

ASSEMBLY, No. 4137

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 11, 2020

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

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District 7 (Burlington)

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SYNOPSIS

Requires hospitals to collect and report data on gender identity and sexual orientation in relation to coronavirus disease 2019 (COVID-19).

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/2/2020)

1 AN ACT concerning hospitals and amending P.L.2020, c.28.

2

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

5

6 1. Section 1 of P.L.2020, c.28 is amended to read as follows:

7 1. a. The Commissioner of Health shall require hospitals
8 licensed pursuant to Title 26 of the Revised Statutes to report to the
9 Department of Health demographic data, including the age,
10 ethnicity, gender as indicated by the person, including any indicated
11 non-binary gender and any disparities in the person's gender
12 identity and gender assigned at birth, sexual orientation, and race of
13 persons in this State who have tested positive for the coronavirus
14 disease 2019 or who have died from the coronavirus disease 2019,
15 as well as the number of persons who attempt to get treatment for
16 the coronavirus disease 2019, the number of persons who are
17 admitted for treatment for the coronavirus disease 2019, and the
18 number of persons who attempt to get tested for the coronavirus
19 disease 2019 and were turned away, until the end of the State's
20 declared public health emergency related to the coronavirus disease
21 2019. Commencing on the effective date of P.L. , c. (pending
22 before the Legislature as this bill), each licensed hospital shall
23 collect from each person presenting at the hospital for testing or
24 treatment related to the coronavirus disease 2019 information
25 concerning the patient's sexual orientation and, if the patient's
26 gender assigned at birth differs from the patient's gender identity,
27 information concerning both the gender assigned at birth and the
28 gender identity as well as any specific non-binary gender indicated
29 by the person. To the extent that a hospital reported demographic
30 data pursuant to this subsection prior to the effective date of P.L. ,
31 c. (pending before the Legislature as this bill) that did not include
32 data concerning non-binary gender identities, disparities in gender
33 assigned at birth and gender identity, or sexual orientation, the
34 hospital shall provide updated data for that period that includes, to
35 the extent available, data on non-binary gender identities,
36 disparities in gender assigned at birth and gender identity, and
37 sexual orientation. The commissioner shall compile the reported
38 Statewide data by county and municipality.

39 b. The Department of Health shall publish on its Internet
40 website the demographic data received pursuant to subsection a. of
41 this section. The department shall update its Internet website on a
42 daily basis by publishing the latest demographic data received by
43 the Commissioner of Health until the end of the State's declared
44 public health emergency related to the coronavirus disease 2019.

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 c. The Commissioner of Health shall prepare and submit a
2 report compiling the data reported pursuant to this section to the
3 Governor and to the Legislature, pursuant to section 2 of P.L.1991,
4 c.164 (C.52:14-19.1).
5 (cf: P.L.2020, c.28, s.1)

6
7 2. This act shall take effect immediately and shall expire as
8 provided in section 2 of P.L.2020, c.28.

9
10
11 STATEMENT

12
13 This bill revises the demographic data that hospitals are required
14 to report in connection with the coronavirus disease 2019 (COVID-
15 19) pandemic pursuant to P.L.2020, c.28. Specifically, the bill
16 requires that hospitals collect information from all persons
17 presenting at the hospital for testing or treatment related to COVID-
18 19 concerning the person's sexual orientation and, if the person's
19 gender assigned at birth differs from the person's gender identity,
20 information concerning both the gender assigned at birth and the
21 gender identity, as well as any specific non-binary gender indicated
22 by the person. This information is to be included in the
23 demographic data reported under P.L.2020, c.28.

24 Hospitals that reported demographic data under P.L.2020, c.28
25 prior to the effective date of this bill that did not include data on
26 non-binary gender identities, disparities in gender assigned at birth
27 and gender identity, or sexual orientation, will be required to submit
28 updated data that includes that information, to the extent that it is
29 available.