

§1 –  
C.26:2H-12.108  
§2 - C.45:9-7.9  
§3 –  
C.45:9-27.25c  
§4 - C.45:9-1a  
§5 - C.45:11-26.4  
§6 - C.45:11-24b  
§7 - C.45:10-23  
§§8,9 - Notes

P.L. 2021, CHAPTER 79, *approved May 11, 2021*  
Senate, No. 703 (*Third Reprint*)

1 AN ACT concerning <sup>3</sup>**[implicit]**<sup>3</sup> bias training and supplementing  
2 Title 26 <sup>3</sup>and Title 45<sup>3</sup> 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. Every hospital that provides inpatient maternity services  
8 and every birthing center licensed in the State pursuant to P.L.1971,  
9 c.136 (C.26:2H-1 et seq.) shall implement an evidence-based  
10 <sup>3</sup>explicit and<sup>3</sup> implicit bias training program for <sup>1</sup>;

11 (1)<sup>1</sup> all health professionals who provide perinatal treatment  
12 and care to pregnant <sup>2</sup>**[women]** persons<sup>2</sup> at the hospital or birthing  
13 center <sup>2</sup>regardless of the compensation agreement, contractual  
14 status, or privilege status that may exist between the health  
15 professional and the hospital or birthing center<sup>2 1</sup>; and

16 (2) all <sup>3</sup>**[administrative and clerical]** supportive services<sup>3</sup> staff  
17 members <sup>2</sup>, as defined by the Department of Health,<sup>2</sup> who interact  
18 with pregnant <sup>2</sup>**[women]** persons<sup>2</sup> at the hospital or birthing center

19 A hospital or birthing center that implements an<sup>3</sup>explicit and<sup>3</sup>  
20 implicit bias training program pursuant to this section shall ensure  
21 that the program is structured in a manner that permits health care  
22 professionals to be eligible to receive continuing education credits  
23 for participation in the program<sup>1</sup>.

24 b. The training program shall include, but not be limited to:

25 (1) identifying previous and current unconscious biases and  
26 misinformation when providing perinatal treatment and care to <sup>1</sup>, or  
27 interacting with,<sup>1</sup> pregnant <sup>2</sup>**[women]** persons<sup>2</sup>;

28 (2) identifying <sup>3</sup>environmental,<sup>3</sup> personal, interpersonal,  
29 institutional, and cultural barriers to inclusion;

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SHH committee amendments adopted July 22, 2020.

<sup>2</sup>Senate SBA committee amendments adopted August 25, 2020.

<sup>3</sup>Assembly AAP committee amendments adopted February 24, 2021.

- 1 (3) information on the effects of historical and contemporary  
 2 exclusion and oppression of minority communities;
- 3 (4) information about cultural identity across racial <sup>3</sup>[and]<sub>2</sub><sup>3</sup>  
 4 ethnic<sup>3</sup>, and other marginalized<sup>3</sup> groups;
- 5 (5) information about communicating more effectively across  
 6 racial, ethnic, religious, and gender identities;
- 7 (6) information about reproductive justice;
- 8 (7) a discussion on power dynamics and organizational  
 9 decision-making and their effects on <sup>3</sup>explicit and<sup>3</sup> implicit bias;
- 10 (8) a discussion on <sup>3</sup>[health]<sup>3</sup> inequities and racial <sup>3</sup>[and]<sub>1</sub><sup>3</sup>  
 11 ethnic <sup>3</sup>and other<sup>3</sup> disparities within the field of perinatal care, and  
 12 how <sup>3</sup>explicit and<sup>3</sup> implicit bias may contribute to pregnancy-  
 13 related deaths and maternal and infant health outcomes; <sup>2</sup>[and]<sup>2</sup>
- 14 (9) corrective measures to decrease <sup>3</sup>explicit and<sup>3</sup> implicit bias  
 15 at the interpersonal and institutional levels<sup>2</sup>; and
- 16 (10) review of the annual report of the New Jersey Maternal  
 17 Mortality Review Committee.<sup>2</sup>
- 18 <sup>2</sup>The Department of Health shall identify an <sup>3</sup>explicit and<sup>3</sup>  
 19 implicit bias training tool to be utilized by the <sup>3</sup>explicit and<sup>3</sup>  
 20 implicit bias training program implemented by a hospital or birthing  
 21 center pursuant to this section. The use of the department's training  
 22 tool by a hospital or birthing center shall not preclude the hospital  
 23 or birthing center from utilizing additional or customized training  
 24 tools in addition to the department's training tool<sup>2</sup>.
- 25 c. A health care professional who provides perinatal treatment  
 26 and care to pregnant <sup>2</sup>[women] persons<sup>2</sup> at a hospital that provides  
 27 inpatient maternity services or a birthing center licensed in the State  
 28 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) <sup>1</sup>and all  
 29 <sup>3</sup>[administrative and clerical] supportive<sup>3</sup> staff members who  
 30 interact with pregnant <sup>2</sup>[women] persons<sup>2</sup> at the hospital or  
 31 birthing center<sup>1</sup> shall:
- 32 (1) complete the training program on <sup>3</sup>explicit and<sup>3</sup> implicit bias  
 33 at such times and intervals as the hospital or birthing center shall  
 34 require;
- 35 (2) complete a refresher course under the training program,  
 36 designed to provide the health care professional <sup>1</sup>or  
 37 <sup>3</sup>[administrative or clerical] supportive<sup>3</sup> staff member<sup>1</sup> with  
 38 updated information about racial, ethnic, and cultural identity, and  
 39 best practices in decreasing interpersonal and institutional implicit  
 40 bias, every two years or on a more frequent basis, if deemed  
 41 necessary by the hospital or birthing center ; and
- 42 (3) receive a certification <sup>2</sup>of completion<sup>2</sup> from the hospital or  
 43 birthing center upon successful completion of the training program.
- 44 d. <sup>1</sup>A health care professional who completes a continuing  
 45 education course on <sup>3</sup>explicit and<sup>3</sup> implicit bias pursuant to section

1 2, 3, <sup>2</sup>[or]<sup>2</sup> 4 <sup>3</sup>[<sup>2</sup>, or 5<sup>2</sup>], 5, or 7<sup>3</sup> of P.L. , c. (C. , C. ,  
 2 or C. ) (pending before the Legislature as this bill) shall be  
 3 deemed to have satisfied the <sup>3</sup>explicit and<sup>3</sup> implicit bias training  
 4 requirement set forth in subsection c. of this section for the  
 5 licensure or certification period in which the continuing education  
 6 course was completed.

7 e.<sup>1</sup> <sup>2</sup>In the event that a hospital or birthing center fails to  
 8 implement an <sup>3</sup>explicit and<sup>3</sup> implicit bias training program pursuant  
 9 to this section, the Department of Health shall invoke penalties or  
 10 take administrative action against the hospital or birthing center.  
 11 Any penalties imposed or administrative actions taken by the  
 12 department pursuant to this subsection may be imposed in a  
 13 summary proceeding.

14 f.<sup>2</sup> As used in this section:

15 <sup>3</sup>“Explicit bias” means attitudes and beliefs about a person or  
 16 group on a conscious level.<sup>3</sup>

17 <sup>2</sup>“Health care professional” means a person licensed or certified  
 18 to practice a health care profession pursuant to Title 45 of the  
 19 Revised Statutes.<sup>2</sup>

20 “Implicit bias” means a bias in judgment or behavior that results  
 21 from subtle cognitive processes, including implicit prejudice and  
 22 implicit stereotypes, that often operate at a level below conscious  
 23 awareness and without intentional control.

24 “Implicit stereotypes” means the unconscious attributions of  
 25 particular qualities to a member of a certain social group,  
 26 influenced by experience, and based on learned associations  
 27 between various qualities and social categories, including race and  
 28 gender.

29 <sup>2</sup>“Perinatal care” means the provision of care during pregnancy,  
 30 labor, delivery, postpartum and neonatal periods.<sup>2</sup>

31  
 32 <sup>1</sup>2. The State Board of Medical Examiners shall require that the  
 33 number of credits of continuing medical education required of each  
 34 person licensed as a physician who provides <sup>2</sup>[prenatal or]<sup>2</sup>  
 35 perinatal treatment and care to pregnant <sup>2</sup>[women] persons<sup>2</sup>, as a  
 36 condition of biennial registration pursuant to section 1 of P.L.1971,  
 37 c.236 (C.45:9-6.1), include one credit of educational programs or  
 38 topics concerning <sup>3</sup>explicit and<sup>3</sup> implicit bias, which educational  
 39 programs and topics shall meet the requirements for a training  
 40 program set forth in subsection b. of section 1 of  
 41 P.L. , c. (C. ) (pending before the Legislature as this bill).  
 42 The continuing medical education requirement in this subsection  
 43 shall be subject to the provisions of section 10 of P.L.2001, c.307  
 44 (C.45:9-7.1) <sup>2</sup>[, including, but not limited to, the authority of the  
 45 board to waive the provisions of this section for a specific  
 46 individual if the board deems it is appropriate to do so]<sup>2,1</sup>

1       <sup>1</sup>3. The State Board of Medical Examiners shall require that the  
2 number of credits of continuing medical education required of each  
3 person licensed as a physician assistant who provides  
4 <sup>2</sup>[prenatal or ]<sup>2</sup> perinatal treatment and care to pregnant <sup>2</sup>[women]  
5 persons<sup>2</sup>, as a condition of biennial renewal pursuant to section 4 of  
6 P.L.1991, c.378 (C.45:9-27.13), include one credit of educational  
7 programs or topics concerning <sup>3</sup>explicit and<sup>3</sup> implicit bias, which  
8 educational programs and topics shall meet the requirements for a  
9 training program set forth in subsection b. of section 1 of  
10 P.L. , c. (C. ) (pending before the Legislature as this bill).  
11 The continuing medical education requirement in this subsection  
12 shall be subject to the provisions of section 16 of P.L.1991, c.378  
13 (C.45:9-27.25) <sup>2</sup>[, including, but not limited to, the authority of the  
14 board to waive the provisions of this section for a specific  
15 individual if the board deems it is appropriate to do so]<sup>2</sup>.<sup>1</sup>  
16

17       <sup>2</sup>4. As a condition of being appointed as a member of the State  
18 Board of Medical Examiners, or the member's continued  
19 appointment to the board, a board member shall complete an  
20 evidence-based <sup>3</sup>explicit and<sup>3</sup> implicit bias training program  
21 approved by the Division of Consumer Affairs in the Department of  
22 Law and Public Safety <sup>3</sup>that is equivalent to the training program  
23 provided for in subsection b. of section 1 of P.L. , c. (C. )  
24 (pending before the Legislature as this bill)<sup>3</sup>. The board member  
25 shall complete, and acknowledge the completion of, the training  
26 program at a frequency determined by the division.<sup>2</sup>  
27

28       <sup>2</sup>[<sup>1</sup>4.] <sup>5</sup>.<sup>2</sup> The New Jersey Board of Nursing shall require that  
29 the number of credits of continuing education required of each  
30 person licensed as a professional nurse or a practical nurse who  
31 provides <sup>2</sup>[prenatal or]<sup>2</sup> perinatal treatment and care to pregnant  
32 <sup>2</sup>[women] persons<sup>2</sup>, as a condition of biennial license renewal,  
33 include one credit of educational programs or topics concerning  
34 <sup>3</sup>explicit and<sup>3</sup> implicit bias, which educational programs and topics  
35 shall meet the requirements for a training program set forth in  
36 subsection b. of section 1 of P.L. , c. (C. ) (pending before  
37 the Legislature as this bill). <sup>2</sup>[The board may, in its discretion,  
38 wave the continuing education requirement set forth in this section  
39 on an individual basis for reasons of hardship, such as illness or  
40 disability, retirement of the license, or other good cause. A waiver  
41 shall apply only to the current biennial renewal period at the time of  
42 board issuance.<sup>1</sup>]<sup>2</sup>  
43

44       <sup>2</sup>6. As a condition of being appointed as a member of the New  
45 Jersey Board of Nursing, or the member's continued appointment to  
46 the board, a board member shall complete an evidence-based

1 <sup>3</sup>explicit and<sup>3</sup> implicit bias training program approved by the  
2 Division of Consumer Affairs in the Department of Law and Public  
3 Safety <sup>3</sup>that is equivalent to the training program provided for in  
4 subsection b. of section 1 of P.L. , c. (C. ) (pending before  
5 the Legislature as this bill)<sup>3</sup>. The board member shall complete,  
6 and acknowledge the completion of, the training program at a  
7 frequency determined by the division.<sup>2</sup>  
8

9 <sup>2</sup>7. A certified nurse midwife, certified professional midwife, or  
10 certified midwife who was licensed prior to the effective date of  
11 this act shall, as a condition of license renewal, complete at least  
12 one credit of educational programs or topics concerning <sup>3</sup>explicit  
13 and<sup>3</sup> implicit bias, which educational programs and topics shall  
14 meet the requirements for a training program set forth in subsection  
15 b. of section 1 of P.L. , c. (C.) (pending before the Legislature as  
16 this bill).<sup>2</sup>  
17

18 <sup>1</sup>[2.] <sup>2</sup>[5.1] 8.<sup>2</sup> The Department of Health <sup>1</sup>and the Director of  
19 the Division of Consumer Affairs in the Department of Law and  
20 Public Safety<sup>1</sup> shall adopt rules and regulations, pursuant to the  
21 provisions of the "Administrative Procedure Act," P.L.1968, c.410  
22 (C.52:14B-1 et seq.), to effectuate the purposes of this act.  
23

24 <sup>1</sup>[3.] <sup>2</sup>[6.1] 9.<sup>2</sup> This act shall take effect on the first day of the  
25 sixth month next following the date of enactment.  
26

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29  
30 Requires certain health care professionals to undergo explicit and  
31 implicit bias training.