

ASSEMBLY, No. 1020

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblyman NICHOLAS CHIARAVALLOTI

District 31 (Hudson)

SYNOPSIS

Requires certain hospitals and healthcare facilities to collect patients' gender and sexual orientation information.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning gender and sexual orientation and
2 supplementing Title 26 of the 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. The Commissioner of Health shall require a hospital or
8 other health care facility licensed pursuant to P.L.1971, c.136
9 (C.26:2H-1 et seq.) to collect gender and sexual orientation
10 information from patients and include this information in patients'
11 electronic health records and other clinical records maintained by
12 the hospital or facility, which information shall include, but shall
13 not be limited to, how patients think of themselves in terms of their
14 sexual orientation, patients' current gender as well as the gender
15 listed on patients' birth certificates, and preferred pronouns used by
16 patients to describe themselves.

17 b. Each vendor that sells, leases, or licenses for use an
18 electronic health records system that is used by hospitals or other
19 health care facilities in this State shall ensure the system is
20 equipped to allow for the inclusion of gender and sexual orientation
21 information pursuant to subsection a. of this section.

22 c. Nothing in this section shall be construed to authorize the
23 disclosure of any confidential information in violation of State or
24 federal privacy laws or to require patients to disclose gender and
25 sexual orientation information if they do not voluntarily choose to
26 do so.

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28 2. Pursuant to the "Administrative Procedure Act," P.L.1968,
29 c.410 (C.52:14B-1 et seq.), the Department Health may adopt rules
30 and regulations necessary to effectuate the provisions of this act.

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32 3. This act shall take effect 180 days after the date of
33 enactment.

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STATEMENT

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38 This bill requires certain hospitals and healthcare facilities to
39 collect patients' gender and sexual orientation information.

40 Under the bill, the Commissioner of Health is to require licensed
41 hospitals and health care facilities to collect gender and sexual
42 orientation information from patients and include this information
43 in patients' electronic and other clinical health records, which
44 information is to include, but not be limited to, how patients think
45 of themselves in terms of their sexual orientation, patients' current
46 gender as well as the gender listed on patients' birth certificates,
47 and preferred pronouns used by patients to describe themselves.

48 The bill provides that the Department Health may adopt rules
49 and regulations necessary to effectuate the bill's provisions.