

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 3156 and 3157

STATE OF NEW JERSEY

DATED: MAY 6, 2021

The Senate Health, Human Services and Senior Services Committee reports favorably a Senate committee substitute for Senate Bill Nos. 3156 and 3157.

The substitute bill, which will be known and may be cited as the “COVID-19 PCR Testing Transparency Act,” establishes certain deadlines and other requirements related to coronavirus disease 2019 (COVID-19) PCR tests, which are tests used to detect active infection with the SARS-CoV-2 virus.

Specifically, the substitute provides that any entity that collects a specimen from an individual and uses that specimen to perform an on-site COVID-19 PCR test will be required to provide the tested individual with the results of the test within 96 hours after the specimen is collected.

If the entity that collects a specimen for the purpose of conducting a COVID-19 PCR test is not performing the test, the entity will be required to pack and ship the specimen, in accordance with applicable rules, regulations, or guidelines established by the federal Centers for Disease Control and Prevention, to a clinical laboratory. The clinical laboratory will then be required, within 96 hours of receipt of the specimen, to perform a COVID-19 PCR test on the specimen and provide the results of the test to each individual and entity that is authorized to receive the test results pursuant to the order for the COVID-19 PCR test or, if no recipient is specified in the testing order, pursuant to the laboratory’s standard protocols for reporting test results.

An entity, other than the tested individual, that receives an individual’s COVID-19 PCR test result will be required to communicate the results of the test to the tested individual within 24 hours of receiving the test results; provided that this requirement will not apply to governmental entities receiving COVID-19 PCR test results.

Prior to collecting a specimen from an individual for the purpose of conducting a COVID-19 PCR test, the entity collecting the specimen will be required to inform the individual of the deadlines for performing and reporting a COVID-19 PCR test result established

under the bill and provide the individual with the anticipated timeframe in which the individual should expect to receive the results from a COVID-19 PCR test. If the entity collecting the specimen will be performing the COVID-19 PCR test, the entity is to provide the current average turnaround times for COVID-19 PCR test results for that entity. If the entity collecting the specimen will be sending the specimen to a clinical laboratory to perform the COVID-19 PCR test, the entity will be required to provide the individual with the current turnaround times for COVID-19 PCR test results for that clinical laboratory, to the extent they are known.

The substitute provides that no entity billing for the performance of a COVID-19 PCR test may charge a significantly higher price, as determined by the Department of Health, for providing expedited COVID-19 PCR test results as compared to the price charged by the entity for non-expedited COVID-19 PCR test results.

Clinical laboratories that perform COVID-19 PCR tests will be required to report to the Department of Health, on a monthly basis, the number of COVID-19 PCR tests performed by the laboratory and the average period of time between specimen collection and the provision of test results to the individual. The reported information is to be published on the Internet websites of both the Department of Health and the laboratory.

Any entity, including a clinical laboratory, that violates the requirements of the substitute may be subject to civil penalties or other administrative action as may be provided under Department of Health regulations.

The substitute provides that long-term care facilities will be required to comply with the provisions of Executive Directive No.20-026 and any other executive directive issued by the Department of Health relating to the performance of COVID-19 PCR tests, except that, upon the rescission of Executive Directive No.20-026 or any other executive directive issued by the department relating to the performance of COVID-19 PCR tests, long-term care facilities will be subject to the provisions of the substitute.

The substitute will take effect immediately and expire upon the end of both the public health emergency and the state of emergency declared in response to the COVID-19 pandemic.