

# ASSEMBLY, No. 1705

## STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**SYNOPSIS**

Establishes criminal penalties for physicians who fail to provide certain information prior to performing abortion procedure involving donation of cadaveric fetal tissue.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning abortion and supplementing Title 26 of the  
2 Revised Statutes.

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

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7 1. A person who elects to donate, for research purposes,  
8 cadaveric fetal tissue following an abortion procedure, shall provide  
9 written consent to that donation. Before the person provides written  
10 consent to the donation, the physician who is to perform the  
11 procedure shall inform the patient if the decision to donate  
12 cadaveric fetal tissue will in any way alter the nature, performance,  
13 or timing of the abortion procedure. In addition to any other civil  
14 liability or professional disciplinary action, a physician who fails to  
15 provide this information shall be guilty of a crime of the fourth  
16 degree.

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18 2. This act shall take effect immediately.

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STATEMENT

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23 This bill requires that a person who chooses to donate cadaveric  
24 fetal tissue following an abortion procedure is to provide written  
25 consent to the donation. Before written consent is provided, the  
26 physician performing the abortion is to notify the person if the  
27 decision to donate cadaveric fetal tissue will in any way alter the  
28 nature, performance, or timing of the abortion procedure. A  
29 physician who fails to provide this information would be guilty of a  
30 crime of the fourth degree, which is punishable by imprisonment for  
31 up to 18 months, up to a \$10,000 fine, or both. The physician may  
32 also be liable for civil damages or professional disciplinary action.

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34 Informed consent, which is a requirement for any non-emergency  
35 medical procedure, requires that the patient affirmatively consent to  
36 a procedure after being fully informed as to the implications of the  
37 procedure, including its nature and attendant risks. The purpose of  
38 informed consent is to ensure that patients are equipped to make  
39 informed decisions regarding their own treatment. If a patient lacks  
40 the capacity to provide informed consent, another authorized  
41 person, such as a parent, spouse, guardian, conservator, or health  
care representative, may do so on the patient's behalf.