SENATE, No. 1981

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:
Senator LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)

SYNOPSIS

Prohibits certain medical examinations on female patients without informed consent.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning medical exams and supplementing Title 26 of the Revised Statutes.

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

1. a. As used in this act:

"Health care practitioner" means a person licensed or otherwise authorized by law to practice medicine, dentistry, dental hygiene, podiatric medicine, osteopathy, or chiropractic.

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

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

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

STATEMENT

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

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