

# ASSEMBLY, No. 4253

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 15, 2020

**Sponsored by:**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington)**

**Assemblywoman NANCY J. PINKIN**

**District 18 (Middlesex)**

**Assemblywoman ANGELICA M. JIMENEZ**

**District 32 (Bergen and Hudson)**

**SYNOPSIS**

Requires electronic medical record programs to include gender and race and ethnicity data entry feature; requires certain laboratories to record patients' gender and racial and ethnic information.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 6/22/2020)

1 AN ACT concerning clinical laboratories and electronic medical  
2 records companies and supplementing Title 45 of the Revised  
3 Statutes.

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

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8 1. As used in this act, "clinical laboratory" means a laboratory  
9 licensed by the Department of Health, pursuant to the "New Jersey  
10 Clinical Laboratory Improvement Act," P.L.1975, c.166 (C.45:9-  
11 42.26 et seq.).

12  
13 2. A clinical laboratory which collects or receives specimens  
14 for analysis shall electronically record and report the patient's  
15 gender identity, sexual orientation, and racial and ethnic  
16 information as a condition of licensure. As a condition of licensure,  
17 any non-electronic specimen collection and analysis requisition  
18 forms distributed by the clinical laboratory shall require the manual  
19 entry of the patient's gender identity, sexual orientation, and racial  
20 and ethnic information on the form. If such information is  
21 ascertainable to a clinical laboratory, a laboratory order for  
22 inpatient and outpatient matters shall indicate the patient's race,  
23 ethnicity, sexual orientation, and gender identity if the laboratory is  
24 required to report the condition of the patient, as determined by the  
25 Department of Health.

26  
27 3. An electronic medical records company, which offers  
28 electronic medical records software programs for sale, on or after  
29 the effective date of this act in this State, shall configure the  
30 programs in a manner that prevents a health care provider from  
31 saving a patient's information in the program unless the patient's  
32 gender identity, sexual orientation, and racial and ethnic data is first  
33 entered into the program.

34  
35 4. The Commissioner of Health shall adopt rules and  
36 regulations, in accordance with the "Administrative Procedure Act,"  
37 P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate  
38 the provisions of this act.

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40 5. This act shall take effect 90 days after the date of enactment.

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STATEMENT

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45 This bill requires: (1) electronic patient medical record programs  
46 to include race and ethnicity data entry feature and (2) certain  
47 laboratories to record patients' racial and ethnic information.

1 Under the bill, a clinical laboratory which collects or receives  
2 specimens for analysis is to electronically record and report the  
3 patient's gender identity, sexual orientation, and racial and ethnic  
4 information as a condition of licensure. As a condition of licensure,  
5 any non-electronic specimen collection and analysis requisition  
6 forms distributed by the clinical laboratory is to require the manual  
7 entry of the patient's gender identity, sexual orientation, and racial  
8 and ethnic information on the form. If such information is  
9 ascertainable to a clinical laboratory, a laboratory order for  
10 inpatient and outpatient matters is to indicate the patient's race,  
11 ethnicity, sexual orientation, and gender identity if the laboratory is  
12 required to report the condition of the patient, as determined by the  
13 Department of Health.

14 Further, the bill provides that an electronic medical records  
15 company, which offers electronic medical records software  
16 programs for sale, on or after the effective date of this act in this  
17 State, shall configure the programs in a manner that prevents a  
18 health care provider from saving a patient's information in the  
19 program unless the patient's gender identity, sexual orientation, and  
20 racial and ethnic data is first entered into the program.