

ASSEMBLY, No. 5746

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 17, 2021

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Requires certain doctors and nurses to ask patients questions regarding menstrual cycles, previous tampon use, and toxic shock syndrome.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning toxic shock syndrome and supplementing Title
2 26 of the Revised Statutes.

3

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

6

7 1. a. As used in this section:

8 “Nurse practitioner” means a licensed nurse practitioner who
9 practices nursing the following areas: family medicine, general
10 obstetrics, or gynecology.

11 “Physician” means a physician licensed pursuant to Title 45 of
12 the Revised Statutes who practices family medicine, general
13 obstetrics, or gynecology.

14 b. A nurse practitioner or physician shall ask each female
15 patient who is exhibiting symptoms associated with influenza or
16 viral gastroenteritis if the patient has an active menstrual cycle or
17 the date of the last menstrual cycle if the female patient does not
18 have an active menstrual cycle at the time of the medical visit.

19 c. A nurse practitioner or physician shall ask a female patient
20 with an active menstrual cycle or a recently active menstrual cycle,
21 as determined pursuant to subsection b. of this section, when the
22 patient most recently used a tampon and if the patient experienced
23 symptoms associated with influenza or viral gastroenteritis while
24 using the tampon or soon thereafter.

25 d. A nurse practitioner or physician shall inform a female
26 patient who is exhibiting symptoms associated with influenza or
27 viral gastroenteritis about signs and symptoms of menstrual toxic
28 shock syndrome.

29 e. A nurse practitioner or physician shall offer to test a female
30 patient for toxic shock syndrome if:

31 (1) the patient is exhibiting symptoms associated with influenza
32 or viral gastroenteritis;

33 (2) the patient has an active or recently active menstrual cycle as
34 determined pursuant to subsection b. of this section; and

35 (3) the patient began experiencing symptoms associated with
36 influenza or viral gastroenteritis while using a tampon or soon
37 thereafter as determined pursuant to subsection c. of this section.

38

39 2. The Commissioner of Health may adopt rules and
40 regulations, in accordance with the “Administrative Procedure Act,”
41 P.L.1968, c.410 (C.52:14B-1 et seq.), as necessary to effectuate the
42 provisions of this act.

43

44 3. This act shall take effect immediately.

STATEMENT

This bill requires nurse practitioners who practices nursing in emergency medicine, family medicine, general obstetrics, or gynecology and physicians who practice emergency medicine, family medicine, general obstetrics, or gynecology to ask patients questions regarding menstrual cycles, previous tampon use, and toxic shock syndrome.

Under the bill, a nurse practitioner or physician is to ask each female patient who is exhibiting symptoms associated with influenza or viral gastroenteritis if the patient has an active menstrual cycle or the date of the last menstrual cycle if the female patient does not have an active menstrual cycle at the time of the medical visit. A nurse practitioner or physician is to ask a female patient with an active menstrual cycle or a recently active menstrual cycle, when the patient most recently used a tampon and if the patient experienced symptoms associated with influenza or viral gastroenteritis while using the tampon or soon thereafter. A nurse practitioner or physician is to inform a female patient who is exhibiting symptoms associated with influenza or viral gastroenteritis about signs and symptoms of menstrual toxic shock syndrome.

In addition, a nurse practitioner or physician is to offer to test a female patient for toxic shock syndrome if:

(1) the patient is exhibiting symptoms associated with influenza or viral gastroenteritis;

(2) the patient has an active or recently active menstrual cycle; and

(3) the patient began experiencing symptoms associated with influenza or viral gastroenteritis while using a tampon or soon thereafter.