

ASSEMBLY, No. 2815

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Establishes criminal penalties for physicians who fail to provide certain information prior to performing abortion procedure involving donation of cadaveric fetal tissue.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning abortion and supplementing Title 26 of the
2 Revised Statutes.

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

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7 1. A person who elects to donate, for research purposes,
8 cadaveric fetal tissue following an abortion procedure, shall provide
9 written consent to that donation. Before the person provides written
10 consent to the donation, the physician who is to perform the
11 procedure shall inform the patient if the decision to donate
12 cadaveric fetal tissue will in any way alter the nature, performance,
13 or timing of the abortion procedure. In addition to any other civil
14 liability or professional disciplinary action, a physician who fails to
15 provide this information shall be guilty of a crime of the fourth
16 degree.

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18 2. This act shall take effect immediately.

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STATEMENT

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23 This bill requires that a person who chooses to donate cadaveric
24 fetal tissue following an abortion procedure is to provide written
25 consent to the donation. Before written consent is provided, the
26 physician performing the abortion is to notify the person if the
27 decision to donate cadaveric fetal tissue will in any way alter the
28 nature, performance, or timing of the abortion procedure. A
29 physician who fails to provide this information would be guilty of a
30 crime of the fourth degree, which is punishable by imprisonment for
31 up to 18 months, up to a \$10,000 fine, or both. The physician may
32 also be liable for civil damages or professional disciplinary action.

33 Informed consent, which is a requirement for any non-emergency
34 medical procedure, requires that the patient affirmatively consent to
35 a procedure after being fully informed as to the implications of the
36 procedure, including its nature and attendant risks. The purpose of
37 informed consent is to ensure that patients are equipped to make
38 informed decisions regarding their own treatment. If a patient lacks
39 the capacity to provide informed consent, another authorized
40 person, such as a parent, spouse, guardian, conservator, or health
41 care representative, may do so on the patient's behalf.