



Bill and Sponsors Statement identical to S934

**COMMITTEE STATEMENT:**

**ASSEMBLY:** Yes

S934

Identical to Senate Committee Statement for

**SENATE:** No

**FLOOR AMENDMENT STATEMENTS:**

No

**LEGISLATIVE FISCAL ESTIMATE:**

Yes

Identical to Fiscal Estimate for S934

**VETO MESSAGE:**

Yes

**GOVERNOR'S PRESS RELEASE ON SIGNING:**

Yes

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government

Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

**SENATE, No. 934**

---

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

---

INTRODUCED FEBRUARY 10, 2000

**Sponsored by:**

**Senator ANDREW R. CIESLA**

**District 10 (Monmouth and Ocean)**

**Senator ROBERT W. SINGER**

**District 30 (Burlington, Monmouth and Ocean)**

**SYNOPSIS**

Requires that data reported to DHSS for inclusion in State cancer registry be incorporated in registry within 12 months after receipt.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the State cancer registry and amending P.L.1977,  
2 c.266.

3

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

6

7 1. Section 2 of P.L.1977, c.266 (C.26:2-105) is amended to read  
8 as follows:

9 2. The [State] Department of Health and Senior Services shall  
10 establish and maintain an up-to-date registry which shall include a  
11 record of cases of cancer and specified cases of tumorous or  
12 precancerous disease that occur in New Jersey, and such information  
13 concerning these cases as it shall deem necessary and appropriate in  
14 order to conduct thorough and complete epidemiologic surveys of  
15 cancer and cancer-related diseases in this State and to apply  
16 appropriate preventive and control measures.

17 (cf: P.L.1977, c.266, s.2)

18

19 2. Section 3 of P.L.1977, c.266 (C.26:2-106) is amended to read as  
20 follows:

21 3. a. The Commissioner of Health and Senior Services, in  
22 consultation with the Public Health Council, shall require the reporting  
23 of cases of cancer and other specified tumorous and precancerous  
24 diseases, and the submission of such specified additional information  
25 on reported cases or control populations as he deems necessary and  
26 appropriate for the recognition, prevention, cure or control of such  
27 diseases.

28 b. Pursuant to subsection a. of this section, the Commissioner of  
29 Health and Senior Services is hereby authorized to adopt and  
30 promulgate, in the manner prescribed by the applicable provisions of  
31 the "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et  
32 seq.) rules and regulations specifying the health care providers,  
33 individuals, and other organizations obliged to make the report and  
34 submissions required by subsection a. of this section, the related  
35 information to be included in such reports, and the methods for such  
36 reporting.

37 c. All abstracting work performed by a health care facility in  
38 accordance with this section shall be performed by a certified tumor  
39 registrar.

40 d. (1) The Department of Health and Senior Services shall  
41 contract out its registry services to health care facilities which lack  
42 adequate internal capabilities to report cases on a timely basis, as  
43 provided in the regulations adopted pursuant to this section. Such

**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.**

1 health care facilities shall reimburse the department for services  
2 rendered.

3 (2) If a health care facility fails to correct deficiencies in its  
4 reporting that are discovered on audit by the Department of Health  
5 and Senior Services within 30 days, the department will conduct the  
6 appropriate registrar activities and charge the facility for all costs  
7 related to its services.

8 e. Health insurers and other third party health care payers  
9 providing health benefits plans to residents of the State shall report to  
10 the Department of Health and Senior Services cases of cancer of State  
11 residents based upon selection criteria and in a format specified by the  
12 department.

13 f. (1) A health care facility, health care provider or health insurer  
14 that fails to comply with the provisions of this section shall be liable  
15 to a penalty of up to \$500 per unreported cancer case.

16 (2) A health care facility that fails to report cases of cancer  
17 electronically, as required by regulation, [by December 31, 1996]  
18 within six months of the confirmed diagnosis shall be liable to a  
19 penalty not to exceed \$1,000 per business day.

20 (3) A penalty sued for under the provisions of this subsection shall  
21 be recovered by and in the name of the Department of Health and  
22 Senior Services and shall be dedicated to the cancer registry.

23 g. All information reported to the Department of Health and Senior  
24 Services for inclusion in the cancer registry pursuant to this section  
25 shall be verified for accuracy by the department within six months of  
26 receiving the information and shall be incorporated in the registry and  
27 made available to the public no later than six months after verification  
28 by the department.

29 (cf: P.L.1996, c.74, s.1)

30

31 3. Section 4 of P.L.1977, c.266 (C.26:2-107) is amended to read  
32 as follows:

33 4. The reports made pursuant to this act are to be used only by the  
34 [State] Department of Health and Senior Services and such other  
35 agencies as may be designated by the Commissioner of Health and  
36 Senior Services and shall not otherwise be divulged or made public so  
37 as to disclose the identity of any person to whom they relate; and to  
38 that end, such reports shall not be included under materials available  
39 to public inspection pursuant to P.L.1963, c. 73 (C. 47:1A-1 et seq.).  
40 (cf: P.L.1977, c.266, s.4)

41

42 4. Section 5 of P.L.1977, c.266 (C.26:2-108) is amended to read as  
43 follows:

44 5. No individual or organization providing information to the  
45 [State] Department of Health and Senior Services in accordance with

1 this act shall be deemed to be, or held liable for, divulging confidential  
2 information.

3 (cf: P.L.1977, c.266, s.5)

4

5 5. This act shall take effect immediately.

6

7

8

STATEMENT

9

10 This bill provides that data on the incidence of cancer and specified  
11 tumorous and precancerous diseases, and other specified information  
12 as deemed necessary by the Commissioner of Health and Senior  
13 Services, that are reported to the Department of Health and Senior  
14 Services (DHSS) for inclusion in the New Jersey State Cancer  
15 Registry (pursuant to N.J.S.A.26:2-104 et seq.) shall be verified for  
16 accuracy by DHSS within six months of receiving the information and  
17 incorporated in the registry and made available to the public no later  
18 than six months after verification by DHSS.

19 The bill further provides that a health care facility that fails to  
20 report cases of cancer electronically, as required by regulation, within  
21 six months of the confirmed diagnosis shall be liable to a penalty not  
22 to exceed \$1,000 per business day.

# SENATE HEALTH COMMITTEE

## STATEMENT TO

### **SENATE, No. 934**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MARCH 20, 2000

The Senate Health Committee reports favorably and with committee amendments Senate Bill No. 934.

As amended by committee, this bill provides that data on the incidence of cancer and specified tumorous and precancerous diseases, and other specified information as deemed necessary by the Commissioner of Health and Senior Services, that are reported to the Department of Health and Senior Services (DHSS) for inclusion in the New Jersey State Cancer Registry (pursuant to N.J.S.A.26:2-104 et seq.) shall be verified for accuracy by DHSS within six months of receiving the information and incorporated in the registry and made available to the public no later than six months after verification by DHSS.

The committee adopted a technical amendment to the bill to conform reporting requirements, and the failure to do so in a timely manner, with current regulations at N.J.A.C.8:57A-1.1. Amendments delete language that provided that a health care facility that fails to report cases of cancer electronically, "within six months of the confirmed diagnosis," shall be liable to a penalty not to exceed \$1,000 per business day. The bill would provide, instead, that a facility that fails to report cases of cancer electronically, "as required by regulation," shall be liable to a penalty not to exceed \$1,000 per business day. Current regulations require that all reports shall be submitted within six months of the date of diagnosis or within three months of the date of discharge from the reporting facility, whichever is sooner.

This bill is similar to Assembly Bill No.2089 (Holzapfel) which is pending before the Assembly Health Committee.

[First Reprint]

**SENATE, No. 934**

---

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

---

INTRODUCED FEBRUARY 10, 2000

**Sponsored by:**

**Senator ANDREW R. CIESLA**

**District 10 (Monmouth and Ocean)**

**Senator ROBERT W. SINGER**

**District 30 (Burlington, Monmouth and Ocean)**

**Co-Sponsored by:**

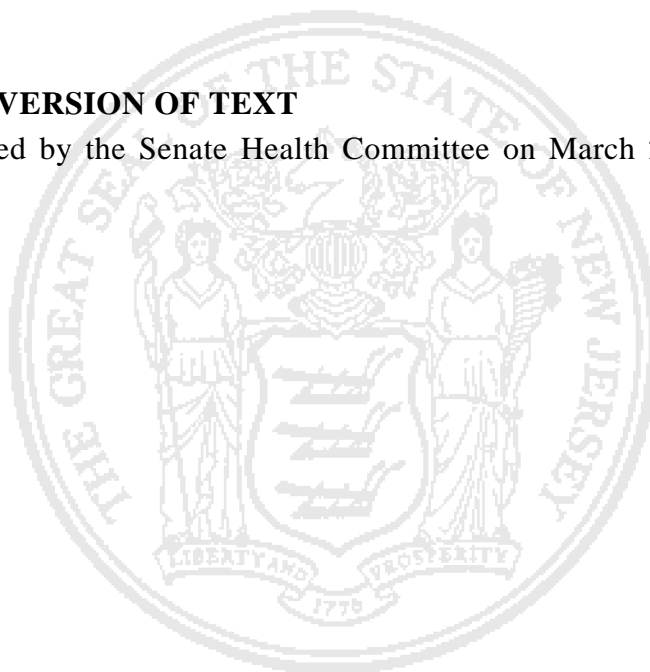
**Senators McNamara, Matheussen, Assemblyman Holzapfel and  
Assemblywoman Weinberg**

**SYNOPSIS**

Requires that data reported to DHSS for inclusion in State cancer registry be incorporated in registry within 12 months after receipt.

**CURRENT VERSION OF TEXT**

As reported by the Senate Health Committee on March 20, 2000, with amendments.



**(Sponsorship Updated As Of: 10/31/2000)**



1 AN ACT concerning the State cancer registry and amending P.L.1977,  
2 c.266.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 2 of P.L.1977, c.266 (C.26:2-105) is amended to read  
8 as follows:

9 2. The [State] Department of Health and Senior Services shall  
10 establish and maintain an up-to-date registry which shall include a  
11 record of cases of cancer and specified cases of tumorous or  
12 precancerous disease that occur in New Jersey, and such information  
13 concerning these cases as it shall deem necessary and appropriate in  
14 order to conduct thorough and complete epidemiologic surveys of  
15 cancer and cancer-related diseases in this State and to apply  
16 appropriate preventive and control measures.

17 (cf: P.L.1977, c.266, s.2)

18

19 2. Section 3 of P.L.1977, c.266 (C.26:2-106) is amended to read as  
20 follows:

21 3. a. The Commissioner of Health and Senior Services, in  
22 consultation with the Public Health Council, shall require the reporting  
23 of cases of cancer and other specified tumorous and precancerous  
24 diseases, and the submission of such specified additional information  
25 on reported cases or control populations as he deems necessary and  
26 appropriate for the recognition, prevention, cure or control of such  
27 diseases.

28 b. Pursuant to subsection a. of this section, the Commissioner of  
29 Health and Senior Services is hereby authorized to adopt and  
30 promulgate, in the manner prescribed by the applicable provisions of  
31 the "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et  
32 seq.) rules and regulations specifying the health care providers,  
33 individuals, and other organizations obliged to make the report and  
34 submissions required by subsection a. of this section, the related  
35 information to be included in such reports, and the methods for such  
36 reporting.

37 c. All abstracting work performed by a health care facility in  
38 accordance with this section shall be performed by a certified tumor  
39 registrar.

40 d. (1) The Department of Health and Senior Services shall  
41 contract out its registry services to health care facilities which lack

**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:**

**<sup>1</sup> Senate SHH committee amendments adopted March 20, 2000.**

1 adequate internal capabilities to report cases on a timely basis, as  
2 provided in the regulations adopted pursuant to this section. Such  
3 health care facilities shall reimburse the department for services  
4 rendered.

5 (2) If a health care facility fails to correct deficiencies in its  
6 reporting that are discovered on audit by the Department of Health  
7 and Senior Services within 30 days, the department will conduct the  
8 appropriate registrar activities and charge the facility for all costs  
9 related to its services.

10 e. Health insurers and other third party health care payers  
11 providing health benefits plans to residents of the State shall report to  
12 the Department of Health and Senior Services cases of cancer of State  
13 residents based upon selection criteria and in a format specified by the  
14 department.

15 f. (1) A health care facility, health care provider or health insurer  
16 that fails to comply with the provisions of this section shall be liable  
17 to a penalty of up to \$500 per unreported cancer case.

18 (2) A health care facility that fails to report cases of cancer  
19 electronically, as required by regulation, [by December 31, 1996]  
20 <sup>1</sup>[within six months of the confirmed diagnosis]<sup>1</sup> shall be liable to a  
21 penalty not to exceed \$1,000 per business day.

22 (3) A penalty sued for under the provisions of this subsection shall  
23 be recovered by and in the name of the Department of Health and  
24 Senior Services and shall be dedicated to the cancer registry.

25 g. All information reported to the Department of Health and Senior  
26 Services for inclusion in the cancer registry pursuant to this section  
27 shall be verified for accuracy by the department within six months of  
28 receiving the information and shall be incorporated in the registry and  
29 made available to the public no later than six months after verification  
30 by the department.

31 (cf: P.L.1996, c.74, s.1)

32

33 3. Section 4 of P.L.1977, c.266 (C.26:2-107) is amended to read  
34 as follows:

35 4. The reports made pursuant to this act are to be used only by the  
36 [State] Department of Health and Senior Services and such other  
37 agencies as may be designated by the Commissioner of Health and  
38 Senior Services and shall not otherwise be divulged or made public so  
39 as to disclose the identity of any person to whom they relate; and to  
40 that end, such reports shall not be included under materials available  
41 to public inspection pursuant to P.L.1963, c. 73 (C. 47:1A-1 et seq.).  
42 (cf: P.L.1977, c.266, s.4)

43

44 4. Section 5 of P.L.1977, c.266 (C.26:2-108) is amended to read as  
45 follows:

46 5. No individual or organization providing information to the

1 **[State]** Department of Health and Senior Services in accordance with  
2 this act shall be deemed to be, or held liable for, divulging confidential  
3 information.

4 (cf: P.L.1977, c.266, s.5)

5

6 5. This act shall take effect immediately.

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

[First Reprint]

**SENATE, No. 934**

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 21, 2000

The Assembly Health Committee reports favorably Senate Bill No. 934 (1R).

This bill provides that data on the incidence of cancer and specified tumorous and precancerous diseases, and other specified information as deemed necessary by the Commissioner of Health and Senior Services, that are reported to the Department of Health and Senior Services (DHSS) for inclusion in the New Jersey State Cancer Registry (pursuant to N.J.S.A.26:2-104 et seq.) shall be verified for accuracy by DHSS within six months of receiving the information and incorporated in the registry and made available to the public no later than six months after verification by DHSS.

The bill stipulates that a facility that fails to report cases of cancer electronically, as required by regulation, shall be liable to a penalty not to exceed \$1,000 per business day. Current regulations (at N.J.A.C.8:57A-1.1 et seq.) require that all reports shall be submitted within six months of the date of diagnosis or within three months of the date of discharge from the reporting facility, whichever is sooner.

This bill is identical to Assembly Bill No.2089 Aca (Holzapfel), which the committee also reported on this date.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

**SENATE, No. 934**

**STATE OF NEW JERSEY**

**209th LEGISLATURE**

DATED: NOVEMBER 15, 2000

## SUMMARY

**Synopsis:** Requires that data reported to the Department of Health and Senior Services (DHSS) for inclusion in State cancer registry be incorporated in registry within 12 months after receipt.

**Type of Impact:** General Fund expenditure

**Agencies Affected:** Department of Health and Senior Services

### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	Minimal	Minimal	Minimal

! DHSS currently has the authority to audit the accuracy of cancer information provided by health care facilities and health insurers. Also, DHSS has sufficient flexibility to reallocate existing personnel and resources to meet the legislation's requirements.

## BILL DESCRIPTION

Senate Bill No. 934 (1R) of 2000 provides that data on the incidence of cancer and specified tumorous and precancerous diseases that are reported to DHSS for inclusion in the New Jersey State Cancer Registry shall be verified for accuracy by DHSS within six months of receiving the information and incorporated in the registry and made available to the public no later than six months after verification by DHSS.

## FISCAL ANALYSIS

### EXECUTIVE BRANCH

None received.

***OFFICE OF LEGISLATIVE SERVICES***

The legislation will have a minimal additional cost to DHSS. Data for the Cancer Registry, in most instances, are abstracted on DHSS reporting forms by a certified tumor registrar. As such, the data provided should be accurate. DHSS has the authority to audit the cancer data submitted by health care facilities and health insurers as to their accuracy. These audits would uncover any accuracy problems which would then be corrected. (Information as to the number of "audits" conducted by DHSS is not readily available.) Thus, there should be minimal cost associated with the legislation.

Finally, DHSS has sufficient flexibility to reallocate existing personnel and fiscal resources of over \$200 million in Direct State Services appropriations, along with \$1.3 billion in federal funds, to meet the legislation's requirements.

Section: *Human Services*

Analyst: *Jay Hershberg*  
*Principal Fiscal Analyst*

Approved: *Alan R. Kooney*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

[Second Reprint]

**SENATE, No. 934**

---

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

---

INTRODUCED FEBRUARY 10, 2000

**Sponsored by:**

**Senator ANDREW R. CIESLA**

**District 10 (Monmouth and Ocean)**

**Senator ROBERT W. SINGER**

**District 30 (Burlington, Monmouth and Ocean)**

**Co-Sponsored by:**

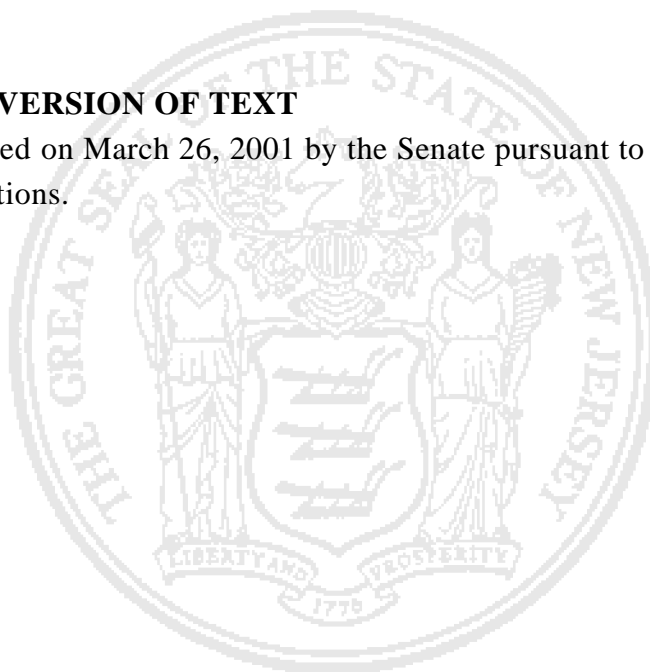
**Senators McNamara, Matheussen, Assemblyman Holzapfel,  
Assemblywoman Weinberg and Senator Allen**

**SYNOPSIS**

Requires that data reported to DHSS for inclusion in State cancer registry be incorporated in registry within 12 months after receipt.

**CURRENT VERSION OF TEXT**

As amended on March 26, 2001 by the Senate pursuant to the Governor's recommendations.



**(Sponsorship Updated As Of: 5/4/2001)**

1 AN ACT concerning the State cancer registry and amending P.L.1977,  
2 c.266.

3

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

6

7 1. Section 2 of P.L.1977, c.266 (C.26:2-105) is amended to read  
8 as follows:

9 2. The [State] Department of Health and Senior Services shall  
10 establish and maintain an up-to-date registry which shall include a  
11 record of cases of cancer and specified cases of tumorous or  
12 precancerous disease that occur in New Jersey, and such information  
13 concerning these cases as it shall deem necessary and appropriate in  
14 order to conduct thorough and complete epidemiologic surveys of  
15 cancer and cancer-related diseases in this State and to apply  
16 appropriate preventive and control measures.

17 (cf: P.L.1977, c.266, s.2)

18

19 2. Section 3 of P.L.1977, c.266 (C.26:2-106) is amended to read  
20 as follows:

21 3. a. The Commissioner of Health and Senior Services, in  
22 consultation with the Public Health Council, shall require the reporting  
23 of cases of cancer and other specified tumorous and precancerous  
24 diseases, and the submission of such specified additional information  
25 on reported cases or control populations as he deems necessary and  
26 appropriate for the recognition, prevention, cure or control of such  
27 diseases.

28 b. Pursuant to subsection a. of this section, the Commissioner of  
29 Health and Senior Services is hereby authorized to adopt and  
30 promulgate, in the manner prescribed by the applicable provisions of  
31 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
32 seq.) rules and regulations specifying the health care providers,  
33 individuals, and other organizations obliged to make the report and  
34 submissions required by subsection a. of this section, the related  
35 information to be included in such reports, and the methods for such  
36 reporting.

37 c. All abstracting work performed by a health care facility in  
38 accordance with this section shall be performed by a certified tumor  
39 registrar.

40 d. (1) The Department of Health and Senior Services shall

**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:**

<sup>1</sup> Senate SHH committee amendments adopted March 20, 2000.

<sup>2</sup> Senate amendments adopted in accordance with Governor's recommendations March 26, 2001.



1 contract out its registry services to health care facilities which lack  
2 adequate internal capabilities to report cases on a timely basis, as  
3 provided in the regulations adopted pursuant to this section. Such  
4 health care facilities shall reimburse the department for services  
5 rendered.

6 (2) If a health care facility fails to correct deficiencies in its  
7 reporting that are discovered on audit by the Department of Health  
8 and Senior Services within 30 days, the department will conduct the  
9 appropriate registrar activities and charge the facility for all costs  
10 related to its services.

11 e. Health insurers and other third party health care payers  
12 providing health benefits plans to residents of the State shall report to  
13 the Department of Health and Senior Services cases of cancer of State  
14 residents based upon selection criteria and in a format specified by the  
15 department.

16 f. (1) A health care facility, health care provider or health insurer  
17 that fails to comply with the provisions of this section shall be liable  
18 to a penalty of up to \$500 per unreported cancer case.

19 (2) A health care facility that fails to report cases of cancer  
20 electronically, as required by regulation, [by December 31, 1996]  
21 <sup>1</sup>[within six months of the confirmed diagnosis]<sup>1</sup> shall be liable to a  
22 penalty not to exceed \$1,000 per business day.

23 (3) A penalty sued for under the provisions of this subsection shall  
24 be recovered by and in the name of the Department of Health and  
25 Senior Services and shall be dedicated to the cancer registry.

26 g. All information reported to the Department of Health and Senior  
27 Services for inclusion in the cancer registry pursuant to this section  
28 shall be verified for accuracy by the department within six months of  
29 receiving the information and shall be incorporated in the registry  
30 <sup>2</sup>[and]. Aggregate or summary information, to include gender  
31 distribution, age groupings of cases, and cancer types, shall be<sup>2</sup> made  
32 available to the public no later than six months after verification by the  
33 department. <sup>2</sup>The department shall not make public any information  
34 reported to the department which discloses the identity of any person  
35 to whom the information relates.<sup>2</sup>

36 (cf: P.L.1996, c.74, s.1)

37

38 3. Section 4 of P.L.1977, c.266 (C.26:2-107) is amended to read  
39 as follows:

40 4. The reports made pursuant to this act are to be used only by the  
41 [State] Department of Health and Senior Services and such other  
42 agencies as may be designated by the Commissioner of Health and  
43 Senior Services and shall not otherwise be divulged or made public so  
44 as to disclose the identity of any person to whom they relate; and to  
45 that end, such reports shall not be included under materials available

1 to public inspection pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.).  
2 (cf: P.L.1977, c.266, s.4)

3

4 4. Section 5 of P.L.1977, c.266 (C.26:2-108) is amended to read  
5 as follows:

6 5. No individual or organization providing information to the  
7 **[State] Department of Health and Senior Services** in accordance with  
8 this act shall be deemed to be, or held liable for, divulging confidential  
9 information.

10 (cf: P.L.1977, c.266, s.5)

11

12 5. This act shall take effect immediately.

# ASSEMBLY, No. 2089

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED FEBRUARY 24, 2000

**Sponsored by:**

**Assemblyman JAMES W. HOLZAPFEL**

**District 10 (Monmouth and Ocean)**

**SYNOPSIS**

Requires that data reported to DHSS for inclusion in State cancer registry be incorporated in registry within 12 months after receipt.

**CURRENT VERSION OF TEXT**

As introduced.



A2089 HOLZAPFEL

2

1 AN ACT concerning the State cancer registry and amending P.L.1977,  
2 c.266.

3

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

6

7 1. Section 2 of P.L.1977, c.266 (C.26:2-105) is amended to read  
8 as follows:

9 2. The [State] Department of Health and Senior Services shall  
10 establish and maintain an up-to-date registry which shall include a  
11 record of cases of cancer and specified cases of tumorous or  
12 precancerous disease that occur in New Jersey, and such information  
13 concerning these cases as it shall deem necessary and appropriate in  
14 order to conduct thorough and complete epidemiologic surveys of  
15 cancer and cancer-related diseases in this State and to apply  
16 appropriate preventive and control measures.

17 (cf: P.L.1977, c.266, s.2)

18

19 2. Section 3 of P.L.1977, c.266 (C.26:2-106) is amended to read as  
20 follows:

21 3. a. The Commissioner of Health and Senior Services, in  
22 consultation with the Public Health Council, shall require the reporting  
23 of cases of cancer and other specified tumorous and precancerous  
24 diseases, and the submission of such specified additional information  
25 on reported cases or control populations as he deems necessary and  
26 appropriate for the recognition, prevention, cure or control of such  
27 diseases.

28 b. Pursuant to subsection a. of this section, the Commissioner of  
29 Health and Senior Services is hereby authorized to adopt and  
30 promulgate, in the manner prescribed by the applicable provisions of  
31 the "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et  
32 seq.) rules and regulations specifying the health care providers,  
33 individuals, and other organizations obliged to make the report and  
34 submissions required by subsection a. of this section, the related  
35 information to be included in such reports, and the methods for such  
36 reporting.

37 c. All abstracting work performed by a health care facility in  
38 accordance with this section shall be performed by a certified tumor  
39 registrar.

40 d. (1) The Department of Health and Senior Services shall  
41 contract out its registry services to health care facilities which lack  
42 adequate internal capabilities to report cases on a timely basis, as  
43 provided in the regulations adopted pursuant to this section. Such

**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.**

1 health care facilities shall reimburse the department for services  
2 rendered.

3 (2) If a health care facility fails to correct deficiencies in its  
4 reporting that are discovered on audit by the Department of Health  
5 and Senior Services within 30 days, the department will conduct the  
6 appropriate registrar activities and charge the facility for all costs  
7 related to its services.

8 e. Health insurers and other third party health care payers  
9 providing health benefits plans to residents of the State shall report to  
10 the Department of Health and Senior Services cases of cancer of State  
11 residents based upon selection criteria and in a format specified by the  
12 department.

13 f. (1) A health care facility, health care provider or health insurer  
14 that fails to comply with the provisions of this section shall be liable  
15 to a penalty of up to \$500 per unreported cancer case.

16 (2) A health care facility that fails to report cases of cancer  
17 electronically, as required by regulation, [by December 31, 1996]  
18 within six months of the confirmed diagnosis shall be liable to a  
19 penalty not to exceed \$1,000 per business day.

20 (3) A penalty sued for under the provisions of this subsection shall  
21 be recovered by and in the name of the Department of Health and  
22 Senior Services and shall be dedicated to the cancer registry.

23 g. All information reported to the Department of Health and Senior  
24 Services for inclusion in the cancer registry pursuant to this section  
25 shall be verified for accuracy by the department within six months of  
26 receiving the information and shall be incorporated in the registry and  
27 made available to the public no later than six months after verification  
28 by the department.

29 (cf: P.L.1996, c.74, s.1)

30

31 3. Section 4 of P.L.1977, c.266 (C.26:2-107) is amended to read  
32 as follows:

33 4. The reports made pursuant to this act are to be used only by the  
34 [State] Department of Health and Senior Services and such other  
35 agencies as may be designated by the Commissioner of Health and  
36 Senior Services and shall not otherwise be divulged or made public so  
37 as to disclose the identity of any person to whom they relate; and to  
38 that end, such reports shall not be included under materials available  
39 to public inspection pursuant to P.L.1963, c.73 (C. 47:1A-1 et seq.).  
40 (cf: P.L.1977, c.266, s.4)

41

42 4. Section 5 of P.L.1977, c.266 (C.26:2-108) is amended to read as  
43 follows:

44 5. No individual or organization providing information to the  
45 [State] Department of Health and Senior Services in accordance with

1 this act shall be deemed to be, or held liable for, divulging confidential  
2 information.

3 (cf: P.L.1977, c.266, s.5)

4

5 5. This act shall take effect immediately.

6

7

8

STATEMENT

9

10 This bill provides that data on the incidence of cancer and specified  
11 tumorous and precancerous diseases, and other specified information  
12 as deemed necessary by the Commissioner of Health and Senior  
13 Services, that are reported to the Department of Health and Senior  
14 Services (DHSS) for inclusion in the New Jersey State Cancer  
15 Registry (pursuant to N.J.S.A.26:2-104 et seq.) shall be verified for  
16 accuracy by DHSS within six months of receiving the information and  
17 incorporated in the registry and made available to the public no later  
18 than six months after verification by DHSS.

19 The bill further provides that a health care facility that fails to  
20 report cases of cancer electronically, as required by regulation, within  
21 six months of the confirmed diagnosis shall be liable to a penalty not  
22 to exceed \$1,000 per business day.

# ASSEMBLY HEALTH COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2089**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: SEPTEMBER 21, 2000

The Assembly Health Committee reports favorably and with committee amendments Assembly Bill No. 2089.

As amended by the committee, this bill provides that data on the incidence of cancer and specified tumorous and precancerous diseases, and other specified information as deemed necessary by the Commissioner of Health and Senior Services, that are reported to the Department of Health and Senior Services (DHSS) for inclusion in the New Jersey State Cancer Registry (pursuant to N.J.S.A.26:2-104 et seq.) shall be verified for accuracy by DHSS within six months of receiving the information and incorporated in the registry and made available to the public no later than six months after verification by DHSS.

The committee adopted a technical amendment to the bill to conform reporting requirements, and the failure to do so in a timely manner, with current regulations (at N.J.A.C.8:57A-1.1 et seq.). The amendments delete language that provided that a health care facility that fails to report cases of cancer electronically, "within six months of the confirmed diagnosis," shall be liable to a penalty not to exceed \$1,000 per business day. The bill would provide, instead, that a facility that fails to report cases of cancer electronically, "as required by regulation," shall be liable to a penalty not to exceed \$1,000 per business day. Current regulations require that all reports shall be submitted within six months of the date of diagnosis or within three months of the date of discharge from the reporting facility, whichever is sooner.

As reported by the committee, this bill is identical to Senate Bill No.934 (1R) (Ciesla/Singer), which the committee also reported on this date.

[First Reprint]

**ASSEMBLY, No. 2089**

---

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

---

INTRODUCED FEBRUARY 24, 2000

**Sponsored by:**

**Assemblyman JAMES W. HOLZAPFEL**

**District 10 (Monmouth and Ocean)**

**Co-Sponsored by:**

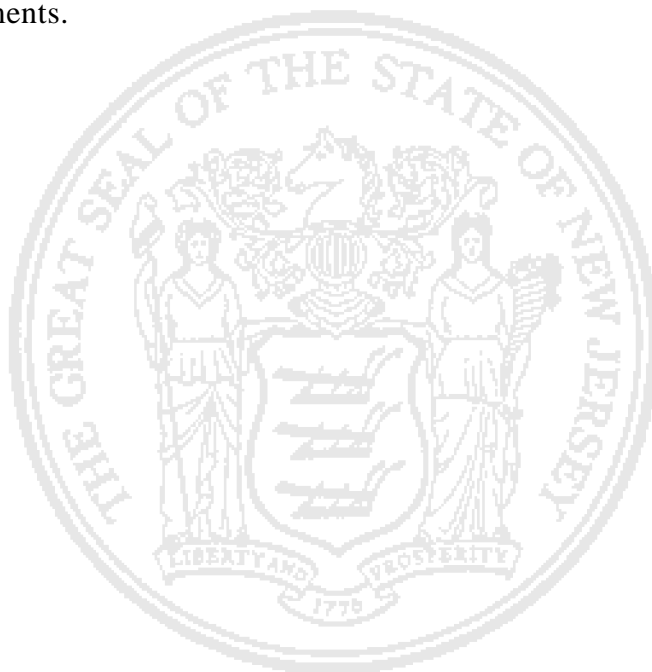
**Assemblywoman Weinberg**

**SYNOPSIS**

Requires that data reported to DHSS for inclusion in State cancer registry be incorporated in registry within 12 months after receipt.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Health Committee on September 21, 2000, with amendments.



**(Sponsorship Updated As Of: 10/6/2000)**



1 AN ACT concerning the State cancer registry and amending P.L.1977,  
2 c.266.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 2 of P.L.1977, c.266 (C.26:2-105) is amended to read  
8 as follows:

9 2. The [State] Department of Health and Senior Services shall  
10 establish and maintain an up-to-date registry which shall include a  
11 record of cases of cancer and specified cases of tumorous or  
12 precancerous disease that occur in New Jersey, and such information  
13 concerning these cases as it shall deem necessary and appropriate in  
14 order to conduct thorough and complete epidemiologic surveys of  
15 cancer and cancer-related diseases in this State and to apply  
16 appropriate preventive and control measures.

17 (cf: P.L.1977, c.266, s.2)

18

19 2. Section 3 of P.L.1977, c.266 (C.26:2-106) is amended to read  
20 as follows:

21 3. a. The Commissioner of Health and Senior Services, in  
22 consultation with the Public Health Council, shall require the reporting  
23 of cases of cancer and other specified tumorous and precancerous  
24 diseases, and the submission of such specified additional information  
25 on reported cases or control populations as he deems necessary and  
26 appropriate for the recognition, prevention, cure or control of such  
27 diseases.

28 b. Pursuant to subsection a. of this section, the Commissioner of  
29 Health and Senior Services is hereby authorized to adopt and  
30 promulgate, in the manner prescribed by the applicable provisions of  
31 the "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et  
32 seq.) rules and regulations specifying the health care providers,  
33 individuals, and other organizations obliged to make the report and  
34 submissions required by subsection a. of this section, the related  
35 information to be included in such reports, and the methods for such  
36 reporting.

37 c. All abstracting work performed by a health care facility in  
38 accordance with this section shall be performed by a certified tumor  
39 registrar.

40 d. (1) The Department of Health and Senior Services shall  
41 contract out its registry services to health care facilities which lack

**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:**

**<sup>1</sup> Assembly AHL committee amendments adopted September 21, 2000.**

1 adequate internal capabilities to report cases on a timely basis, as  
2 provided in the regulations adopted pursuant to this section. Such  
3 health care facilities shall reimburse the department for services  
4 rendered.

5 (2) If a health care facility fails to correct deficiencies in its  
6 reporting that are discovered on audit by the Department of Health  
7 and Senior Services within 30 days, the department will conduct the  
8 appropriate registrar activities and charge the facility for all costs  
9 related to its services.

10 e. Health insurers and other third party health care payers  
11 providing health benefits plans to residents of the State shall report to  
12 the Department of Health and Senior Services cases of cancer of State  
13 residents based upon selection criteria and in a format specified by the  
14 department.

15 f. (1) A health care facility, health care provider or health insurer  
16 that fails to comply with the provisions of this section shall be liable  
17 to a penalty of up to \$500 per unreported cancer case.

18 (2) A health care facility that fails to report cases of cancer  
19 electronically, as required by regulation, [by December 31, 1996]  
20 <sup>1</sup>[within six months of the confirmed diagnosis]<sup>1</sup> shall be liable to a  
21 penalty not to exceed \$1,000 per business day.

22 (3) A penalty sued for under the provisions of this subsection shall  
23 be recovered by and in the name of the Department of Health and  
24 Senior Services and shall be dedicated to the cancer registry.

25 g. All information reported to the Department of Health and Senior  
26 Services for inclusion in the cancer registry pursuant to this section  
27 shall be verified for accuracy by the department within six months of  
28 receiving the information and shall be incorporated in the registry and  
29 made available to the public no later than six months after verification  
30 by the department.

31

32 3. Section 4 of P.L.1977, c.266 (C.26:2-107) is amended to read  
33 as follows:

34 4. The reports made pursuant to this act are to be used only by the  
35 [State] Department of Health and Senior Services and such other  
36 agencies as may be designated by the Commissioner of Health and  
37 Senior Services and shall not otherwise be divulged or made public so  
38 as to disclose the identity of any person to whom they relate; and to  
39 that end, such reports shall not be included under materials available  
40 to public inspection pursuant to P.L.1963, c.73 (C. 47:1A-1 et seq.).  
41 (cf: P.L.1977, c.266, s.4)

42

43 4. Section 5 of P.L.1977, c.266 (C.26:2-108) is amended to read  
44 as follows:

45 5. No individual or organization providing information to the  
46 [State] Department of Health and Senior Services in accordance with

**A2089 [1R] HOLZAPFEL**

4

1 this act shall be deemed to be, or held liable for, divulging confidential  
2 information.

3 (cf: P.L.1977, c.266, s.5)

4

5 5. This act shall take effect immediately.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

**ASSEMBLY, No. 2089**

**STATE OF NEW JERSEY**

**209th LEGISLATURE**

DATED: NOVEMBER 17, 2000

## SUMMARY

**Synopsis:** Requires that data reported to the Department of Health and Senior Services (DHSS) for inclusion in State cancer registry be incorporated in registry within 12 months after receipt.

**Type of Impact:** General Fund expenditure

**Agencies Affected:** Department of Health and Senior Services

### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
<b>State Cost</b>	Minimal	Minimal	Minimal

! DHSS currently has the authority to audit the accuracy of cancer information provided by health care facilities and health insurers. Also, DHSS has sufficient flexibility to reallocate existing personnel and resources to meet the legislation's requirements.

## BILL DESCRIPTION

Assembly Bill No. 2089 (1R) of 2000 provides that data on the incidence of cancer and specified tumorous and precancerous diseases that are reported to DHSS for inclusion in the New Jersey State Cancer Registry shall be verified for accuracy by DHSS within six months of receiving the information and incorporated in the registry and made available to the public no later than six months after verification by DHSS.

## FISCAL ANALYSIS

### EXECUTIVE BRANCH

None received.

***OFFICE OF LEGISLATIVE SERVICES***

The legislation will have a minimal additional cost to DHSS. Data for the Cancer Registry, in most instances, are abstracted on DHSS reporting forms by a certified tumor registrar. As such, the data provided should be accurate. DHSS has the authority to audit the cancer data submitted by health care facilities and health insurers as to their accuracy. These audits would uncover any accuracy problems which would then be corrected. (Information as to the number of audits conducted by DHSS is not readily available.) Thus, there should be minimal cost associated with the legislation.

Finally, DHSS has sufficient flexibility to reallocate existing personnel and fiscal resources of over \$200 million in Direct State Services appropriations, along with \$1.3 billion in federal funds, to meet the legislation's requirements.

Section: *Human Services*

Analyst: *Jay Hershberg*  
*Principal Fiscal Analyst*

Approved: *Alan R. Kooney*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

**SENATE BILL NO. 934  
(FIRST REPRINT)**

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 934 (First Reprint) with my recommendations for reconsideration.

A.Summary of Bill

New Jersey state law requires the Department of Health and Senior Services (DHSS) to establish and maintain an up-to-date registry of cancer cases in order to conduct statewide epidemiological surveys of cancer and cancer-related diseases. The bill amends the existing cancer registry statute to establish a one-year timeframe for DHSS to verify and make available to the public all information received by its cancer registry from health care providers, health care facilities and health insurers.

Specifically, the bill would require DHSS to verify the accuracy of the cancer case information submitted to the cancer registry within six months of receipt. DHSS is then directed to make all information in the registry available to the public six months after verification.

B.Recommended Action

I commend the sponsors for their interest in ensuring that New Jersey residents have timely access to updated information concerning cancer-related health care data. The timely availability of accurate information is critical for those communities in which cancer-related issues are of special concern.

Although I support the goals of the bill, I am compelled to return it with my recommendations for reconsideration for two reasons, namely, to ensure the confidentiality of individual cancer patients and to allow DHSS to provide information to the public in aggregate or summary form.

First, I am advised that if enacted as currently written, the bill may have the unintended consequence of allowing for the disclosure of personally identifying patient information. Personally identifying information submitted to the cancer registry, such as a patient's name, address and medical treatments, is now protected

from public disclosure by existing State law. Since even the potential for disclosure of confidential information may result in a chilling effect upon efforts to collect information from patients and health care providers, thus compromising the quality of data collected by the cancer registry, it is crucial that this bill ensure that personally identifying information in the cancer registry is protected from public disclosure.

Second, the bill directs DHSS to make all information in the cancer registry available to the public, but does not allow the Department to provide the information in summary form. I recommend that the bill be modified to allow information to be provided in aggregate or summary form, to include sex distribution, age groupings and cancer types.

Therefore, I herewith return Senate Bill No. 934 (First Reprint) and recommend that it be amended as follows:

Page 3, Section 2, Line 28:

After "incorporated in the registry" insert "." delete "and" insert "Aggregate or summary information, to include gender distribution, age groupings of cases, and cancer types, shall be"

Page 3, Section 2, Line 30:

After "by the department." Insert "The department shall not make public any information reported to the department which discloses the identity of any person to whom the information relates."

Respectfully,

/s/ Christine Todd Whitman

GOVERNOR

[seal]

Attest:

/s/ Robert E. Fabricant

Chief Counsel to the Governor

P.L. 2001, CHAPTER 99, *approved May 31, 2001*  
Senate, No. 934 (*Second Reprint*)

1 **AN ACT** concerning the State cancer registry and amending P.L.1977,  
2 c.266.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 2 of P.L.1977, c.266 (C.26:2-105) is amended to read  
8 as follows:

9 2. The **[State]** Department of Health and Senior Services shall  
10 establish and maintain an up-to-date registry which shall include a  
11 record of cases of cancer and specified cases of tumorous or  
12 precancerous disease that occur in New Jersey, and such information  
13 concerning these cases as it shall deem necessary and appropriate in  
14 order to conduct thorough and complete epidemiologic surveys of  
15 cancer and cancer-related diseases in this State and to apply  
16 appropriate preventive and control measures.  
17 (cf: P.L.1977, c.266, s.2)

18  
19 2. Section 3 of P.L.1977, c.266 (C.26:2-106) is amended to read  
20 as follows:

21 3. a. The Commissioner of Health and Senior Services, in  
22 consultation with the Public Health Council, shall require the reporting  
23 of cases of cancer and other specified tumorous and precancerous  
24 diseases, and the submission of such specified additional information  
25 on reported cases or control populations as he deems necessary and  
26 appropriate for the recognition, prevention, cure or control of such  
27 diseases.

28 b. Pursuant to subsection a. of this section, the Commissioner of  
29 Health and Senior Services is hereby authorized to adopt and  
30 promulgate, in the manner prescribed by the applicable provisions of  
31 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
32 seq.) rules and regulations specifying the health care providers,  
33 individuals, and other organizations obliged to make the report and  
34 submissions required by subsection a. of this section, the related  
35 information to be included in such reports, and the methods for such  
36 reporting.

37 c. All abstracting work performed by a health care facility in  
38 accordance with this section shall be performed by a certified tumor  
39 registrar.

**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:

<sup>1</sup> Senate SHH committee amendments adopted March 20, 2000.

<sup>2</sup> Senate amendments adopted in accordance with Governor's recommendations March 26, 2001.



1 d. (1) The Department of Health and Senior Services shall  
2 contract out its registry services to health care facilities which lack  
3 adequate internal capabilities to report cases on a timely basis, as  
4 provided in the regulations adopted pursuant to this section. Such  
5 health care facilities shall reimburse the department for services  
6 rendered.

7 (2) If a health care facility fails to correct deficiencies in its  
8 reporting that are discovered on audit by the Department of Health  
9 and Senior Services within 30 days, the department will conduct the  
10 appropriate registrar activities and charge the facility for all costs  
11 related to its services.

12 e. Health insurers and other third party health care payers  
13 providing health benefits plans to residents of the State shall report to  
14 the Department of Health and Senior Services cases of cancer of State  
15 residents based upon selection criteria and in a format specified by the  
16 department.

17 f. (1) A health care facility, health care provider or health insurer  
18 that fails to comply with the provisions of this section shall be liable  
19 to a penalty of up to \$500 per unreported cancer case.

20 (2) A health care facility that fails to report cases of cancer  
21 electronically, as required by regulation, [by December 31, 1996]  
22 <sup>1</sup>[within six months of the confirmed diagnosis]<sup>1</sup> shall be liable to a  
23 penalty not to exceed \$1,000 per business day.

24 (3) A penalty sued for under the provisions of this subsection shall  
25 be recovered by and in the name of the Department of Health and  
26 Senior Services and shall be dedicated to the cancer registry.

27 g. All information reported to the Department of Health and Senior  
28 Services for inclusion in the cancer registry pursuant to this section  
29 shall be verified for accuracy by the department within six months of  
30 receiving the information and shall be incorporated in the registry  
31 <sup>2</sup>[and]. Aggregate or summary information, to include gender  
32 distribution, age groupings of cases, and cancer types, shall be<sup>2</sup> made  
33 available to the public no later than six months after verification by the  
34 department. <sup>2</sup>The department shall not make public any information  
35 reported to the department which discloses the identity of any person  
36 to whom the information relates.<sup>2</sup>

37 (cf: P.L.1996, c.74, s.1)

38

39 3. Section 4 of P.L.1977, c.266 (C.26:2-107) is amended to read  
40 as follows:

41 4. The reports made pursuant to this act are to be used only by the  
42 [State] Department of Health and Senior Services and such other  
43 agencies as may be designated by the Commissioner of Health and  
44 Senior Services and shall not otherwise be divulged or made public so  
45 as to disclose the identity of any person to whom they relate; and to  
46 that end, such reports shall not be included under materials available

1 to public inspection pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.).  
2 (cf: P.L.1977, c.266, s.4)

3

4 4. Section 5 of P.L.1977, c.266 (C.26:2-108) is amended to read  
5 as follows:

6 5. No individual or organization providing information to the  
7 **[State] Department of Health and Senior Services** in accordance with  
8 this act shall be deemed to be, or held liable for, divulging confidential  
9 information.

10 (cf: P.L.1977, c.266, s.5)

11

12 5. This act shall take effect immediately.

13

14

15

16

17 Requires that data reported to DHSS for inclusion in State cancer  
18 registry be incorporated in registry within 12 months after receipt.

## CHAPTER 99

AN ACT concerning the State cancer registry and amending P.L.1977, c.266.

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

1. Section 2 of P.L.1977, c.266 (C.26:2-105) is amended to read as follows:

C.26:2-105 Establishment, maintenance of State cancer registry.

2. The Department of Health and Senior Services shall establish and maintain an up-to-date registry which shall include a record of cases of cancer and specified cases of tumorous or precancerous disease that occur in New Jersey, and such information concerning these cases as it shall deem necessary and appropriate in order to conduct thorough and complete epidemiologic surveys of cancer and cancer-related diseases in this State and to apply appropriate preventive and control measures.

2. Section 3 of P.L.1977, c.266 (C.26:2-106) is amended to read as follows:

C.26:2-106 Reports; rules, regulations; enforcement.

3. a. The Commissioner of Health and Senior Services, in consultation with the Public Health Council, shall require the reporting of cases of cancer and other specified tumorous and precancerous diseases, and the submission of such specified additional information on reported cases or control populations as he deems necessary and appropriate for the recognition, prevention, cure or control of such diseases.

b. Pursuant to subsection a. of this section, the Commissioner of Health and Senior Services is hereby authorized to adopt and promulgate, in the manner prescribed by the applicable provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) rules and regulations specifying the health care providers, individuals, and other organizations obliged to make the report and submissions required by subsection a. of this section, the related information to be included in such reports, and the methods for such reporting.

c. All abstracting work performed by a health care facility in accordance with this section shall be performed by a certified tumor registrar.

d. (1) The Department of Health and Senior Services shall contract out its registry services to health care facilities which lack adequate internal capabilities to report cases on a timely basis, as provided in the regulations adopted pursuant to this section. Such health care facilities shall reimburse the department for services rendered.

(2) If a health care facility fails to correct deficiencies in its reporting that are discovered on audit by the Department of Health and Senior Services within 30 days, the department will conduct the appropriate registrar activities and charge the facility for all costs related to its services.

e. Health insurers and other third party health care payers providing health benefits plans to residents of the State shall report to the Department of Health and Senior Services cases of cancer of State residents based upon selection criteria and in a format specified by the department.

f. (1) A health care facility, health care provider or health insurer that fails to comply with the provisions of this section shall be liable to a penalty of up to \$500 per unreported cancer case.

(2) A health care facility that fails to report cases of cancer electronically, as required by regulation, shall be liable to a penalty not to exceed \$1,000 per business day.

(3) A penalty sued for under the provisions of this subsection shall be recovered by and in the name of the Department of Health and Senior Services and shall be dedicated to the cancer registry.

g. All information reported to the Department of Health and Senior Services for inclusion in the cancer registry pursuant to this section shall be verified for accuracy by the department within six months of receiving the information and shall be incorporated in the registry. Aggregate or summary information, to include gender distribution, age groupings of cases, and cancer types, shall be made available to the public no later than six months after verification by the department. The department shall not make public any information reported to the department which discloses the identity of any person to whom the information relates.

3. Section 4 of P.L.1977, c.266 (C.26:2-107) is amended to read as follows:

C.26:2-107 Confidentiality of reports.

4. The reports made pursuant to this act are to be used only by the Department of Health and Senior Services and such other agencies as may be designated by the Commissioner of Health and Senior Services and shall not otherwise be divulged or made public so as to disclose the identity of any person to whom they relate; and to that end, such reports shall not be included under materials available to public inspection pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.).

4. Section 5 of P.L.1977, c.266 (C.26:2-108) is amended to read as follows:

C.26:2-108 Immunity from liability for individuals, organizations providing information.

5. No individual or organization providing information to the Department of Health and Senior Services in accordance with this act shall be deemed to be, or held liable for, divulging confidential information.

5. This act shall take effect immediately.

Approved May 31, 2001.

*Office of the Governor*  
**NEWS RELEASE**

PO BOX 004  
TRENTON, NJ 08625

CONTACT: Rae Hutton  
609-777-2600

RELEASE: June 1 , 2001

**Acting Governor Donald T. DiFrancesco has signed the following legislation.**

**A-2930**, sponsored by acting Governor DiFrancesco, Senator William Gormley (R-Atlantic) and Assembly members Thomas Smith (R-Monmouth) and John Kelly (R-Bergen/Essex/ Passaic), appropriates \$16.9 million in federal Low Income Home Energy Assistance Program (LIHEAP) funds along with any additional federal LIHEAP funds the State may receive from the federal government this fiscal year to the Department of Human Services (DHS). This appropriation was released to the states on September 23, 2000 by the federal Department of Health and Human Services to enable states to assist low-income households facing significant increases for heating oil, natural gas, and propane prices this coming winter.

**S-934**, sponsored by Senators Andrew Ciesla (R-Monmouth/Ocean) and Robert Singer (R-Burlington/Monmouth/Ocean) and Assemblyman James Holzapfel (R-Monmouth/Ocean), requires the Department of Health and Senior Services (DHSS) to verify the accuracy of cancer case information received by health care providers within six months of receipt and make public all the information in its cancer registry within six months after verification.

**S-249**, sponsored by Senator John Bennett (R-Monmouth) and Assembly members Nicholas Felice (R-Bergen/Passaic) and Anthony Impreveduto (D-Bergen/Hudson), makes the following three changes to existing law governing special school elections in Type II school districts; 1) requires a board of education to give the municipal clerk and the county board of elections no less than 60 days notice, in writing, of its intention to hold a special election, 2) provides that a special school election may only be held on the fourth Tuesday in January, the second Tuesday in March, the last Tuesday in September, or the second Tuesday in December and 3) eliminates the provisions of existing law which authorizes legal voters of the district to petition the school board to hold a special election.