

ASSEMBLY HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1020

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 22, 2021

The Assembly Human Services Committee reports favorably and with committee amendments Assembly Bill No. 1020.

As amended by the committee, this bill requires certain hospitals and healthcare facilities to collect patients' gender and sexual orientation information and include this information in patients' electronic records and other clinical health records maintained by the hospital or other facility. The collected information is to include, but need not be limited to: how patients think of themselves in terms of their sexual orientation; patients' current gender, as well as the gender listed on patients' birth certificates; and preferred pronouns used by patients to describe themselves. Each hospital or other facility will be required, on an annual basis, or more frequently as required by the Commissioner of Health, to submit a written report to the commissioner containing an aggregated and depersonalized summary of the demographic data collected by the facility.

The bill requires the Department of Health (DOH) to publish, on its Internet website, the aggregated and depersonalized demographic data that is reported by hospitals and other facilities under the bill. The DOH will be required to update the website, on a daily basis, to ensure that it reflects the latest demographic data received by the commissioner.

The DOH will additionally be required to annually provide the Governor and Legislature with a written report summarizing the aggregated and depersonalized demographic data that has been submitted, during the year, by hospitals and other facilities, and identifying any trends or significant changes in the data.

Each vendor that sells, leases, or licenses an electronic health records system that is used by hospitals or other health care facilities in this State will be required, under the bill, to ensure that the system is capable of including gender and sexual orientation information collected under the bill.

The bill specifies that nothing in its provisions may be construed to authorize the disclosure of any confidential information, in violation of State or federal privacy laws, or to require patients to disclose gender and sexual orientation information if they do not voluntarily choose to do so.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amended the bill to require hospitals and other facilities to submit a written report to the Commissioner of Health, on an annual basis, or more frequently as required by the commissioner, containing aggregated and depersonalized summary of information collected under the bill.

The amendments further require the DOH to: 1) publish, on its Internet website, the aggregate and depersonalized demographic data that is reported thereto; 2) update the DOH website, on a daily basis, to ensure that it reflects the most up-to-date demographic information related to patients' gender and sexual orientation; and 3) annually submit a report to the Governor and Legislature summarizing the data reported to the DOH during the year and identifying any trends or significant changes in the data.

The amendments also incorporate minor technical changes to correct punctuation and clarify language.