

[First Reprint]

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)

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SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Human Services Committee on February 22, 2021, with amendments.



1 AN ACT concerning gender and sexual orientation and
2 supplementing Title 26 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. 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.) to¹;

10 (1)¹ collect gender and sexual orientation information from
11 patients and include this information in patients' electronic health
12 records and other clinical records maintained by the hospital or
13 facility¹ [, which]. The¹ information ¹collected pursuant to this
14 paragraph¹ shall include, but ¹[shall] need¹ not be limited to¹ [,]:
15 information regarding¹ how patients think of themselves in terms of
16 their sexual orientation¹ [,];¹ patients' current gender¹;¹ as well as
17 the gender listed on patients' birth certificates¹ [,];¹ and preferred
18 pronouns used by patients to describe themselves ¹; and

19 (2) on an annual basis, or more frequently as required by the
20 commissioner, submit a written report to the commissioner
21 containing an aggregated and depersonalized summary of
22 information, collected pursuant to paragraph (1) of this subsection,
23 regarding patients' gender and sexual orientation¹.

24 b. Each vendor that sells, leases, or licenses for use an
25 electronic health records system that is used by hospitals or other
26 health care facilities in this State shall ensure the system is
27 equipped to allow for the inclusion of gender and sexual orientation
28 information ¹collected¹ pursuant to subsection a. of this section.

29 c. Nothing in this section shall be construed to authorize the
30 disclosure of any confidential information in violation of State or
31 federal privacy laws or to require patients to disclose gender and
32 sexual orientation information if they do not voluntarily choose to
33 do so.

34 ¹d. The Department of Health shall publish, on its Internet
35 website, the aggregated and depersonalized demographic data that
36 is reported by hospitals and other facilities pursuant to paragraph
37 (2) of subsection a. of this section. The department shall update its
38 Internet website, on a daily basis, to ensure that it reflects the latest
39 demographic data received by the commissioner.

40 e. The Commissioner of Health shall annually submit a written
41 report to the Governor and, pursuant to section 2 of P.L.1991, c.164
42 (C.52:14-19.1), to the Legislature, summarizing the aggregated and
43 depersonalized demographic data that has been reported, during the

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:

¹Assembly AHU committee amendments adopted February 22, 2021.

1 year, by hospitals and other facilities, and identifying any trends or
2 significant changes in the data.¹

3

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

7

8 3. This act shall take effect 180 days after the date of
9 enactment.