

26:2-101 to 26:2-103

LEGISLATIVE HISTORY CHECKLIST

HJSA 26:2-101 to 26:2-103 (Testing newborn infants for hearing in  
ments)

LAWS OF 1977 CHAPTER 19

Bill No. S265 (S3122-1975)

Sponsor(s) Scardino

Date Introduced Pre-filed

Committee: Assembly Institutions, Health, Welfare

Senate Institutions, Health, Welfare

Amended during passage Yes xxx Amendments during passage denoted by asterisk

Date of Passage: Assembly November 8, 1976

Senate April 26, 1976

Date of approval February 17, 1977

Following statements are attached if available:

Sponsor statement	<del>xxx</del>	No
Committee Statement: Assembly	Yes	<del>xxx</del>
Senate	Yes	<del>xxx</del>
Fiscal Note	<del>xxx</del>	No
Veto message	<del>xxx</del>	No
Message on signing	<del>xxx</del>	No
Following were printed:		
Reports	<del>xxx</del>	No
Hearings	<del>xxx</del>	No

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**SENATE, No. 265**

**STATE OF NEW JERSEY**

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Senator SCARDINO

AN ACT concerning testing for hearing impairments in newborns and supplementing chapter 2 of Title 26 of the Revised Statutes.

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

1 1. It is hereby declared to be the public policy of this State that  
2 \***[every]**\* newborn \***[infant]**\* *infants*\* shall be \***[given a test]**\*  
3 *evaluated by procedures*\* approved by the State Department of  
4 Health for the detection of hearing impairments, in order to pre-  
5 vent many of the consequences of these disorders. No such test  
6 shall be made as to any newborn infant if the parents of said child  
7 object thereto on the grounds that such a test would conflict with  
8 their religious tenets or practices.

1 \*2. The Commissioner of the Department of Health shall  
2 appoint a Hearing Evaluation Council, hereafter referred to as  
3 the council, to advise the Department of Health on implementation  
4 of this act. The council shall be composed of seven persons: a  
5 board certified pediatrician, a board certified otolaryngologist, an  
6 audiologist with certified clinical competence, a person who is pro-  
7 foundly deaf, a person who is hearing impaired, a hearing person  
8 of parents who are deaf, and a citizen of the State who is interested  
9 in the concerns and welfare of the deaf. Each member shall hold  
10 office for a term of 3 years and until his successor is appointed and  
11 qualified, except that the terms of the members first taking office  
12 shall expire, as designated at the time of appointment, two at the  
13 end of the first year, two at the end of the second year, and three  
14 at the end of the third year after the date of appointment. Any  
15 person appointed to fill a vacancy occurring prior to the expiration  
16 of the term for which his predecessor was appointed shall be

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

17 *appointed for the remainder of such term. The council shall meet*  
18 *as frequently as the secretary deems necessary, but not less than*  
19 *once each year. Council members shall receive no compensation*  
20 *but shall be reimbursed for actual expenses incurred in carrying*  
21 *out their duties as members of this council. The council shall, 3*  
22 *months after the effective date of this act and annually there-*  
23 *after, prepare and submit a report to the President of the Senate,*  
24 *Speaker of the General Assembly, and the Senate and Assembly*  
25 *Committees on Institutions, Health and Welfare regarding the*  
26 *implementation of this act.*

1 *3. The Department of Health shall:*

2 *a. With the advice of the council, develop guidelines for evalua-*  
3 *tion and follow-up procedures for the detection of hearing impair-*  
4 *ments in infants; and,*

5 *b. Promulgate such rules and regulations as necessary to effec-*  
6 *tuate the purposes of this act.\**

1 *\*[2.]\* \*4.\* This act shall take effect 6 months after enactment.*

ASSEMBLY INSTITUTIONS, HEALTH AND  
WELFARE COMMITTEE

STATEMENT TO

**SENATE, No. 265**

with Assembly committee amendments

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**STATE OF NEW JERSEY**

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DATED: AUGUST 2, 1976

This bill requires testing of newborn infants for hearing impairments.

As amended by committee, the Department of Health would evaluate the hearing of newborns and establish needed follow-up procedures for such hearing evaluations. A Hearing Evaluation Council would assist the department in establishing guidelines for evaluations and follow-up procedures. The council would consist of seven members: a board certified pediatrician, a board certified otolaryngologist, an audiologist with a certified clinical competence, a person who is profoundly deaf, a person who is hearing impaired, a hearing person of parents who are deaf, and a citizen of the State who is interested in the concerns and welfare of the deaf.

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SENATE INSTITUTIONS, HEALTH AND WELFARE  
COMMITTEE

STATEMENT TO  
**SENATE, No. 265**

—♦—  
**STATE OF NEW JERSEY**  
—♦—

DATED: MARCH 29, 1976

This bill requires every newborn infant in the State to be given a test approved by the Department of Health for the detection of hearing impairments. This test need not involve the use of expensive equipment, but may require no more than what has been called the "Two-observer technique," whereby one person observes and records an infant's physical responses to sounds made by another person.

One source estimates that through screening, hearing impairments can be detected in one out of every 2,000 infants.