider, volunteer, or assistant;

5 (4) damages, defaces or destroys the property of a person,
6 entity, or facility, or attempts to do so, because the person, entity, or
7 facility is a reproductive health services patient, provider, assistant,
8 volunteer, or facility;

9 (5) videotapes, films, photographs, or records by electronic
10 means, within 100 feet of the entrance to, or within, a reproductive
11 health services facility, a reproductive health services patient,
12 provider, volunteer, or assistant without that person's consent, with
13 purpose to intimidate the person from becoming or remaining a
14 reproductive health services patient, provider, volunteer, or
15 assistant, if the conduct would cause a reasonable person to be
16 intimidated;

17 (6) discloses or distributes, in any manner or forum including,
18 but not limited to, Internet websites and social media, a videotape,
19 film, photograph, or recording the person knows or reasonably
20 should know was obtained in violation of paragraph (5) of this
21 subsection, with purpose to intimidate the person from becoming or
22 remaining a reproductive health services patient, provider,
23 volunteer, or assistant, if the conduct would cause a reasonable
24 person to be intimidated.

25 b. Interference with reproductive health services is a crime of
26 the fourth degree, except that interference with reproductive health
27 services is a crime of the second degree if the victim suffers
28 significant bodily injury or serious bodily injury, and is a crime of
29 the third degree if the victim suffers bodily injury.

30 c. For purposes of this section:

31 (1) "intimidate" means to place a person in reasonable
32 apprehension of bodily harm to themselves or to another;

33 (2) "physical obstruction" means rendering ingress to or egress
34 from a reproductive health services facility or a place of religious
35 worship impassable to another person, or rendering passage to or
36 from a reproductive health services facility or a place of religious
37 worship unreasonably difficult or hazardous to another person;

38 (3) "reproductive health services" means medical, surgical,
39 counseling services relating to the human reproductive system,
40 including services relating to contraception, pregnancy, or the
41 termination of a pregnancy;

42 (4) "reproductive health services facility" includes a hospital,
43 clinic, office, or other site that provides or seeks to provide
44 reproductive health services and includes the building or structure
45 in which the facility is located; and

46 (5) "social media" means an electronic service or account, or
47 electronic content, including, but not limited to, videos or still
48 photographs, blogs, video blogs, podcasts, instant and text

1 messages, email, online services or accounts, or Internet website
2 profiles or locations.

3 d. Nothing in this section shall be construed to preclude, or
4 limit in any way, prosecution and conviction for any other offense
5 including, but not limited to, prosecution and conviction for assault,
6 N.J.S.2C:12-1; terroristic threats, N.J.S.2C:12-3; stalking, section 1
7 of P.L.1992, c.209 (C.2C:12-10); criminal coercion, N.J.S.2C:13-5;
8 or criminal trespass, N.J.S.2C:18-3.

9

10 16. (New section) a. The Attorney General or any law
11 enforcement officer may order the immediate dispersal of a
12 gathering that substantially impedes access to or departure from an
13 entrance or driveway to a reproductive health care facility during
14 the business hours of the facility.

15 (1) A dispersal order issued pursuant to this subsection shall
16 include the following statements:

17 (a) the gathering has substantially impeded access to or
18 departure from the facility;

19 (b) each member of the gathering shall, under the penalty of
20 arrest and prosecution, immediately disperse and cease to stand or
21 be located within at least 25 feet of an entrance or a driveway to the
22 facility; and

23 (c) the order shall remain in place for eight hours or until the
24 close of business of the facility on the day the order is issued,
25 whichever is sooner.

26 (2) A dispersal order shall not issue under this subsection unless
27 the 25-foot boundary identified in paragraph (1) of this subsection
28 is clearly marked.

29 b. Failure to comply with a dispersal order issued pursuant to
30 this section shall be a disorderly persons offense.

31 c. For purposes of this section:

32 (1) "driveway" means an entry from a public street to a public
33 or private parking area used by a reproductive health care facility;

34 (2) "entrance" means a door to a reproductive health care
35 facility that directly abuts the public sidewalk; provided, however,
36 that if the door does not directly abut the public sidewalk, the
37 "entrance" shall be the point at which the public sidewalk intersects
38 with a pathway leading to the door;

39 (3) "gathering" means two or more individuals; and

40 (4) "impede" means to obstruct, block, detain, or render passage
41 impossible, unsafe, or unreasonably difficult.

42

43 17. (New section) a. A person who, in violation of section 15
44 of P.L. , c. (C.) (pending before the Legislature as this bill),
45 commits an act of interference with another person's reproductive
46 health services shall be liable to that aggrieved person, who may
47 bring a civil action in the Superior Court.

48 b. The court may award:

- 1 (1) injunctive relief;
- 2 (2) compensatory damages, but in an amount not less than
- 3 liquidated damages computed at the rate of \$1,000 for each
- 4 violation of P.L. , c. (C.) (pending before the Legislature
- 5 as this bill);
- 6 (3) punitive damages upon proof of willful or reckless disregard
- 7 of the law;
- 8 (4) reasonable attorney's fees and other litigation costs
- 9 reasonably incurred; and
- 10 (5) any other preliminary and equitable relief as the court
- 11 determines to be appropriate.

12 c. A conviction of a violation of section 15 of
13 P.L. , c. (C.) (pending before the Legislature as this bill) shall
14 not be a prerequisite for a civil action brought pursuant to this
15 section.

16 d. A court may, in its discretion, permit a person aggrieved by
17 a violation of section 15 of P.L. , c. (C.) (pending before
18 the Legislature as this act) to use a pseudonym in a civil action
19 brought pursuant to the provisions of this section when reasonably
20 required to safeguard the health, safety, or privacy of the person.

21
22 18. (New section) The Attorney General may bring a civil
23 action to enjoin, on a temporary, preliminary, or permanent basis, a
24 violation of section 15 or 16 of P.L. , c. (C.) (pending before
25 the Legislature as this bill); for compensatory damages to persons
26 aggrieved by the violation; and for the assessment of a civil penalty
27 against each actor who violates section 15 or 16 of
28 P.L. , c. (C.) (pending before the Legislature as this bill). The
29 civil penalty imposed on each actor shall not exceed \$10,000 for a
30 first violation, and shall not exceed \$25,000 for a subsequent
31 violation. In imposing civil penalties pursuant to this section, the
32 court shall consider a prior violation of the federal Freedom of
33 Access to Clinic Entrances Act of 1994, 18 U.S.C. s.248, or a prior
34 violation of a statute of another jurisdiction that would constitute a
35 violation of the federal Freedom of Access to Clinic Entrances Act
36 of 1994, 18 U.S.C. s.248, to be a prior violation of section 15 of
37 P.L. , c. (C.) (pending before the Legislature as this bill).

38
39 19. a. (New section) There is established in the General Fund a
40 separate, non-lapsing fund to be known as the "Reproductive Health
41 Access Fund." The fund shall be credited with moneys made
42 available from an appropriation of \$20,000,000 made pursuant to
43 section 31 of P.L. , c. (C.) (pending before the Legislature
44 as this bill), interest earnings, and any other money from any other
45 source accepted for the benefit of the fund.

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

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17

1 (1) \$5,000,000 shall be appropriated for the “Abortion Care
2 Clinical Training Program” established pursuant to section 20 of
3 P.L. , c. (C.) (pending before the Legislature as this bill);

4 (2) \$5,000,000 shall be appropriated for the “Reproductive
5 Health Security Grant Program” established pursuant to section 21
6 of P.L. , c. (C.) (pending before the Legislature as this bill);
7 and

8 (3) \$10,000,000 shall be appropriated for the “Reproductive
9 Health Care Facility Grant Program” established pursuant to section
10 22 of P.L. , c. (C.) (pending before the Legislature as this
11 bill).

12 c. Notwithstanding the provisions of subsection b. of this
13 section to the contrary, the State Treasurer, in the State Treasurer’s
14 discretion, may transfer any portion of the amounts appropriated to
15 the fund among the Division of Consumer Affairs in the
16 Department of Law and Public Safety, the Office of Homeland
17 Security and Preparedness, and the Health Care Facilities Financing
18 Authority for the purposes set forth in paragraphs (1), (2), and (3)
19 of subsection b. of this section.

20

21 20. a. (New section) There is established in the Division of
22 Consumer Affairs in the Department of Law and Public Safety the
23 “Abortion Care Clinical Training Program.” The purpose of the
24 program shall be to protect access to abortion by ensuring that there
25 are a sufficient number of physicians to provide abortion care. The
26 division shall contract with a coordinating organization to
27 administer the program. The coordinating organization shall:

28 (1) have demonstrated experience in coordinating health care
29 training programs at community-based or hospital-based provider
30 sites;

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

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

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

36 b. The coordinating organization shall perform the following
37 functions:

38 (1) administer grants to develop and sustain abortion care
39 training programs at a minimum of two community-based provider
40 sites;

41 (2) administer grants if funding is available to:

42 (a) other community-based sites;

43 (b) hospital-based provider sites;

44 (c) continuing education programs for physicians through
45 professional associations or other clinical education programs; and

46 (d) establish training program requirements that are consistent
47 with evidence-based training standards, comply with applicable

1 State law and regulations, focus on providing culturally congruent
2 care, and include implicit bias training;

3 (3) support abortion care clinical training to physicians and to
4 the clinical care teams of the physicians to:

5 (a) expand the number of physicians with abortion training; and
6 (b) increase the racial and ethnic diversity among physicians
7 with abortion care training; and

8 (4) support the identification, screening, and placement of
9 physicians at training sites.

10 c. The program shall be funded by the “Reproductive Health
11 Access Fund” established pursuant to section 19
12 of P.L. , c. (C.) (pending before the Legislature as this
13 bill).

14

15 21. (New section) a. There is established the “Reproductive
16 Health Security Grant Program” in the Office of Homeland Security
17 and Preparedness, which shall provide grants to eligible
18 reproductive health care facilities that provide reproductive health
19 care services and which the Director of the Office of Homeland
20 Security and Preparedness determines are at a high risk of being the
21 target of unlawful activity, including but not limited to, acts of
22 violence, property damage, vandalism, and harassment. Grants
23 provided under the program shall be used by the grant recipient:

24 (1) to hire permanent or temporary security personnel limited to
25 federal, State, county, or municipal law enforcement officers,
26 special law enforcement officers appointed pursuant to P.L.1985,
27 c.439 (C.40A:14-146.8 et seq.), or security officers registered
28 pursuant to P.L.2004, c.134 (C.45:19A-1 et seq.); and

29 (2) for acquisition of target-hardening equipment for the purpose
30 of preparedness against threats, attacks, and other violent acts.

31 b. The director shall administer the Reproductive Health Security
32 Grant Program. There shall annually be distributed to approved
33 eligible health care facilities a maximum grant of up to \$10,000 per
34 approved application for personnel and a maximum grant of up to
35 \$50,000 for target-hardening equipment. The director may adjust
36 these amounts based upon the final availability of funds, analytical
37 trends, and emerging threats.

38 c. An eligible health care facility shall apply to the office to
39 receive a grant under the program, for either costs of security
40 personnel or acquisition of target-hardening equipment, or both;
41 however, an applicant only may be awarded funds for either
42 personnel or for equipment in a fiscal year. The office first shall
43 evaluate all applications as to whether the facilities are at high risk
44 of terrorist attack, threats, domestic extremism, and other violent
45 acts. The funds distributed under the program shall be utilized
46 solely for security investments made within this State. Funds shall
47 not be utilized to support security needs while traveling outside of
48 this State.

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

6 Applicants may apply annually for grant funds for acquisition of
7 target-hardening equipment. The office shall assign a preference
8 for applicants who have not received either a federal or State
9 security grant for target-hardening equipment in the previous two
10 grant cycles.

11 d. The program shall be funded by the “Reproductive Health
12 Access Fund” established pursuant to section 19
13 of P.L. , c. (C.) (pending before the Legislature as this
14 bill). The office also shall pursue and develop, in conjunction with
15 the Department of Law and Public Safety, the United States
16 Department of Homeland Security, and any other applicable State
17 or federal agency, any available federal, State, local, and private
18 funding for the grants authorized pursuant to this section.

19 e. Of the amount appropriated to the program, five percent shall
20 be allocated to the office to be used to administer the program.

21 f. For purposes of this section, “eligible reproductive health care
22 facility” means a hospital, clinic, office, or other site that provides,
23 refers, or seeks to provide reproductive health services.

24

25 22. (New section) There is established the “Reproductive
26 Health Care Facility Grant Program” in the Health Care Facilities
27 Financing Authority which shall award funding to eligible
28 reproductive health care facilities that provide reproductive health
29 care services. The authority, in consultation with the Commissioner
30 of Health, may award funding to a licensed health care facility or
31 other health care facility where licensed health care providers
32 deliver reproductive health care services if the commissioner
33 determines that the grant is necessary to maintain access to
34 reproductive health care services or referral sources, as appropriate.
35 Grants awarded pursuant to this section shall be used to support
36 establishing or renovating existing health care facilities,
37 investments in technology to facilitate care, the recruitment and
38 retention of staff, and other operational needs that increase abortion
39 care. In determining whether to award a grant to a licensed health
40 care facility, the authority, in consultation with the Commissioner
41 of Health, shall consider whether, at a minimum, the following
42 factors are present:

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

45 (2) persons in a community will be without ready access to
46 reproductive health care services in the absence of the award of a
47 grant;

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

3 (4) a grant is likely to stabilize access to the reproductive health
4 care services; or

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

7 b. A licensed health care facility or other health care facility
8 where licensed health care providers deliver reproductive health
9 care services may apply for the funding made available pursuant to
10 this section by applying to the authority in a form and manner
11 determined by the authority. Applications shall include, at a
12 minimum, the prior two years of financial statements and utilization
13 statistics along with a two-year projection of utilization.

14 c. Notwithstanding the provisions of the “Administrative
15 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to the
16 contrary, the authority, in consultation with the Commissioner of
17 Health, may adopt, immediately upon filing with the Office of
18 Administrative Law, regulations that the authority, in consultation
19 with the Commissioner of Health, deem necessary to effectuate the
20 purposes of this section, which regulations shall be effective for a
21 period not to exceed 18 months from the date of the filing. The
22 authority may thereafter amend, adopt, or readopt the regulations in
23 accordance with the requirements of P.L.1968, c.410
24 (C.52:14B-1 et seq.).

25 d. The program shall be funded by the “Reproductive Health
26 Access Fund” established pursuant to section 19 of P.L. ,
27 c. (C.) (pending before the Legislature as this bill).

28 e. Of the amount appropriated to the program, five percent shall
29 be allocated to the authority to be used to administer the program.

30 f. For purposes of this section, “eligible reproductive health care
31 facility” means a hospital, clinic, office, or other site that provides,
32 refers or seeks to provide reproductive health services.

33

34 23. (New section) a. To ensure the affordability of, and access
35 to reproductive health care for, anyone who seeks care in the State,
36 regardless of their ability to pay for such care, the Department of
37 Health shall administer a program to award grants to health care
38 providers and non-profit entities to support the uncompensated
39 costs relating to the termination of a pregnancy for individuals who
40 lack insurance coverage, are underinsured, or whose insurance is
41 deemed unusable by the rendering provider. The department also
42 shall provide grants through the program established by this section
43 to non-profit entities providing practical support to individuals
44 traveling to New Jersey to access reproductive health services.

45 b. The program established pursuant to subsection a. of this
46 section shall incorporate any existing programs and funding streams
47 that provide coverage or reimbursement for family planning
48 services.

1 c. The State Legislature shall annually appropriate the amount
2 necessary to pay the reasonable and necessary expenses associated
3 with the operation of the program established pursuant to this
4 section, which expenses shall be determined by the department.
5

6 24. (New section) The Department of Health shall conduct a
7 Statewide needs assessment to examine the gaps in delivery of
8 reproductive health services in the State, including the impact that
9 out-of-state restrictions have had on the need for reproductive
10 health services and the provider network in the State. The
11 department may contract with any consultant or one or more public
12 or private entities to conduct the needs assessment required by this
13 section.
14

15 25. (New section) a. Notwithstanding any State law or
16 regulation to the contrary, the Department of Human Services shall
17 ensure that expenses incurred for abortion services shall be
18 provided with no cost-sharing to persons served under the Medicaid
19 program, established pursuant to P.L.1968, c.413
20 (C.30:4D-1 et seq.).

21 b. Any copayment, coinsurance, or deductible that may be
22 required pursuant to the contract for services covered pursuant to
23 subsection a. of this section shall not apply.

24 c. The department may take any administrative action necessary
25 to effectuate the provisions of this section, including modifying or
26 amending any applicable contract or promulgating, amending, or
27 repealing any guidance, guidelines, or rules, which rules or
28 amendments thereto shall be effective immediately upon filing with
29 the Office of Administrative Law for a period not to exceed 12
30 months, and may, thereafter, be amended, adopted or readopted in
31 accordance with the provisions of the "Administrative Procedure
32 Act," P.L.1968, c.410 (C.52:14B-1 et seq.).
33

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

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

43 b. An insurer authorized to transact medical malpractice liability
44 insurance in this State shall not take any adverse action, including
45 loss of coverage, sanctions, fines, penalties, or rate increases,
46 against an insured for providing or facilitating an abortion or
47 reproductive health care service based solely on the fact that the
48 patient receiving the service is a resident of a state where providing

1 or facilitating an abortion or reproductive health care service is
2 illegal, or based on a revocation of an insured's license from
3 another state or other disciplinary action by another state that
4 resulted from an insured's providing, authorizing, participating in,
5 referring, or assisting in an abortion or any other health care service
6 for the purpose of the abortion, or any other reproductive health
7 care service, if the revocation or disciplinary action was based
8 solely on a violation of the other state's law prohibiting the
9 provision of abortion or other reproductive health care service and
10 related services in the state or for a resident of the state or in any
11 other state.

12 (cf: P.L.2004, c.17, s.17)

13

14 27. Section 8 of P.L.1978, c.73 (C.45:1-21) is amended to read
15 as follows:

16 8. A board may refuse to admit a person to an examination or
17 may refuse to issue or may suspend or revoke any certificate,
18 registration or license issued by the board upon proof that the
19 applicant or holder of such certificate, registration or license:

20 a. Has obtained a certificate, registration, license or
21 authorization to sit for an examination, as the case may be, through
22 fraud, deception, or misrepresentation;

23 b. Has engaged in the use or employment of dishonesty, fraud,
24 deception, misrepresentation, false promise or false pretense;

25 c. Has engaged in gross negligence, gross malpractice or gross
26 incompetence which damaged or endangered the life, health,
27 welfare, safety or property of any person;

28 d. Has engaged in repeated acts of negligence, malpractice or
29 incompetence;

30 e. Has engaged in professional or occupational misconduct as
31 may be determined by the board;

32 f. Has been convicted of, or engaged in acts constituting, any
33 crime or offense that has a direct or substantial relationship to the
34 activity regulated by the board or is of a nature such that
35 certification, registration or licensure of the person would be
36 inconsistent with the public's health, safety, or welfare, provided
37 that the board shall make this determination in a manner consistent
38 with section 2 of P.L.2021, c.81 (C.45:1-21.5). For the purposes of
39 this subsection a judgment of conviction or a plea of guilty, non
40 vult, nolo contendere or any other such disposition of alleged
41 criminal activity shall be deemed a conviction;

42 g. Has had his authority to engage in the activity regulated by
43 the board revoked or suspended by any other state, agency or
44 authority for reasons consistent with this section;

45 h. Has violated or failed to comply with the provisions of any
46 act or regulation administered by the board;

- 1 i. Is incapable, for medical or any other good cause, of
2 discharging the functions of a licensee in a manner consistent with
3 the public's health, safety and welfare;
- 4 j. Has repeatedly failed to submit completed applications, or
5 parts of, or documentation submitted in conjunction with, such
6 applications, required to be filed with the Department of
7 Environmental Protection;
- 8 k. Has violated any provision of P.L.1983, c.320 (C.17:33A-1
9 et seq.) or any insurance fraud prevention law or act of another
10 jurisdiction or has been adjudicated, in civil or administrative
11 proceedings, of a violation of P.L.1983, c.320 (C.17:33A-1 et seq.)
12 or has been subject to a final order, entered in civil or
13 administrative proceedings, that imposed civil penalties under that
14 act against the applicant or holder;
- 15 l. Is presently engaged in drug or alcohol use that is likely to
16 impair the ability to practice the profession or occupation with
17 reasonable skill and safety. For purposes of this subsection, the
18 term "presently" means at this time or any time within the previous
19 365 days;
- 20 m. Has prescribed or dispensed controlled dangerous substances
21 indiscriminately or without good cause, or where the applicant or
22 holder knew or should have known that the substances were to be
23 used for unauthorized consumption or distribution;
- 24 n. Has permitted an unlicensed person or entity to perform an
25 act for which a license or certificate of registration or certification
26 is required by the board, or aided and abetted an unlicensed person
27 or entity in performing such an act;
- 28 o. Advertised fraudulently in any manner.
- 29 The division is authorized, for purposes of facilitating
30 determinations concerning licensure eligibility, to require the
31 fingerprinting of each applicant in accordance with applicable State
32 and federal laws, rules and regulations. Each applicant shall submit
33 the applicant's name, address, and written consent to the director for
34 a criminal history record background check to be performed. The
35 division is authorized to receive criminal history record information
36 from the State Bureau of Identification in the Division of State
37 Police and the Federal Bureau of Investigation. Upon receipt of
38 such notification, the division shall forward the information to the
39 appropriate board which shall make a determination regarding the
40 issuance of licensure. The applicant shall bear the cost for the
41 criminal history record background check, including all costs of
42 administering and processing the check, unless otherwise provided
43 for by an individual enabling act. The Division of State Police shall
44 promptly notify the division in the event an applicant or licensee,
45 who was the subject of a criminal history record background check
46 pursuant to this section, is convicted of a crime or offense in this
47 State after the date the background check was performed.

1 Notwithstanding the provisions of any law, rule, or regulation to
2 the contrary, a board shall not refuse to admit a person to an
3 examination and shall not suspend, revoke, or refuse to renew any
4 certificate, registration, or license issued by the board based solely
5 on the holder of the certificate, registration, or license providing,
6 authorizing, participating, referring for, or assisting with any health
7 care, medical service, or procedure related to an abortion for a
8 person who resides in a jurisdiction where the provision,
9 authorization, participation, referral, or assistance would not be a
10 basis for refusing to admit a person to an examination or for
11 suspending, revoking, or refusing to renew a certificate,
12 registration, or license in this State.

13 For purposes of this act:

14 "Completed application" means the submission of all of the
15 information designated on the checklist, adopted pursuant to section
16 1 of P.L.1991, c.421 (C.13:1D-101), for the class or category of
17 permit for which application is made.

18 "Permit" has the same meaning as defined in section 1 of
19 P.L.1991, c.421 (C.13:1D-101).

20 (cf: P.L.2021, c.81, s.1)

21

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

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

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

32 b. Assess civil penalties in accordance with this act;

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

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

46 e. Order any person, as a condition for continued, reinstated or
47 renewed licensure, to secure medical or such other professional

1 treatment as may be necessary to properly discharge licensee
2 functions;

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

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

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

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

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

44 A board shall not impose any additional or alternative penalties
45 pursuant to this section on the holder of a certificate, registration, or
46 license based solely on the holder providing, authorizing,
47 participating, referring for, or assisting with any health care,
48 medical service, or procedure related to an abortion for a person

1 who resides in a jurisdiction where the provision, authorization,
2 participation, referral, or assistance is illegal, if it would not be a
3 basis for additional or alternative penalties in this State.

4 (cf: P.L.2001, c.307, s.2)

5

6 29. The following sections are repealed:

7 Sections 1 through 3 of P.L.1997, c.262 (C.2A:65A-5 through
8 C.2A:65A-7);

9 Sections 2 through 13 of P.L.1999, c.145 (C.9:17A-1.1 through
10 C.9:17A-1.12);

11 Sections 3, 4, and 5 of P.L.2021, c.375 (C.26:2S-39,
12 C.52:14-17.29hh, and C.52:14-17.46.6q); and

13 Section 1 of P.L.1975, c.26 (C.30:4D-6.1).

14

15 30. (New section) The Commissioners of Health, Human
16 Services and Banking and Insurance and the Directors of Homeland
17 Security and Preparedness and the Division of Consumer Affairs
18 shall adopt rules and regulations, pursuant to the "Administrative
19 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as may be
20 necessary to implement the provisions of P.L. , c. (C.)
21 (pending before the Legislature as this bill). Notwithstanding the
22 provisions of the "Administrative Procedure Act," P.L.1968, c.410
23 (C.52:14B-1 et seq.), to the contrary, the commissioners and
24 directors may adopt, immediately upon filing with the Office of
25 Administrative Law, regulations that the commissioners and
26 directors deem necessary to effectuate the purposes of this section,
27 which regulations shall be effective for a period not to exceed 18
28 months from the date of the filing. The commissioners and
29 directors may thereafter amend, adopt, or readopt the regulations in
30 accordance with the requirements of P.L.1968, c.410 (C.52:14B-1
31 et seq.).

32

33 31. (New section) There is appropriated from the General Fund
34 to the Reproductive Health Access Fund \$20,000,000, subject to the
35 approval of the Director of Budget and Accounting, to carry out the
36 purposes and objectives of section 19 of P.L. , c. (C.)
37 (pending before the Legislature as this bill).

38

39 32. (New section) The provisions of P.L. , c. (C.)
40 (pending before the Legislature as this bill) shall be deemed
41 severable. If any provision of P.L. , c. (C.) (pending before
42 the Legislature as this bill), or any application of any provision, is
43 held invalid, the invalidity shall not affect other applications of the
44 provision, or other provisions of P.L. , c. (C.) (pending
45 before the Legislature as this bill), that reasonably can be given
46 effect despite the invalidity.

1 33. This act shall take effect immediately, except that sections 3
2 through 12 shall take effect on the first day of the third month next
3 following the date of enactment and shall apply to all contracts,
4 plans, and policies delivered, issued, executed, or renewed on or
5 after that date and the amendments made by section 2 of this act to
6 subsection b. of section 2 of P.L.2021, c.375 (C.10:7-2) shall take
7 effect on the 366th day next following the date of enactment. The
8 Department of Banking and Insurance may take anticipatory
9 administrative action, in advance of the effective date specified for
10 sections 3 through 12 of this act, as may be necessary to implement
11 those provisions.

12

13

14

STATEMENT

15

16 This bill implements various measures to strengthen access to
17 reproductive health care in the State.

18 HEALTH INSURANCE. The bill provides that any State program
19 that provides benefits for pregnancy-related care will also provide
20 benefits for the termination of pregnancy, and that health insurance
21 coverage will also include coverage for termination of pregnancy
22 without a deductible, coinsurance, copayment, or any other cost-
23 sharing requirement. Under the bill, upon request of a religious
24 employer, a health insurer will grant an exclusion if the coverage
25 conflicts with the religious employer's bona fide religious beliefs
26 and practices.

27 OTHER STATES' CIVIL ACTIONS. The bill declares that a law of
28 another state that authorizes a person to bring a civil action against
29 a person or entity for undertaking any of the following conduct is
30 contrary to the public policy of this State:

31 (1) receiving or seeking an abortion;

32 (2) performing or inducing an abortion;

33 (3) knowingly engaging in conduct that aids or abets the
34 performance, receipt, or inducement of an abortion; or

35 (4) attempting or intending to engage in the conduct described
36 above.

37 This provision of the bill will not apply to an action founded in
38 tort, contract, or statute under the laws of this State, or an action
39 founded in tort, contract, or statute under the laws of another state
40 and for which a similar claim would exist under the laws of this
41 State, including, but not limited to, an alleged act of malpractice or
42 negligence by a person related to the person's profession or
43 occupation.

44 CRIME: INTERFERENCE WITH REPRODUCTIVE HEALTH SERVICES.
45 The bill creates the new crime of "interference with reproductive
46 health services." Among other provisions, a person is guilty of the
47 crime if the person purposely or knowingly, with purpose to
48 unlawfully restrict another's access to or receipt or provision of

1 reproductive health services or to intimidate the person from
2 becoming or remaining a reproductive health services patient,
3 provider, volunteer, or assistant: (1) inflicts or attempts to inflict
4 bodily injury; (2) obstructs any person seeking to enter into or exit
5 from a reproductive health services facility or place of religious
6 worship; (3) intimidates, threatens or coerces, or attempts to
7 intimidate, threaten, or coerce, any person or entity because that
8 person or entity is a reproductive health services patient, provider,
9 volunteer, or assistant; (4) damages, defaces, or destroys the
10 property of a person, entity, or facility, or attempts to do so,
11 because the person, entity, or facility is a reproductive health
12 services patient, provider, assistant, volunteer, or facility; (5)
13 videotapes, films, photographs, or records by electronic means,
14 within 100 feet of the entrance to a reproductive health services
15 facility, a patient, provider, volunteer, or assistant without that
16 person's consent, with purpose to intimidate the person from
17 becoming or remaining a reproductive health services patient,
18 provider, volunteer, or assistant; or (6) discloses or distributes a
19 videotape, film, photograph, or recording of the person with
20 purpose to intimidate the person from becoming or remaining a
21 reproductive health services patient, provider, volunteer, or
22 assistant.

23 Interference with reproductive health services is a crime of the
24 fourth degree, but is a crime of the second degree if the victim
25 suffers significant bodily injury or serious bodily injury. A crime of
26 the fourth degree is punishable by a term of imprisonment of up to
27 18 months, a fine of up to \$10,000, or both; a crime of the second
28 degree, by a term of five to 10 years, a fine of up to \$150,000, or
29 both.

30 DISPERSAL OF GATHERINGS. The bill authorizes the Attorney
31 General or any law enforcement officer to order the immediate
32 dispersal of a gathering that substantially impedes access to or
33 departure from an entrance or driveway to a reproductive health
34 care facility during the business hours of the facility. Failure to
35 comply with a dispersal order is a disorderly persons offense. A
36 disorderly persons offense is punishable by a term of imprisonment
37 of up to six months, a fine of up to \$1,000, or both.

38 CIVIL ACTION: INTERFERENCE WITH REPRODUCTIVE HEALTH
39 SERVICES.

40 The bill also authorizes a person to bring a civil action against a
41 person who unlawfully interferes with another person's
42 reproductive health services. The court may award injunctive
43 relief; compensatory damages in an amount not less than liquidated
44 damages computed at the rate of \$1,000 for each violation; punitive
45 damages upon proof of willful or reckless disregard of the law;
46 reasonable attorney's fees and other litigation costs; and other
47 preliminary and equitable relief as the court determines to be
48 appropriate.

1 Under the bill, the Attorney General may bring a civil action to
2 enjoin a violation of the law, for compensatory damages, and for the
3 assessment of a civil penalty against each person who violates the
4 law. The civil penalty imposed will be up to, but not exceeding,
5 \$10,000 for a first violation, and \$25,000 for any subsequent
6 violation.

7 REPRODUCTIVE HEALTH ACCESS FUND. The bill creates the
8 “Reproductive Health Access Fund,” which will be credited with
9 moneys from an appropriation of \$20 million made pursuant to the
10 bill, interest, and any money from any other source. The fund will
11 be used for the following purposes, established pursuant to the bill:

12 (1) \$5 million will be appropriated for the “Abortion Care
13 Clinical Training Program”; (2) \$5 million for the “Reproductive
14 Health Security Grant Program”; and (3) \$10 million for the
15 “Reproductive Health Care Facility Grant Program”.

16 The “Abortion Care Clinical Training Program” will provide
17 grants to develop and sustain abortion care training programs;
18 continuing education programs for physicians through professional
19 associations or other clinical education programs; and establish
20 training program requirements that are consistent with evidence-
21 based training standards, comply with applicable State law and
22 regulations, and focus on providing culturally congruent care and
23 include implicit bias training.

24 The “Reproductive Health Security Grant Program” in the Office
25 of Homeland Security and Preparedness will provide grants to
26 eligible reproductive health care facilities which the Director of the
27 Office of Homeland Security and Preparedness determines are at a
28 high risk of being the target of unlawful activity, including acts of
29 violence, property damage, vandalism, and harassment. Grants
30 provided under the program will be used to hire security personnel
31 and target-hardening equipment.

32 The “Reproductive Health Facility Grant Program” will be used
33 to support establishing or renovating existing health care facilities,
34 investments in technology to facilitate care, the recruitment and
35 retention of staff, and other operational needs that increase abortion
36 care.

37 NEEDS ASSESSMENT. The bill requires the Department of Health
38 to conduct a Statewide needs assessment to examine the gaps in
39 delivery of reproductive health services in the State, including the
40 impact that out-of-State restrictions have had on the need for
41 reproductive health services and the provider network in the State.

42 MEDICAID COVERAGE. Under the bill, the Department of Human
43 Services will ensure that expenses incurred for abortion services
44 will be provided with no cost-sharing to persons served under the
45 Medicaid program.

46 MEDICAL MALPRACTICE INSURERS. The bill bars medical
47 malpractice insurers from taking any adverse action, including loss
48 of coverage, sanctions, fines, penalties, or rate increases, against an

1 insured for providing or facilitating an abortion or reproductive
2 health care service based solely on the fact that the patient receiving
3 the service is a resident of a state where providing or facilitating an
4 abortion or reproductive health care service is illegal.

5 LICENSING BOARDS. Finally, the bill provides that a licensing
6 board cannot refuse to admit a person to an examination and cannot
7 suspend, revoke, or refuse to renew any certificate, registration, or
8 license based solely on grounds that the applicant or the holder of
9 the certificate, registration, or license provided, authorized,
10 participated in, referred for, or assisted with any health care,
11 medical service, or procedure related to an abortion for a person
12 who resides in a jurisdiction where these acts are illegal, if the acts
13 would not be a basis for these sanctions in this State.

14 REPEALERS. The bill repeals the following statutes, which have
15 either been obviated by court decisions or would be obviated by this
16 bill:

17 -- N.J.S.A.2A:65A-5 through N.J.S.A.2A:65A-7 (banned partial
18 birth abortions);

19 -- N.J.S.A.9:17A-1.1 through N.J.S.A.9:17A-1.12 (required
20 parental notification for minors' abortions);

21 -- N.J.S.A.26:2S-39, N.J.S.A.52:14-17.29hh, and N.J.S.A.52:14-
22 17.46.6q (exempted religious employers from possible requirement
23 that health insurance issued in the State include abortion coverage);
24 and

25 -- N.J.S.A.30:4D-6.1 (barred Medicaid payment for abortion
26 except where necessary to save the woman's life).