

45:9-22.2 and 45:9-22.3

LEGISLATIVE HISTORY CHECKLIST

NJSA: 45:9-22.2 and 45:9-22.3

(Mastectomy or
biopsy-breast
tumor-require
informed
consent)

LAWS OF: 1984

CHAPTER: 185

Bill No: A1471

Sponsor(s): Garvin and others

Date Introduced: February 27, 1984

Committee: Assembly: Corrections, Health and Human Services

Senate: Institutions, Health and Welfare

Amended during passage: Yes Amendments during passage denoted
by asterisks. Substituted for S1349
(not attached since identical to A1471)

Date of Passage: Assembly: May 7, 1984

Senate: Sept. 13, 1984

Date of Approval: Nov. 14, 1984

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: No

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 1471

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 27, 1984

By Assemblywoman GARVIN, Assemblymen KARCHER, DOYLE, McENROE, S. ADUBATO, FORTUNATO, ZANGARI, THOMPSON, Assemblywoman WALKER, Assemblymen BROWN, M. ADUBATO, Assemblywomen PERUN, FORD, OGDEN, COOPER and MUHLER

AN ACT concerning informed consent for certain medical procedures and supplementing chapter 9 of Title 45 of the Revised Statutes.

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

1 1. Before a physician operates on a patient for a tumor of the
 2 breast, the physician shall obtain written consent from the patient
 3 or **[her]** **the patient's** authorized representative on a form
 4 which allows the patient: a. to give consent only for a biopsy;
 5 b. to give consent to perform any necessary operation or procedure
 6 including breast removal if it is determined that the patient has a
 7 malignant tumor in **his or** her breast or other breast abnormality;
 8 or c. to give consent for both a biopsy and an additional operation
 9 or procedure if necessary.

1 2. A physician who fails to comply with this act is liable for action
 2 by the State Board of Medical Examiners pursuant to R. S. 45:9-1
 3 et seq.

1 3. This act shall take effect immediately.

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted April 30, 1984.

ASSEMBLY, No. 1471

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 27, 1984

By Assemblywoman GARVIN, Assemblymen KARCHER, DOYLE, McENROE, S. ADUBATO, FORTUNATO, ZANGARI, THOMPSON, Assemblywoman WALKER, Assemblymen BROWN, M. ADUBATO, Assemblywomen PERUN, FORD, OGDEN, COOPER and MUHLER

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2 breast, the physician shall obtain written consent from the patient
3 or her authorized representative on a form which allows the
4 patient: a. to give consent only for a biopsy; b. to give consent to
5 perform any necessary operation or procedure including breast
6 removal if it is determined that the patient has a malignant tumor
7 in her breast or other breast abnormality; or c. to given consent
8 for both a biopsy and an additional operation or procedure if
9 necessary.

1 2. A physician who fails to comply with this act is liable for action
2 by the State Board of Medical Examiners pursuant to R. S. 45:9-1
3 et seq.

1 3. This act shall take effect immediately.

STATEMENT

This bill requires a physician to obtain in advance of performing the procedure, the patient's authorization to perform either a biopsy or mastectomy, or both, in cases of surgery for a breast

tumor. This bill ensures that a woman has the opportunity to give her informed consent for either or both procedures and prohibits a physician from performing a biopsy and mastectomy during the same operation unless the patient has specifically authorized the physician to do so.

ASSEMBLY CORRECTIONS, HEALTH AND
HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1471

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: APRIL 26, 1984

This bill requires a physician to obtain written consent from a patient or a patient's authorized representative before performing a biopsy or mastectomy, or both in cases of surgery for a breast tumor. The committee amended the bill to delete references to gender.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1471

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: JUNE 28, 1984

This bill requires a physician to obtain in advance of performing the procedure, the patient's authorization to perform either a biopsy or mastectomy, or both, in cases of surgery for a breast tumor. This bill ensures that a patient has the opportunity to give informed consent for either or both procedures and prohibits a physician from performing a biopsy and mastectomy during the same operation unless the patient has specifically authorized the physician to do so.

Physicians who violate the requirements of this act are liable for action by the State Board of Medical Examiners.



OFFICE OF THE GOVERNOR

NEWS RELEASE

CN-001

Contact:

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TRENTON, N.J. 08625

Release: WED., NOV. 14, 1984

Governor Thomas H. Kean has signed legislation requiring a physician to obtain authorization from a patient to perform a biopsy or mastectomy in cases of surgery for a breast tumor.

The bill, A-1471, was sponsored by Assemblywoman Mildred B. Garvin, D-Essex. It is designed to ensure that a patient has the opportunity to give informed consent for either a biopsy or mastectomy, and prohibits the physician from performing both procedures during the same operation without the specific consent of the patient.

In doing so the bill clarifies and standardizes the procedure a doctor must follow in gaining consent from a patient prior to performing breast removal surgery. The intent of the legislation is to ensure that a patient is fully aware of the alternative methods of treating breast tumors, so that the decision to permit a mastectomy is a fully informed one.

The Governor also signed the following bills:

A-292, sponsored by Assemblyman David C. Schwartz, D-Middlesex, which creates a program within the Department of Community Affairs to educate grandparents about their rights concerning custody and visitation of their grandchildren in divorce cases.

New Jersey law grants grandparents rights of visitation.

- more -

A-1471, A-292, S-1956 SIGNED
PAGE TWO
NOVEMBER 14, 1984

S-1956, sponsored by State Senator Walter E. Foran, R-Hunterdon, changes the title of the Commander of the National Guard from Chief of Staff to Adjutant General, thereby establishing uniformity between the State and Federal system.

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