

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 4253**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

ADOPTED JUNE 22, 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)**

**Co-Sponsored by:**

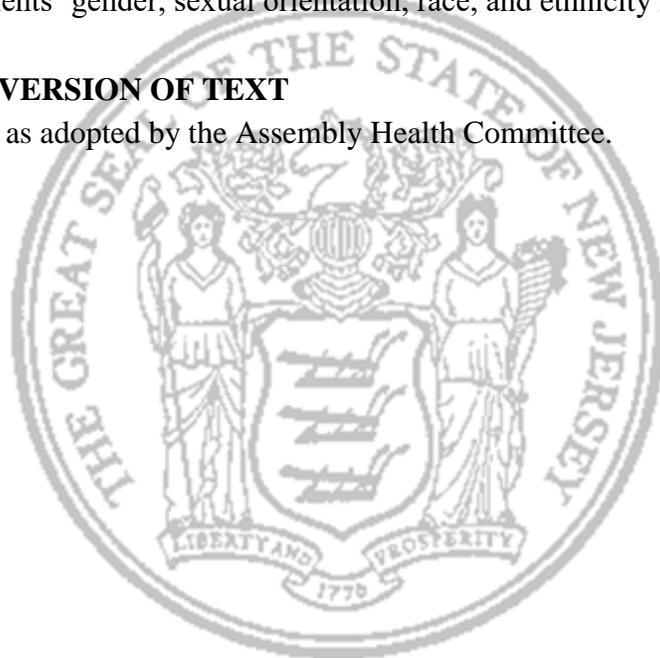
**Assemblywoman Reynolds-Jackson**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly Health Committee.



**(Sponsorship Updated As Of: 6/25/2020)**

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

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
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. (1) A clinical laboratory shall electronically record the  
14 race, ethnicity, sexual orientation, and gender identity of each  
15 patient, who presents with a non-electronic order for testing at a  
16 clinical laboratory patient service center. If a clinical laboratory  
17 processes a specimen without the presence of a patient, the clinical  
18 laboratory shall not be responsible for recording and reporting the  
19 patient's gender identity, sexual orientation, and racial and ethnic  
20 information.

21 (2) Race and ethnicity selections shall include, but shall not be  
22 limited to: African American, Alaska Native, American Indian,  
23 Asian, Black, Hispanic, Latino, more than one race, Native  
24 Hawaiian, Other Pacific Islander, White, and prefer not to say.

25 (3) Sexual orientation selections shall include, but shall not be  
26 limited to: bisexual, heterosexual, gay, lesbian, unsure, other, and  
27 prefer not to say.

28 (4) Gender identity selections shall include, but shall not be  
29 limited to: male, female, transgender female, transgender male,  
30 other, and prefer not to say.

31 b. Any health care related data that is required under State law  
32 to be reported by a clinical laboratory to a local or State  
33 governmental entity shall include any corresponding gender  
34 identity, sexual orientation, and racial and ethnic data recorded  
35 pursuant to this section, and shall be incorporated into the  
36 corresponding disease surveillance reporting system of the local or  
37 State governmental entity.

38 c. A non-electronic specimen collection and analysis  
39 requisition form distributed by a clinical laboratory shall contain a  
40 section for the manual entry of the patient's racial, ethnic, sexual  
41 orientation, and gender identity information on the form.

42 d. A clinical laboratory that fails to comply with the provisions  
43 of this section shall be liable to a penalty in accordance with the  
44 provisions of sections 13 and 14 of P.L.1971, c.136 (C.26:2H-13  
45 and C.26:2H-14).

46  
47 3. Any electronic medical records or laboratory information  
48 management systems used in this State, on or after the effective

1 date of this act, shall be configured in a manner that prevents an  
2 authorized user from saving or storing a patient's demographic  
3 information into the electronic medical records or laboratory  
4 information management systems unless a patient's gender identity,  
5 sexual orientation, and racial and ethnic information is recorded.  
6 The gender identity, sexual orientation, and racial and ethnic  
7 information of a patient shall be included in laboratory orders  
8 generated by electronic medical record systems.

9

10 4. Nothing in this act shall be construed to compel a patient to  
11 disclose the patient's race, ethnicity, sexual orientation, or gender  
12 identity to a clinical laboratory, health care provider, or any other  
13 entity.

14

15 5. The Commissioner of Health shall adopt rules and  
16 regulations, in accordance with the "Administrative Procedure Act,"  
17 P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate  
18 the provisions of this act.

19

20 6. This act shall take effect 90 days after the date of enactment.