

ASSEMBLY, No. 2750

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Assemblywoman NANCY F. MUNOZ

District 21 (Morris, Somerset and Union)

Assemblywoman ELIANA PINTOR MARIN

District 29 (Essex)

Assemblywoman LISA SWAIN

District 38 (Bergen and Passaic)

Co-Sponsored by:

Assemblywomen Vainieri Huttle and Dunn

SYNOPSIS

Prohibits certain medical examinations on female patients without informed consent.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/16/2020)

1 **AN ACT** concerning medical exams and supplementing Title 26 of
2 the 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. As used in this act:

8 “Health care practitioner” means a person licensed or otherwise
9 authorized by law to practice medicine, dentistry, dental hygiene,
10 podiatric medicine, osteopathy, or chiropractic.

11 b. A medical student enrolled in a clinical clerkship, post-
12 graduate resident in medical training, or any student shall not perform
13 an examination on an anesthetized or unconscious female patient
14 unless a supervising health care practitioner first obtains the patient's
15 informed consent to the examination, or the performance of the
16 examination is medically necessary. The female patient shall be
17 permitted to choose to undergo an examination prior to or after the
18 administration of anesthesia if the examination is within the scope of
19 the procedure to be performed on the female patient, or if it is
20 determined prior to the procedure that an examination is medically
21 necessary.

22
23 2. The Commissioner of Health may promulgate rules and
24 regulations, in accordance with the “Administrative Procedure Act,”
25 P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate
26 the provisions of this act.

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28 3. This act shall take effect on the 180th day after the date of
29 enactment.

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STATEMENT

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34 This bill prohibits certain medical examinations on female patients
35 without informed consent.

36 Under the bill, a medical student enrolled in a clinical clerkship,
37 post-graduate resident in medical training, or any student is not to
38 perform an examination on an anesthetized or unconscious female
39 patient unless a supervising health care practitioner first obtains the
40 patient's informed consent to the examination, or the performance of
41 the examination is medically necessary. The female patient is to be
42 permitted to choose to undergo an examination prior to or after the
43 administration of anesthesia if the examination is within the scope of
44 the procedure to be performed on the female patient, or if it is
45 determined prior to the procedure that the examination is medically
46 necessary.