SENATE HEALTH, HUMAN SERVICES AND SENIOR CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 49

STATE OF NEW JERSEY

DATED: JANUARY 6, 2022

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 49.

This bill establishes certain requirements related to the right to reproductive choice in New Jersey.

Specifically, the bill codifies the constitutional right, which has been recognized by the New Jersey Supreme Court, to freedom of reproductive choice, including the right to access contraception, to terminate a pregnancy, and to carry a pregnancy to term. Any law, rule, regulation, ordinance, or order that has the effect of abridging the constitutional right to freedom of reproductive choice, including a law, rule, regulation, ordinance, or order in effect on, or adopted after, the effective date of the bill, will be deemed invalid and will have no force or effect. The bill specifically provides that every individual present in the State, including, but not limited to, an individual who is under State control or supervision, has the fundamental right to choose or refuse contraception or sterilization; and to choose whether to carry a pregnancy, to give birth, or to terminate a pregnancy.

The bill additionally provides that, after concluding a study and issuing a report to the Governor and the Legislature demonstrating the need that such a regulation is necessary, the Department of Banking and Insurance may adopt regulations providing that health benefit plans delivered, issued, executed, or renewed in this State, require coverage for abortion. If the department adopts a regulation establishing this coverage requirement, the department will also be required to mandate that carriers grant, upon request of a religious employer, an exclusion under the contract for the required coverage if the coverage conflicts with the religious employer's bona fide religious beliefs and practices. A religious employer that obtains such an exclusion will be required to provide written notice thereof to covered persons and prospective covered persons, and the carrier will additionally be required to provide notice to the Commissioner of Banking and Insurance in such form and manner as may be determined by the commissioner. Nothing in this requirement is to be construed as authorizing a carrier to exclude coverage for care that is necessary to preserve the life or health of a subscriber. An insurance exclusion authorized by the department will not constitute a violation of the

provisions of the bill invalidating laws determined to have the effect of abridging or limiting the constitutional right to freedom of reproductive choice.

The bill provides that a contract providing hospital or medical expense benefits purchased by the State Health Benefits Commission or the School Employees' Health Benefits Commission may provide coverage for abortion. A contract providing hospital or medical expense benefits purchased by either commission may not exclude a provider from its network or otherwise restrict services from the provider solely on the basis that the provider is a religious employer that refuses to provide abortion services.