

10:7-1 & 10:7-2; 26:2S-39; 52:14-17.29hh et al

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2021 CHAPTER: 375

NJSA: 10:7-1 & 10:7-2; 26:2S-39; 52:14-17.29hh et al (Codifies constitutional right to freedom of reproductive choice.)

BILL NO: S49 (Substituted for A6260)

SPONSOR(S) Weinberg, Loretta and others

DATE INTRODUCED: 1/6/2022

COMMITTEE: ASSEMBLY: ---

SENATE: Health, Human Services & Senior Citizens

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: 1/10/2022

SENATE: 1/10/2022

DATE OF APPROVAL: 1/13/2022

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced bill enacted) Yes

S49

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT): Yes

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

A6260

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT): Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** Yes

**VETO MESSAGE:** No

**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:** Yes

Charles Stile, NorthJersey.com, 'Abortion law enshrines New Jersey as pro-choice — and politically complicated | Stile', northjersey.com (online), 11 Jan 2022

Dustin Racioppi, Trenton Bureau, 'SUPPORT FOR CHOICE - NJ BILL PROTECTING ABORTION RIGHTS PASSES, BUT SOME SAY IT DOESN'T GO FAR ENOUGH', Record, The (online), 11 Jan 2022 L1



Title 10.  
Chapter 7. (New)  
Freedom of  
Reproductive  
Choice  
§§1,2  
C.10:7-1 and  
10:7-2  
§3  
C.26:2S-39  
§4  
C.52:14-17.29hh  
§5  
C.52:14-17.46.6q

(CORRECTED COPY)

P.L. 2021, CHAPTER 375, *approved January 13, 2022*  
Senate, No. 49

1 AN ACT concerning freedom of reproductive choice and  
2 supplementing Title 10 of the Revised Statutes, P.L.1997, c.192  
3 (C.26:2S-1 et seq.), and Title 52 of the Revised Statutes.  
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*  
7

8 1. The Legislature finds and declares that:

9 a. In cases such as Right to Choose v. Byrne, 91 N.J. 287 (1982)  
10 and Planned Parenthood of Cent. N.J. v. Farmer, 165 N.J. 609 (2000),  
11 the New Jersey Supreme Court has recognized that the right to  
12 reproductive choice is a fundamental right enshrined in the State  
13 Constitution, that this right is independent of the United States  
14 Constitution, and that Article I, paragraph 1 of the New Jersey  
15 Constitution is independent of, and protects reproductive autonomy  
16 to an extent that exceeds the protections established under, the United  
17 States Constitution.

18 b. The New Jersey Supreme Court has found that the right to  
19 reproductive choice includes the right to determine whether and when  
20 to bear children. In particular, the citizens of New Jersey may:  
21 access contraception, including emergency contraception; may not be  
22 denied public benefits based on the choice to have additional  
23 children; may choose to terminate a pregnancy; and may choose to  
24 carry a pregnancy to term.

25 c. Self-determination in reproductive choice is key to helping  
26 establish equality among the genders and to allowing all people of  
27 childbearing age to participate equally in the economic and social life  
28 of the United States and the State of New Jersey.

29 d. An unplanned pregnancy can disrupt educational and career  
30 plans, forcing the pregnant person to drop out of school, abandon  
31 pursuit of a college or advanced degree, accept lower-paying

1 employment or employment with limited opportunities for  
2 advancement, or delay entrance into the workforce, which can have  
3 the effect of limiting the person's lifetime earnings and can prevent  
4 the person from following a chosen career path.

5 e. The right to choose whether and when to have children allows  
6 people to more effectively plan in a way that is compatible with the  
7 person's overall life goals. Although each person retains the right to  
8 exercise the freedom of reproductive choice regardless of the health  
9 and strength of the person's interpersonal relationships, where and  
10 how the person lives, or the person's income level and overall  
11 resources, the essence of the right to reproductive choice is that  
12 people have the ability to make reproductive choices in a manner  
13 commensurate with their own personal beliefs, life plan, and moral  
14 code.

15 f. Governmental restrictions on reproductive choice, by their  
16 very nature, impinge on the constitutional right to reproductive  
17 autonomy, particularly when they fail to confer any benefits to  
18 patients in the form of improved health or safety. Moreover,  
19 restrictions of this nature often have a disparate impact that is  
20 predominantly felt by persons who already experience barriers to  
21 health care access, including young people, people of color, people  
22 with disabilities, people with low income, people living in rural areas,  
23 immigrants, and people who are transgender or non-binary.

24 g. The Legislature is committed to ensuring that no barriers to  
25 reproductive freedom exist in the State. Individuals have the right to  
26 make their own decisions concerning reproduction, including the  
27 right to contraception, the right to terminate a pregnancy, and the  
28 right to carry a pregnancy to term, without government interference  
29 or fear of prosecution.

30 h. It is both reasonable and necessary for the State to enable,  
31 facilitate, support, and safeguard the provision of high-quality,  
32 comprehensive reproductive and sexual health care, including the full  
33 range of evidence-based information, counseling, and health care  
34 services, to all individuals in the State, and to enable, facilitate,  
35 support, and safeguard the ability of such individuals to access  
36 affordable and timely reproductive health care services and to engage  
37 in autonomous reproductive decision-making, in consultation with  
38 health care professionals of their choosing, without fear of  
39 prosecution, discrimination, or unnecessary barriers to care. To  
40 achieve those ends, it shall be the policy of this State to:

41 (1) explicitly guarantee, to every individual, the fundamental  
42 right to reproductive autonomy, which includes the right to  
43 contraception, the right to terminate a pregnancy, and the right to  
44 carry a pregnancy to term;

45 (2) enable all qualified health care professionals to provide  
46 pregnancy termination services in the State;

47 (3) advance comprehensive insurance coverage for reproductive  
48 care, including primary reproductive health care services, services to

1 terminate a pregnancy, long-acting contraceptives, and long-term  
2 supplies of hormonal contraceptives, that enables the citizens of New  
3 Jersey to fully exercise their freedom of reproductive choice while  
4 recognizing the rights of certain religious employers to request an  
5 exemption from such coverage; and

6 (4) ensure that all laws, rules, regulations, ordinances,  
7 resolutions, policies, standards, or parts thereof, that are currently in  
8 force or enacted in the future, conform to the provisions and the  
9 express or implied purposes of this act, and that any law, rule,  
10 regulation, ordinance, resolution, policy, standard, or part thereof  
11 that conflicts with the provisions of this act or its express or implied  
12 purposes is subject to invalidation.

13  
14 2. a. Every individual present in the State, including, but not  
15 limited to, an individual who is under State control or supervision,  
16 shall have the fundamental right to: choose or refuse contraception  
17 or sterilization; and choose whether to carry a pregnancy, to give  
18 birth, or to terminate a pregnancy. The New Jersey Constitution  
19 recognizes the fundamental nature of the right to reproductive choice,  
20 including the right to access contraception, to terminate a pregnancy,  
21 and to carry a pregnancy to term, shall not be abridged by any law,  
22 rule, regulation, ordinance, or order issued by any State, county, or  
23 local governmental authority. Any law, rule, regulation, ordinance,  
24 or order, in effect on or adopted after the effective date of this act,  
25 that is determined to have the effect of limiting the constitutional  
26 right to freedom of reproductive choice and that does not conform  
27 with the provisions and the express or implied purposes of this act,  
28 shall be deemed invalid and shall have no force or effect.

29 b. The provisions of this section shall be enforceable under the  
30 “New Jersey Civil Rights Act,” P.L.2004, c.143 (C.10:6-1 et seq.) or  
31 in any other manner provided by law.

32  
33 3. a. Upon concluding a study and issuing a report to the  
34 Governor and the Legislature demonstrating that such a regulation is  
35 necessary, the Department of Banking and Insurance may, through  
36 regulation adopted pursuant to the “Administrative Procedure Act”,  
37 P.L.1968 c.410 (C.52:14B-1 et seq.), provide that health benefit plans  
38 delivered, issued, executed, or renewed in this State, provide  
39 coverage for abortion. If the department provides for coverage  
40 pursuant to this section, then the department shall also require  
41 carriers to grant, upon request of a religious employer, an exclusion  
42 under the contract for the coverage required if the required coverage  
43 conflicts with the religious employer’s bona fide religious beliefs and  
44 practices. A religious employer that obtains such an exclusion shall  
45 provide written notice thereof to covered persons and prospective  
46 covered persons, and the carrier shall provide notice to the  
47 Commissioner of Banking and Insurance in such form and manner as  
48 may be determined by the commissioner. The provisions of this

1 paragraph shall not be construed as authorizing a carrier to exclude  
2 coverage for care that is necessary to preserve the life or health of a  
3 subscriber. An exclusion from an insurance coverage mandate  
4 granted to a religious employer pursuant to this section shall not be  
5 considered a violation of section 2 of P.L. , c. (C. ) (pending  
6 before the Legislature as this bill).

7 b. For the purposes of this section, “religious employer” means  
8 an organization that is organized and operates as a nonprofit entity  
9 and is referred to in section 6033(a)(3)(A)(i) or (iii) of the Internal  
10 Revenue Code of 1986 (26 U.S.C. s.6033), as amended.

11  
12 4. A contract-providing hospital or medical expense benefits  
13 purchased by the State Health Benefits Commission may provide  
14 coverage for abortion. A contract-providing hospital or medical  
15 expense benefits purchased by the commission shall not exclude a  
16 provider from its network or otherwise restrict services from the  
17 provider solely on the basis that the provider is a religious employer,  
18 as defined in section 3 of P.L. , c. (C. ) (pending before the  
19 Legislature as this bill), that refuses to provide abortion services.

20  
21 5. A contract-providing hospital or medical expense benefits  
22 purchased by the School Employees’ Health Benefits Commission  
23 may provide coverage for abortion. A contract-providing hospital or  
24 medical expense benefits purchased by the commission shall not  
25 exclude a provider from its network or otherwise restrict services  
26 from the provider solely on the basis that the provider is a religious  
27 employer, as defined in section 3 of P.L. , c. (C. ) (pending  
28 before the Legislature as this bill), that refuses to provide abortion  
29 services.

30  
31 6. This act shall take effect immediately.

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#### STATEMENT

35

36 This bill establishes certain requirements related to the right to  
37 reproductive choice in New Jersey.

38 Specifically, the bill codifies the constitutional right, which has  
39 been recognized by the New Jersey Supreme Court, to freedom of  
40 reproductive choice, including the right to access contraception, to  
41 terminate a pregnancy, and to carry a pregnancy to term. Any law,  
42 rule, regulation, ordinance, or order that has the effect of abridging  
43 the constitutional right to freedom of reproductive choice, including  
44 a law, rule, regulation, ordinance, or order in effect on, or adopted  
45 after, the effective date of the bill, will be deemed invalid and will  
46 have no force or effect. The bill specifically provides that every  
47 individual present in the State, including, but not limited to, an  
48 individual who is under State control or supervision, has the

1 fundamental right to choose or refuse contraception or sterilization;  
2 and to choose whether to carry a pregnancy, to give birth, or to  
3 terminate a pregnancy.

4 The bill additionally provides that, after concluding a study and  
5 issuing a report to the Governor and the Legislature demonstrating  
6 the need that such a regulation is necessary, the Department of  
7 Banking and Insurance may adopt regulations providing that health  
8 benefit plans delivered, issued, executed, or renewed in this State,  
9 require coverage for abortion. If the department adopts a regulation  
10 establishing this coverage requirement, the department will also be  
11 required to mandate that carriers grant, upon request of a religious  
12 employer, an exclusion under the contract for the required coverage  
13 if the coverage conflicts with the religious employer's bona fide  
14 religious beliefs and practices. A religious employer that obtains  
15 such an exclusion will be required to provide written notice thereof  
16 to covered persons and prospective covered persons, and the carrier  
17 will additionally be required to provide notice to the Commissioner  
18 of Banking and Insurance in such form and manner as may be  
19 determined by the commissioner. Nothing in this requirement is to  
20 be construed as authorizing a carrier to exclude coverage for care that  
21 is necessary to preserve the life or health of a subscriber. An  
22 insurance exclusion authorized by the department will not constitute  
23 a violation of the provisions of the bill invalidating laws determined  
24 to have the effect of abridging or limiting the constitutional right to  
25 freedom of reproductive choice.

26 The bill provides that a contract providing hospital or medical  
27 expense benefits purchased by the State Health Benefits Commission  
28 or the School Employees' Health Benefits Commission may provide  
29 coverage for abortion. A contract providing hospital or medical  
30 expense benefits purchased by either commission may not exclude a  
31 provider from its network or otherwise restrict services from the  
32 provider solely on the basis that the provider is a religious employer  
33 that refuses to provide abortion services.

34

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Codifies constitutional right to freedom of reproductive choice.



## CHAPTER 375

AN ACT concerning freedom of reproductive choice and supplementing Title 10 of the Revised Statutes, P.L.1997, c.192 (C.26:2S-1 et seq.), and Title 52 of the Revised Statutes.

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

C.10:7-1 Findings and declarations.

1. The Legislature finds and declares that:

a. In cases such as *Right to Choose v. Byrne*, 91 N.J. 287 (1982) and *Planned Parenthood of Cent. N.J. v. Farmer*, 165 N.J. 609 (2000), the New Jersey Supreme Court has recognized that the right to reproductive choice is a fundamental right enshrined in the State Constitution, that this right is independent of the United States Constitution, and that Article I, paragraph 1 of the New Jersey Constitution is independent of, and protects reproductive autonomy to an extent that exceeds the protections established under, the United States Constitution.

b. The New Jersey Supreme Court has found that the right to reproductive choice includes the right to determine whether and when to bear children. In particular, the citizens of New Jersey may: access contraception, including emergency contraception; may not be denied public benefits based on the choice to have additional children; may choose to terminate a pregnancy; and may choose to carry a pregnancy to term.

c. Self-determination in reproductive choice is key to helping establish equality among the genders and to allowing all people of childbearing age to participate equally in the economic and social life of the United States and the State of New Jersey.

d. An unplanned pregnancy can disrupt educational and career plans, forcing the pregnant person to drop out of school, abandon pursuit of a college or advanced degree, accept lower-paying employment or employment with limited opportunities for advancement, or delay entrance into the workforce, which can have the effect of limiting the person's lifetime earnings and can prevent the person from following a chosen career path.

e. The right to choose whether and when to have children allows people to more effectively plan in a way that is compatible with the person's overall life goals. Although each person retains the right to exercise the freedom of reproductive choice regardless of the health and strength of the person's interpersonal relationships, where and how the person lives, or the person's income level and overall resources, the essence of the right to reproductive choice is that people have the ability to make reproductive choices in a manner commensurate with their own personal beliefs, life plan, and moral code.

f. Governmental restrictions on reproductive choice, by their very nature, impinge on the constitutional right to reproductive autonomy, particularly when they fail to confer any benefits to patients in the form of improved health or safety. Moreover, restrictions of this nature often have a disparate impact that is predominantly felt by persons who already experience barriers to health care access, including young people, people of color, people with disabilities, people with low income, people living in rural areas, immigrants, and people who are transgender or non-binary.

g. The Legislature is committed to ensuring that no barriers to reproductive freedom exist in the State. Individuals have the right to make their own decisions concerning reproduction, including the right to contraception, the right to terminate a pregnancy, and the right to carry a pregnancy to term, without government interference or fear of prosecution.

h. It is both reasonable and necessary for the State to enable, facilitate, support, and safeguard the provision of high-quality, comprehensive reproductive and sexual health care, including the full range of evidence-based information, counseling, and health care services,

to all individuals in the State, and to enable, facilitate, support, and safeguard the ability of such individuals to access affordable and timely reproductive health care services and to engage in autonomous reproductive decision-making, in consultation with health care professionals of their choosing, without fear of prosecution, discrimination, or unnecessary barriers to care. To achieve those ends, it shall be the policy of this State to:

(1) explicitly guarantee, to every individual, the fundamental right to reproductive autonomy, which includes the right to contraception, the right to terminate a pregnancy, and the right to carry a pregnancy to term;

(2) enable all qualified health care professionals to provide pregnancy termination services in the State;

(3) advance comprehensive insurance coverage for reproductive care, including primary reproductive health care services, services to terminate a pregnancy, long-acting contraceptives, and long-term supplies of hormonal contraceptives, that enables the citizens of New Jersey to fully exercise their freedom of reproductive choice while recognizing the rights of certain religious employers to request an exemption from such coverage; and

(4) ensure that all laws, rules, regulations, ordinances, resolutions, policies, standards, or parts thereof, that are currently in force or enacted in the future, conform to the provisions and the express or implied purposes of this act, and that any law, rule, regulation, ordinance, resolution, policy, standard, or part thereof that conflicts with the provisions of this act or its express or implied purposes is subject to invalidation.

C.10:7-2 Reproductive choice rights.

2. a. Every individual present in the State, including, but not limited to, an individual who is under State control or supervision, shall have the fundamental right to: choose or refuse contraception or sterilization; and choose whether to carry a pregnancy, to give birth, or to terminate a pregnancy. The New Jersey Constitution recognizes the fundamental nature of the right to reproductive choice, including the right to access contraception, to terminate a pregnancy, and to carry a pregnancy to term, shall not be abridged by any law, rule, regulation, ordinance, or order issued by any State, county, or local governmental authority. Any law, rule, regulation, ordinance, or order, in effect on or adopted after the effective date of this act, that is determined to have the effect of limiting the constitutional right to freedom of reproductive choice and that does not conform with the provisions and the express or implied purposes of this act, shall be deemed invalid and shall have no force or effect.

b. The provisions of this section shall be enforceable under the “New Jersey Civil Rights Act,” P.L.2004, c.143 (C.10:6-1 et seq.) or in any other manner provided by law.

C.26:2S-39 Health benefit plans, coverage for abortion, certain religious employers exempt.

3. a. Upon concluding a study and issuing a report to the Governor and the Legislature demonstrating that such a regulation is necessary, the Department of Banking and Insurance may, through regulation adopted pursuant to the “Administrative Procedure Act”, P.L.1968 c.410 (C.52:14B-1 et seq.), provide that health benefit plans delivered, issued, executed, or renewed in this State, provide coverage for abortion. If the department provides for coverage pursuant to this section, then the department shall also require carriers to grant, upon request of a religious employer, an exclusion under the contract for the coverage required if the required coverage conflicts with the religious employer’s bona fide religious beliefs and practices. A religious employer that obtains such an exclusion shall provide written notice thereof to covered persons and prospective covered persons, and the carrier shall provide notice to the Commissioner of Banking and Insurance in such form and manner as may be determined

by the commissioner. The provisions of this paragraph shall not be construed as authorizing a carrier to exclude coverage for care that is necessary to preserve the life or health of a subscriber. An exclusion from an insurance coverage mandate granted to a religious employer pursuant to this section shall not be considered a violation of section 2 of P.L.2021, c.375 (C.10:7-2).

b. For the purposes of this section, “religious employer” means an organization that is organized and operates as a nonprofit entity and is referred to in section 6033(a)(3)(A)(i) or (iii) of the Internal Revenue Code of 1986 (26 U.S.C. s.6033), as amended.

C.52:14-17.29hh SHBC, coverage for abortion, certain religious employers exemption.

4. A contract providing hospital or medical expense benefits purchased by the State Health Benefits Commission may provide coverage for abortion. A contract providing hospital or medical expense benefits purchased by the commission shall not exclude a provider from its network or otherwise restrict services from the provider solely on the basis that the provider is a religious employer, as defined in section 3 of P.L.2021, c.375 (C.26:2S-39), that refuses to provide abortion services.

C.52:14-17.46.6q School Employees’ Health Benefits Commission, coverage for abortion, certain religious employers exemption.

5. A contract providing hospital or medical expense benefits purchased by the School Employees’ Health Benefits Commission may provide coverage for abortion. A contract providing hospital or medical expense benefits purchased by the commission shall not exclude a provider from its network or otherwise restrict services from the provider solely on the basis that the provider is a religious employer, as defined in section 3 of P.L.2021, c.375 (C.26:2S-39), that refuses to provide abortion services.

6. This act shall take effect immediately.

Approved January 13, 2022.

# SENATE, No. 49

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 6, 2022

**Sponsored by:**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**Senator VIN GOPAL**

**District 11 (Monmouth)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex and Morris)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Co-Sponsored by:**

**Assemblywoman Downey, Assemblyman Zwicker, Assemblywomen  
Lampitt and Swain**

**SYNOPSIS**

Codifies constitutional right to freedom of reproductive choice.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 1/10/2022)

1 AN ACT concerning freedom of reproductive choice and  
2 supplementing Title 10 of the Revised Statutes, P.L.1997, c.192  
3 (C.26:2S-1 et seq.), and Title 52 of the Revised Statutes.

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

7  
8 1. The Legislature finds and declares that:

9 a. In cases such as Right to Choose v. Byrne, 91 N.J. 287 (1982)  
10 and Planned Parenthood of Cent. N.J. v. Farmer, 165 N.J. 609 (2000),  
11 the New Jersey Supreme Court has recognized that the right to  
12 reproductive choice is a fundamental right enshrined in the State  
13 Constitution, that this right is independent of the United States  
14 Constitution, and that Article I, paragraph 1 of the New Jersey  
15 Constitution is independent of, and protects reproductive autonomy  
16 to an extent that exceeds the protections established under, the United  
17 States Constitution.

18 b. The New Jersey Supreme Court has found that the right to  
19 reproductive choice includes the right to determine whether and when  
20 to bear children. In particular, the citizens of New Jersey may:  
21 access contraception, including emergency contraception; may not be  
22 denied public benefits based on the choice to have additional  
23 children; may choose to terminate a pregnancy; and may choose to  
24 carry a pregnancy to term.

25 c. Self-determination in reproductive choice is key to helping  
26 establish equality among the genders and to allowing all people of  
27 childbearing age to participate equally in the economic and social life  
28 of the United States and the State of New Jersey.

29 d. An unplanned pregnancy can disrupt educational and career  
30 plans, forcing the pregnant person to drop out of school, abandon  
31 pursuit of a college or advanced degree, accept lower-paying  
32 employment or employment with limited opportunities for  
33 advancement, or delay entrance into the workforce, which can have  
34 the effect of limiting the person's lifetime earnings and can prevent  
35 the person from following a chosen career path.

36 e. The right to choose whether and when to have children allows  
37 people to more effectively plan in a way that is compatible with the  
38 person's overall life goals. Although each person retains the right to  
39 exercise the freedom of reproductive choice regardless of the health  
40 and strength of the person's interpersonal relationships, where and  
41 how the person lives, or the person's income level and overall  
42 resources, the essence of the right to reproductive choice is that  
43 people have the ability to make reproductive choices in a manner  
44 commensurate with their own personal beliefs, life plan, and moral  
45 code.

1 f. Governmental restrictions on reproductive choice, by their  
2 very nature, impinge on the constitutional right to reproductive  
3 autonomy, particularly when they fail to confer any benefits to  
4 patients in the form of improved health or safety. Moreover,  
5 restrictions of this nature often have a disparate impact that is  
6 predominantly felt by persons who already experience barriers to  
7 health care access, including young people, people of color, people  
8 with disabilities, people with low income, people living in rural areas,  
9 immigrants, and people who are transgender or non-binary.

10 g. The Legislature is committed to ensuring that no barriers to  
11 reproductive freedom exist in the State. Individuals have the right to  
12 make their own decisions concerning reproduction, including the  
13 right to contraception, the right to terminate a pregnancy, and the  
14 right to carry a pregnancy to term, without government interference  
15 or fear of prosecution.

16 h. It is both reasonable and necessary for the State to enable,  
17 facilitate, support, and safeguard the provision of high quality,  
18 comprehensive reproductive and sexual health care, including the full  
19 range of evidence-based information, counseling, and health care  
20 services, to all individuals in the State, and to enable, facilitate,  
21 support, and safeguard the ability of such individuals to access  
22 affordable and timely reproductive health care services and to engage  
23 in autonomous reproductive decision-making, in consultation with  
24 health care professionals of their choosing, without fear of  
25 prosecution, discrimination, or unnecessary barriers to care. To  
26 achieve those ends, it shall be the policy of this State to:

27 (1) explicitly guarantee, to every individual, the fundamental  
28 right to reproductive autonomy, which includes the right to  
29 contraception, the right to terminate a pregnancy, and the right to  
30 carry a pregnancy to term;

31 (2) enable all qualified health care professionals to provide  
32 pregnancy termination services in the State;

33 (3) advance comprehensive insurance coverage for reproductive  
34 care, including primary reproductive health care services, services to  
35 terminate a pregnancy, long-acting contraceptives, and long-term  
36 supplies of hormonal contraceptives, that enables the citizens of New  
37 Jersey to fully exercise their freedom of reproductive choice while  
38 recognizing the rights of certain religious employers to request an  
39 exemption from such coverage; and

40 (4) ensure that all laws, rules, regulations, ordinances,  
41 resolutions, policies, standards, or parts thereof, that are currently in  
42 force or enacted in the future, conform to the provisions and the  
43 express or implied purposes of this act, and that any law, rule,  
44 regulation, ordinance, resolution, policy, standard, or part thereof  
45 that conflicts with the provisions of this act or its express or implied  
46 purposes is subject to invalidation.

1       2. a. Every individual present in the State, including, but not  
2 limited to, an individual who is under State control or supervision,  
3 shall have the fundamental right to: choose or refuse contraception  
4 or sterilization; and choose whether to carry a pregnancy, to give  
5 birth, or to terminate a pregnancy. The New Jersey Constitution  
6 recognizes the fundamental nature of the right to reproductive choice,  
7 including the right to access contraception, to terminate a pregnancy,  
8 and to carry a pregnancy to term, shall not be abridged by any law,  
9 rule, regulation, ordinance, or order issued by any State, county, or  
10 local governmental authority. Any law, rule, regulation, ordinance,  
11 or order, in effect on or adopted after the effective date of this act,  
12 that is determined to have the effect of limiting the constitutional  
13 right to freedom of reproductive choice and that does not conform  
14 with the provisions and the express or implied purposes of this act,  
15 shall be deemed invalid and shall have no force or effect.

16       b. The provisions of this section shall be enforceable under the  
17 “New Jersey Civil Rights Act,” P.L.2004, c.143 (C.10:6-1 et seq.) or  
18 in any other manner provided by law.

19  
20       3. a. Upon concluding a study and issuing a report to the  
21 Governor and the Legislature demonstrating that such a regulation is  
22 necessary, the Department of Banking and Insurance may, through  
23 regulation adopted pursuant to the “Administrative Procedure Act”,  
24 P.L.1968 c.410 (C.52:14B-1 et seq.), provide that health benefit plans  
25 delivered, issued, executed, or renewed in this State, provide  
26 coverage for abortion. If the department provides for coverage  
27 pursuant to this section, then the department shall also require  
28 carriers to grant, upon request of a religious employer, an exclusion  
29 under the contract for the coverage required if the required coverage  
30 conflicts with the religious employer’s bona fide religious beliefs and  
31 practices. A religious employer that obtains such an exclusion shall  
32 provide written notice thereof to covered persons and prospective  
33 covered persons, and the carrier shall provide notice to the  
34 Commissioner of Banking and Insurance in such form and manner as  
35 may be determined by the commissioner. The provisions of this  
36 paragraph shall not be construed as authorizing a carrier to exclude  
37 coverage for care that is necessary to preserve the life or health of a  
38 subscriber. An exclusion from an insurance coverage mandate  
39 granted to a religious employer pursuant to this section shall not be  
40 considered a violation of section 2 of P.L. , c. (C. ) (pending  
41 before the Legislature as this bill).

42       b. For the purposes of this section, “religious employer” means  
43 an organization that is organized and operates as a nonprofit entity  
44 and is referred to in section 6033(a)(3)(A)(i) or (iii) of the Internal  
45 Revenue Code of 1986 (26 U.S.C. s.6033), as amended.

46  
47       4. A contract providing hospital or medical expense benefits  
48 purchased by the State Health Benefits Commission may provide

1 coverage for abortion. A contract providing hospital or medical  
2 expense benefits purchased by the commission shall not exclude a  
3 provider from its network or otherwise restrict services from the  
4 provider solely on the basis that the provider is a religious employer,  
5 as defined in section 3 of P.L. , c. (C. ) (pending before the  
6 Legislature as this bill), that refuses to provide abortion services.

7  
8 5. A contract providing hospital or medical expense benefits  
9 purchased by the School Employees' Health Benefits Commission  
10 may provide coverage for abortion. A contract providing hospital or  
11 medical expense benefits purchased by the commission shall not  
12 exclude a provider from its network or otherwise restrict services  
13 from the provider solely on the basis that the provider is a religious  
14 employer, as defined in section 3 of P.L. , c. (C. ) (pending  
15 before the Legislature as this bill), that refuses to provide abortion  
16 services.

17  
18 6. This act shall take effect immediately.  
19  
20

21 STATEMENT  
22

23 This bill establishes certain requirements related to the right to  
24 reproductive choice in New Jersey.

25 Specifically, the bill codifies the constitutional right, which has  
26 been recognized by the New Jersey Supreme Court, to freedom of  
27 reproductive choice, including the right to access contraception, to  
28 terminate a pregnancy, and to carry a pregnancy to term. Any law,  
29 rule, regulation, ordinance, or order that has the effect of abridging  
30 the constitutional right to freedom of reproductive choice, including  
31 a law, rule, regulation, ordinance, or order in effect on, or adopted  
32 after, the effective date of the bill, will be deemed invalid and will  
33 have no force or effect. The bill specifically provides that every  
34 individual present in the State, including, but not limited to, an  
35 individual who is under State control or supervision, has the  
36 fundamental right to choose or refuse contraception or sterilization;  
37 and to choose whether to carry a pregnancy, to give birth, or to  
38 terminate a pregnancy.

39 The bill additionally provides that, after concluding a study and  
40 issuing a report to the Governor and the Legislature demonstrating  
41 the need that such a regulation is necessary, the Department of  
42 Banking and Insurance may adopt regulations providing that health  
43 benefit plans delivered, issued, executed, or renewed in this State,  
44 require coverage for abortion. If the department adopts a regulation  
45 establishing this coverage requirement, the department will also be  
46 required to mandate that carriers grant, upon request of a religious  
47 employer, an exclusion under the contract for the required coverage  
48 if the coverage conflicts with the religious employer's bona fide



1 religious beliefs and practices. A religious employer that obtains  
2 such an exclusion will be required to provide written notice thereof  
3 to covered persons and prospective covered persons, and the carrier  
4 will additionally be required to provide notice to the Commissioner  
5 of Banking and Insurance in such form and manner as may be  
6 determined by the commissioner. Nothing in this requirement is to  
7 be construed as authorizing a carrier to exclude coverage for care that  
8 is necessary to preserve the life or health of a subscriber. An  
9 insurance exclusion authorized by the department will not constitute  
10 a violation of the provisions of the bill invalidating laws determined  
11 to have the effect of abridging or limiting the constitutional right to  
12 freedom of reproductive choice.

13 The bill provides that a contract providing hospital or medical  
14 expense benefits purchased by the State Health Benefits Commission  
15 or the School Employees' Health Benefits Commission may provide  
16 coverage for abortion. A contract providing hospital or medical  
17 expense benefits purchased by either commission may not exclude a  
18 provider from its network or otherwise restrict services from the  
19 provider solely on the basis that the provider is a religious employer  
20 that refuses to provide abortion services.

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

**SENATE, No. 49**

**STATE OF NEW JERSEY**

DATED: JANUARY 6, 2022

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 49.

This bill establishes certain requirements related to the right to reproductive choice in New Jersey.

Specifically, the bill codifies the constitutional right, which has been recognized by the New Jersey Supreme Court, to freedom of reproductive choice, including the right to access contraception, to terminate a pregnancy, and to carry a pregnancy to term. Any law, rule, regulation, ordinance, or order that has the effect of abridging the constitutional right to freedom of reproductive choice, including a law, rule, regulation, ordinance, or order in effect on, or adopted after, the effective date of the bill, will be deemed invalid and will have no force or effect. The bill specifically provides that every individual present in the State, including, but not limited to, an individual who is under State control or supervision, has the fundamental right to choose or refuse contraception or sterilization; and to choose whether to carry a pregnancy, to give birth, or to terminate a pregnancy.

The bill additionally provides that, after concluding a study and issuing a report to the Governor and the Legislature demonstrating the need that such a regulation is necessary, the Department of Banking and Insurance may adopt regulations providing that health benefit plans delivered, issued, executed, or renewed in this State, require coverage for abortion. If the department adopts a regulation establishing this coverage requirement, the department will also be required to mandate that carriers grant, upon request of a religious employer, an exclusion under the contract for the required coverage if the coverage conflicts with the religious employer's bona fide religious beliefs and practices. A religious employer that obtains such an exclusion will be required to provide written notice thereof to covered persons and prospective covered persons, and the carrier will additionally be required to provide notice to the Commissioner of Banking and Insurance in such form and manner as may be determined by the commissioner. Nothing in this requirement is to be construed as authorizing a carrier to exclude coverage for care that is necessary to preserve the life or health of a subscriber. An insurance exclusion authorized by the department will not constitute a violation of the

provisions of the bill invalidating laws determined to have the effect of abridging or limiting the constitutional right to freedom of reproductive choice.

The bill provides that a contract providing hospital or medical expense benefits purchased by the State Health Benefits Commission or the School Employees' Health Benefits Commission may provide coverage for abortion. A contract providing hospital or medical expense benefits purchased by either commission may not exclude a provider from its network or otherwise restrict services from the provider solely on the basis that the provider is a religious employer that refuses to provide abortion services.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE, No. 49**  
**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

DATED: JANUARY 18, 2022

**SUMMARY**

**Synopsis:** Codifies constitutional right to freedom of reproductive choice.

**Type of Impact:** One-time State expenditure increase.

**Agencies Affected:** Department of Banking and Insurance.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b>Magnitude</b>
<b>One-Time State Expenditure Increase</b>	Indeterminate

- The Office of Legislative Services (OLS) notes that this bill may result in a one-time indeterminate increase in State expenditures tied to the requirement that the Department of Banking and Insurance study and issue a report on the necessity of regulations requiring health benefits plan coverage of abortion services.
- Annual State and local government expenditures might be altered if the Department of Banking and Insurance were to exercise its authority granted under the bill to impose a statewide mandate that health benefits plans cover abortion services after finding in its study that such a mandate is necessary. Absent information on the specifics of such a possible mandate, the OLS lacks the informational basis to assess to what extent a mandate might affect the annual expenditures of the State's Medicaid/NJ FamilyCare program and State and local government employee health benefits plans.
- The State Health Benefits Program and the School Employees' Health Benefits Program currently cover abortion services that are deemed medically necessary or elective under certain co-pay and deductible conditions. The State's Medicaid/NJ FamilyCare program, in turn, currently covers abortion services that are deemed medically necessary pursuant to program guidelines.

**BILL DESCRIPTION**

This bill requires the Department of Banking and Insurance to study and issue a report to the Governor and the Legislature on the necessity of a statewide mandate that health benefit plans

cover abortion services. If the department affirms that necessity, it may impose a statewide abortion coverage mandate, with an exclusion for qualified religious employers. An insurance carrier that provides a health benefits plan to a religious employer without abortion coverage will have to notify the department thereof in such manner as the department may prescribe.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS notes that this bill may result in a one-time indeterminate increase in State expenditures tied to the requirement that the Department of Banking and Insurance study and issue a report on the necessity of regulations requiring health benefits plan coverage of abortion services.

The bill may also affect the annual expenditures of the State and local governments if the Department of Banking and Insurance were to exercise its authority granted under the bill to impose a statewide mandate that health benefits plans cover abortion services after finding in its study that such a mandate is necessary. Absent information on the specifics of such a possible mandate, the OLS lacks the informational basis to determine to what extent a mandate might affect the annual expenditures of the State's Medicaid/NJ FamilyCare program and employee health benefits plans offered by State and local government employers.

The State Health Benefits Program and the School Employees' Health Benefits Program currently cover abortion services that are deemed medically necessary or elective under certain co-pay and deductible conditions. The State's Medicaid/NJ FamilyCare program, in turn, currently covers abortion services that are deemed medically necessary pursuant to program guidelines.

*Section: Commerce, Labor and Industry*  
*Analyst: Juan Rodriguez*  
*Senior Fiscal Analyst*  
*Approved: Thomas Koenig*  
*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 (C.52:13B-6 et seq.).

# ASSEMBLY, No. 6260

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 6, 2022

**Sponsored by:**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex and Morris)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Co-Sponsored by:**

**Assemblywoman Downey, Assemblyman Zwicker, Assemblywomen  
Lampitt and Swain**

**SYNOPSIS**

Codifies constitutional right to freedom of reproductive choice.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 1/10/2022)

1 AN ACT concerning freedom of reproductive choice and  
2 supplementing Title 10 of the Revised Statutes, P.L.1997, c.192  
3 (C.26:2S-1 et seq.), and Title 52 of the Revised Statutes.

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

7  
8 1. The Legislature finds and declares that:

9 a. In cases such as Right to Choose v. Byrne, 91 N.J. 287 (1982)  
10 and Planned Parenthood of Cent. N.J. v. Farmer, 165 N.J. 609 (2000),  
11 the New Jersey Supreme Court has recognized that the right to  
12 reproductive choice is a fundamental right enshrined in the State  
13 Constitution, that this right is independent of the United States  
14 Constitution, and that Article I, paragraph 1 of the New Jersey  
15 Constitution is independent of, and protects reproductive autonomy  
16 to an extent that exceeds the protections established under, the United  
17 States Constitution.

18 b. The New Jersey Supreme Court has found that the right to  
19 reproductive choice includes the right to determine whether and when  
20 to bear children. In particular, the citizens of New Jersey may:  
21 access contraception, including emergency contraception; may not be  
22 denied public benefits based on the choice to have additional  
23 children; may choose to terminate a pregnancy; and may choose to  
24 carry a pregnancy to term.

25 c. Self-determination in reproductive choice is key to helping  
26 establish equality among the genders and to allowing all people of  
27 childbearing age to participate equally in the economic and social life  
28 of the United States and the State of New Jersey.

29 d. An unplanned pregnancy can disrupt educational and career  
30 plans, forcing the pregnant person to drop out of school, abandon  
31 pursuit of a college or advanced degree, accept lower-paying  
32 employment or employment with limited opportunities for  
33 advancement, or delay entrance into the workforce, which can have  
34 the effect of limiting the person's lifetime earnings and can prevent  
35 the person from following a chosen career path.

36 e. The right to choose whether and when to have children allows  
37 people to more effectively plan in a way that is compatible with the  
38 person's overall life goals. Although each person retains the right to  
39 exercise the freedom of reproductive choice regardless of the health  
40 and strength of the person's interpersonal relationships, where and  
41 how the person lives, or the person's income level and overall  
42 resources, the essence of the right to reproductive choice is that  
43 people have the ability to make reproductive choices in a manner  
44 commensurate with their own personal beliefs, life plan, and moral  
45 code.

46 f. Governmental restrictions on reproductive choice, by their  
47 very nature, impinge on the constitutional right to reproductive  
48 autonomy, particularly when they fail to confer any benefits to

1 patients in the form of improved health or safety. Moreover,  
2 restrictions of this nature often have a disparate impact that is  
3 predominantly felt by persons who already experience barriers to  
4 health care access, including young people, people of color, people  
5 with disabilities, people with low income, people living in rural areas,  
6 immigrants, and people who are transgender or non-binary.

7 g. The Legislature is committed to ensuring that no barriers to  
8 reproductive freedom exist in the State. Individuals have the right to  
9 make their own decisions concerning reproduction, including the  
10 right to contraception, the right to terminate a pregnancy, and the  
11 right to carry a pregnancy to term, without government interference  
12 or fear of prosecution.

13 h. It is both reasonable and necessary for the State to enable,  
14 facilitate, support, and safeguard the provision of high quality,  
15 comprehensive reproductive and sexual health care, including the full  
16 range of evidence-based information, counseling, and health care  
17 services, to all individuals in the State, and to enable, facilitate,  
18 support, and safeguard the ability of such individuals to access  
19 affordable and timely reproductive health care services and to engage  
20 in autonomous reproductive decision-making, in consultation with  
21 health care professionals of their choosing, without fear of  
22 prosecution, discrimination, or unnecessary barriers to care. To  
23 achieve those ends, it shall be the policy of this State to:

24 (1) explicitly guarantee, to every individual, the fundamental  
25 right to reproductive autonomy, which includes the right to  
26 contraception, the right to terminate a pregnancy, and the right to  
27 carry a pregnancy to term;

28 (2) enable all qualified health care professionals to provide  
29 pregnancy termination services in the State;

30 (3) advance comprehensive insurance coverage for reproductive  
31 care, including primary reproductive health care services, services to  
32 terminate a pregnancy, long-acting contraceptives, and long-term  
33 supplies of hormonal contraceptives, that enables the citizens of New  
34 Jersey to fully exercise their freedom of reproductive choice while  
35 recognizing the rights of certain religious employers to request an  
36 exemption from such coverage; and

37 (4) ensure that all laws, rules, regulations, ordinances,  
38 resolutions, policies, standards, or parts thereof, that are currently in  
39 force or enacted in the future, conform to the provisions and the  
40 express or implied purposes of this act, and that any law, rule,  
41 regulation, ordinance, resolution, policy, standard, or part thereof  
42 that conflicts with the provisions of this act or its express or implied  
43 purposes is subject to invalidation.

44

45 2. a. Every individual present in the State, including, but not  
46 limited to, an individual who is under State control or supervision,  
47 shall have the fundamental right to: choose or refuse contraception  
48 or sterilization; and choose whether to carry a pregnancy, to give



1 birth, or to terminate a pregnancy. The New Jersey Constitution  
2 recognizes the fundamental nature of the right to reproductive choice,  
3 including the right to access contraception, to terminate a pregnancy,  
4 and to carry a pregnancy to term, shall not be abridged by any law,  
5 rule, regulation, ordinance, or order issued by any State, county, or  
6 local governmental authority. Any law, rule, regulation, ordinance,  
7 or order, in effect on or adopted after the effective date of this act,  
8 that is determined to have the effect of limiting the constitutional  
9 right to freedom of reproductive choice and that does not conform  
10 with the provisions and the express or implied purposes of this act,  
11 shall be deemed invalid and shall have no force or effect.

12 b. The provisions of this section shall be enforceable under the  
13 “New Jersey Civil Rights Act,” P.L.2004, c.143 (C.10:6-1 et seq.) or  
14 in any other manner provided by law.

15

16 3. a. Upon concluding a study and issuing a report to the  
17 Governor and the Legislature demonstrating that such a regulation is  
18 necessary, the Department of Banking and Insurance may, through  
19 regulation adopted pursuant to the “Administrative Procedure Act”,  
20 P.L.1968 c.410 (C.52:14B-1 et seq.), provide that health benefit plans  
21 delivered, issued, executed, or renewed in this State, provide  
22 coverage for abortion. If the department provides for coverage  
23 pursuant to this section, then the department shall also require  
24 carriers to grant, upon request of a religious employer, an exclusion  
25 under the contract for the coverage required if the required coverage  
26 conflicts with the religious employer’s bona fide religious beliefs and  
27 practices. A religious employer that obtains such an exclusion shall  
28 provide written notice thereof to covered persons and prospective  
29 covered persons, and the carrier shall provide notice to the  
30 Commissioner of Banking and Insurance in such form and manner as  
31 may be determined by the commissioner. The provisions of this  
32 paragraph shall not be construed as authorizing a carrier to exclude  
33 coverage for care that is necessary to preserve the life or health of a  
34 subscriber. An exclusion from an insurance coverage mandate  
35 granted to a religious employer pursuant to this section shall not be  
36 considered a violation of section 2 of P.L. , c. (C. ) (pending  
37 before the Legislature as this bill).

38 b. For the purposes of this section, “religious employer” means  
39 an organization that is organized and operates as a nonprofit entity  
40 and is referred to in section 6033(a)(3)(A)(i) or (iii) of the Internal  
41 Revenue Code of 1986 (26 U.S.C. s.6033), as amended.

42

43 4. A contract providing hospital or medical expense benefits  
44 purchased by the State Health Benefits Commission may provide  
45 coverage for abortion. A contract providing hospital or medical  
46 expense benefits purchased by the commission shall not exclude a  
47 provider from its network or otherwise restrict services from the  
48 provider solely on the basis that the provider is a religious employer,

1 as defined in section 3 of P.L. , c. (C. ) (pending before the  
2 Legislature as this bill), that refuses to provide abortion services.

3  
4 5. A contract providing hospital or medical expense benefits  
5 purchased by the School Employees' Health Benefits Commission  
6 may provide coverage for abortion. A contract providing hospital or  
7 medical expense benefits purchased by the commission shall not  
8 exclude a provider from its network or otherwise restrict services  
9 from the provider solely on the basis that the provider is a religious  
10 employer, as defined in section 3 of P.L. , c. (C. ) (pending  
11 before the Legislature as this bill), that refuses to provide abortion  
12 services.

13  
14 6. This act shall take effect immediately.

15  
16  
17 STATEMENT

18  
19 This bill establishes certain requirements related to the right to  
20 reproductive choice in New Jersey.

21 Specifically, the bill codifies the constitutional right, which has  
22 been recognized by the New Jersey Supreme Court, to freedom of  
23 reproductive choice, including the right to access contraception, to  
24 terminate a pregnancy, and to carry a pregnancy to term. Any law,  
25 rule, regulation, ordinance, or order that has the effect of abridging  
26 the constitutional right to freedom of reproductive choice, including  
27 a law, rule, regulation, ordinance, or order in effect on, or adopted  
28 after, the effective date of the bill, will be deemed invalid and will  
29 have no force or effect. The bill specifically provides that every  
30 individual present in the State, including, but not limited to, an  
31 individual who is under State control or supervision, has the  
32 fundamental right to choose or refuse contraception or sterilization;  
33 and to choose whether to carry a pregnancy, to give birth, or to  
34 terminate a pregnancy.

35 The bill additionally provides that, after concluding a study and  
36 issuing a report to the Governor and the Legislature demonstrating  
37 the need that such a regulation is necessary, the Department of  
38 Banking and Insurance may adopt regulations providing that health  
39 benefit plans delivered, issued, executed, or renewed in this State,  
40 require coverage for abortion. If the department adopts a regulation  
41 establishing this coverage requirement, the department will also be  
42 required to mandate that carriers grant, upon request of a religious  
43 employer, an exclusion under the contract for the required coverage  
44 if the coverage conflicts with the religious employer's bona fide  
45 religious beliefs and practices. A religious employer that obtains  
46 such an exclusion will be required to provide written notice thereof  
47 to covered persons and prospective covered persons, and the carrier  
48 will additionally be required to provide notice to the Commissioner

1 of Banking and Insurance in such form and manner as may be  
2 determined by the commissioner. Nothing in this requirement is to  
3 be construed as authorizing a carrier to exclude coverage for care that  
4 is necessary to preserve the life or health of a subscriber. An  
5 insurance exclusion authorized by the department will not constitute  
6 a violation of the provisions of the bill invalidating laws determined  
7 to have the effect of abridging or limiting the constitutional right to  
8 freedom of reproductive choice.

9 The bill provides that a contract providing hospital or medical  
10 expense benefits purchased by the State Health Benefits Commission  
11 or the School Employees' Health Benefits Commission may provide  
12 coverage for abortion. A contract providing hospital or medical  
13 expense benefits purchased by either commission may not exclude a  
14 provider from its network or otherwise restrict services from the  
15 provider solely on the basis that the provider is a religious employer  
16 that refuses to provide abortion services.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 6260**

**STATE OF NEW JERSEY**

DATED: JANUARY 6, 2022

The Assembly Appropriations Committee reports favorably Assembly Bill No. 6260.

This bill establishes certain requirements related to the right to reproductive choice in New Jersey.

Specifically, the bill codifies the constitutional right, which has been recognized by the New Jersey Supreme Court, to freedom of reproductive choice, including the right to access contraception, to terminate a pregnancy, and to carry a pregnancy to term. Any law, rule, regulation, ordinance, or order that has the effect of abridging the constitutional right to freedom of reproductive choice, including a law, rule, regulation, ordinance, or order in effect on, or adopted after, the effective date of the bill, will be deemed invalid and will have no force or effect. The bill specifically provides that every individual present in the State, including, but not limited to, an individual who is under State control or supervision, has the fundamental right to choose or refuse contraception or sterilization; and to choose whether to carry a pregnancy, to give birth, or to terminate a pregnancy.

The bill additionally provides that, after concluding a study and issuing a report to the Governor and the Legislature demonstrating the need that such a regulation is necessary, the Department of Banking and Insurance may adopt regulations providing that health benefit plans delivered, issued, executed, or renewed in this State, require coverage for abortion. If the department adopts a regulation establishing this coverage requirement, the department will also be required to mandate that carriers grant, upon request of a religious employer, an exclusion under the contract for the required coverage if the coverage conflicts with the religious employer's bona fide religious beliefs and practices. A religious employer that obtains such an exclusion will be required to provide written notice thereof to covered persons and prospective covered persons, and the carrier will additionally be required to provide notice to the Commissioner of Banking and Insurance in such form and manner as may be determined by the commissioner. Nothing in this requirement is to be construed as authorizing a carrier to exclude coverage for care that is necessary to preserve the life or health of a subscriber. An insurance exclusion authorized by the department will not constitute a violation of the provisions of the bill invalidating laws determined to have the effect of

abridging or limiting the constitutional right to freedom of reproductive choice.

The bill provides that a contract providing hospital or medical expense benefits purchased by the State Health Benefits Commission or the School Employees' Health Benefits Commission may provide coverage for abortion. A contract providing hospital or medical expense benefits purchased by either commission may not exclude a provider from its network or otherwise restrict services from the provider solely on the basis that the provider is a religious employer that refuses to provide abortion services.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 6260**  
**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

DATED: JANUARY 13, 2022

**SUMMARY**

**Synopsis:** Codifies constitutional right to freedom of reproductive choice.

**Type of Impact:** One-time State expenditure increase.

**Agencies Affected:** Department of Banking and Insurance.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b>Magnitude</b>
<b>One-Time State Expenditure Increase</b>	Indeterminate

- The Office of Legislative Services (OLS) notes that this bill may result in a one-time indeterminate increase in State expenditures tied to the requirement that the Department of Banking and Insurance study and issue a report on the necessity of regulations requiring health benefits plan coverage of abortion services.
- Annual State and local government expenditures might be altered if the Department of Banking and Insurance were to exercise its authority granted under the bill to impose a statewide mandate that health benefits plans cover abortion services after finding in its study that such a mandate is necessary. Absent information on the specifics of such a possible mandate, the OLS lacks the informational basis to assess to what extent a mandate might affect the annual expenditures of the State's Medicaid/NJ FamilyCare program and State and local government employee health benefits plans.
- The State Health Benefits Program and the School Employees' Health Benefits Program currently cover abortion services that are deemed medically necessary or elective under certain co-pay and deductible conditions. The State's Medicaid/NJ FamilyCare program, in turn, currently covers abortion services that are deemed medically necessary pursuant to program guidelines.

## **BILL DESCRIPTION**

This bill requires the Department of Banking and Insurance to study and issue a report to the Governor and the Legislature on the necessity of a statewide mandate that health benefit plans cover abortion services. If the department affirms that necessity, it may impose a statewide abortion coverage mandate, with an exclusion for qualified religious employers. An insurance carrier that provides a health benefits plan to a religious employer without abortion coverage will have to notify the department thereof in such manner as the department may prescribe.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS notes that this bill may result in a one-time indeterminate increase in State expenditures tied to the requirement that the Department of Banking and Insurance study and issue a report on the necessity of regulations requiring health benefits plan coverage of abortion services.

The bill may also affect the annual expenditures of the State and local governments if the Department of Banking and Insurance were to exercise its authority granted under the bill to impose a statewide mandate that health benefits plans cover abortion services after finding in its study that such a mandate is necessary. Absent information on the specifics of such a possible mandate, the OLS lacks the informational basis to determine to what extent a mandate might affect the annual expenditures of the State's Medicaid/NJ FamilyCare program and employee health benefits plans offered by State and local government employers.

The State Health Benefits Program and the School Employees' Health Benefits Program currently cover abortion services that are deemed medically necessary or elective under certain co-pay and deductible conditions. The State's Medicaid/NJ FamilyCare program, in turn, currently covers abortion services that are deemed medically necessary pursuant to program guidelines.

*Section:* Commerce, Labor and Industry  
*Analyst:* Juan Rodriguez  
Senior Fiscal Analyst  
*Approved:* Thomas Koenig  
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 (C.52:13B-6 et seq.).

# Governor Murphy Takes Action on Legislation

11/8/2021

**TRENTON** – Today, Governor Murphy signed the following bills into law:

**S-249/A-1259 (Singleton, Turner/Schaer, DeCroce, Vainieri Huttle)** – Requires pharmacy benefits manager providing services within Medicaid program to disclose certain information to DHS

**S-324/A-3533 (Diegnan, A.M. Bucco/Benson, Freiman, DeCroce)** – Authorizes operators of motor vehicles to display electronic proof of registration; requires MVC to send application for registration renewal to lessee of leased vehicle

**SCS for S-399 and 1645/ACS for A-869 and 1380 (Lagana, Weinberg, Stack, Turner, Cunningham/Chiaravalloti, Holley)** – Requires residential landlords to install covers on steam radiators upon request of tenant

**S-537/A-3110 (Codey/McKeon, Verrelli, Vainieri Huttle)** – Establishes certain minimum and maximum temperatures in rooming and boarding houses, dementia care homes, and certain nursing homes and residential health care facilities

**S-550/A-1616 (Codey, Pennacchio/Lampitt, Conaway, Vainieri Huttle)** – Requires certain student identification cards to contain telephone number for suicide prevention hotline

**SCS for S-647/A-4825 (Greenstein, Singleton/McKeon, Karabinchak, Stanley)** – Revises cybersecurity, asset management, and related reporting requirements in “Water Quality Accountability Act”

**S-828/A-2101 (Lagana, Greenstein/Swain, Tully, Verrelli)** – Requires public utilities and local units to provide notice prior to initiating certain infrastructure projects

**S-829/A-2135 (Lagana, Singleton/Tully, Swain, Murphy)** – Requires property condition disclosure statement to indicate presence of lead plumbing in residential property

**S-830/A-2134 (Lagana, Greenstein/Tully, Swain, Conaway)** – Requires public water systems to offer drinking water tests to customers in certain circumstances

**S-894/A-3874 (Pou, Greenstein/Lopez, Vainieri Huttle)** – Prohibits sale of paint or coating removal products that contain methylene chloride unless purchaser meets certain safety standards for use

**S-1010/A-2103 (Lagana, Turner/Swain, Tully, Johnson)** – Permits counties and municipalities to bond for alternative fuel vehicles

**S-1047/A-1712 (Cryan, Pou/Burzichelli, Karabinchak, Giblin)** – Concerns disclosure of certain information prior to sale of real estate

**S-1148/A-1221 (Ruiz, Pou/Chaparro, Speight, Wimberly)** – Requires emergency contact information and access instructions for social services hotline to be provided to tenants of multiple dwellings

**S-1239/A-5131 (Codey/McKeon, Danielsen, Jasey)** – Authorizes imposition of fee for connection to municipal electric distribution system

**S-1259/A-2628 (Singleton/Murphy)** – Concerns labor contractors

**S-1726/A-795 (Lagana, Pou/Verrelli, Swain, Zwicker)** – Prohibits sale of cosmetic products that have been tested on animals



- S-2727/A-4775 (Pennacchio, Pou/Vainieri Huttie, Jasey, McKnight)** – Establishes Multigenerational Family Housing Continuity Commission; provides municipal guidance to periodically analyze local advancement of commission’s senior citizen housing recommendations
- S-2861/A-5390 (Singleton, Addiego/Quijano, McKnight, Speight)** – Concerns certain restrictive covenants on real property
- S-2996/A-5019 (Testa, Sweeney/McClellan, Taliaferro, Johnson)** – Allows Board of Cosmetology and Hairstyling licensees to operate mobile facilities when providing services
- S-3000/A-4688 (Weinberg, Greenstein/Benson, Verrelli, Vainieri Huttie)** – Codifies and establishes certain network adequacy standards for pediatric primary and specialty care in Medicaid program
- S-3032/A-4855 (Sweeney, Vitale/Benson, Vainieri Huttie, Chiaravalloti)** – Requires DOH to develop Statewide plan for infection control and prevention infrastructure improvements in nursing homes
- S-3091/A-4933 (Addiego, Bateman/Burzichelli, Benson, Mukherji)** – Requires builders to offer unit concrete products that utilize carbon footprint-reducing technology as option in new construction; establishes tax incentives, and State and local purchasing requirements, for unit concrete products that utilize carbon footprint-reducing technology
- S-3253/A-2619 (Singleton, Ruiz/Murphy, Speight, Mukherji)** – Establishes alternate route to expedite certification of teachers at early college high school programs
- S-3318/A-5893 (Sweeney, Pou/Vainieri Huttie, Caputo, Karabinchak)** – Provides for voluntary contributions by taxpayers on gross income tax returns for Special Olympics New Jersey
- S-3590/A-5536 (Diegnan, Turner/Burzichelli, Giblin)** – Allows formation of limited liability companies by real estate salespersons and broker-salespersons to receive commission income and requires certain disclosures on promotions
- S-3811/A-5769 (Sweeney, Scutari/Reynolds-Jackson, Quijano, Carter)** – Establishes Kean University as public urban research university
- S-3948/A-5896 (Addiego, Gopal/Houghtaling, Downey)** – Authorizes supplemental State aid to school districts receiving certain federal Impact Aid; makes appropriation
- SJR-41/AJR-33 (Cruz-Perez, Addiego/Lopez, McKnight)** – Designates June 2 of each year as “Gun Violence Awareness Day”
- SJR-109/AJR-208 (Weinberg, Pou/McKnight, Benson, Vainieri Huttie)** – Condemns hate and violent extremism and commits to defense of safe and just democracy
- A-637/S-2670 (Caputo, Dancer, Houghtaling/Beach)** – Revises permit and license processes for sports pools operators and online sports pool operators; revises definitions of certain sports events; allows for transactional waiver for sports wagering lounge
- A-853/S-797 (Chiaravalloti, Karabinchak, McKnight/Cunningham, Doherty)** – Prohibits municipal licensure of children operating temporary businesses
- A-2311/S-356 (Calabrese, Jasey/Cryan, Codey)** – Establishes study commission to examine development of mutually beneficial relationships between institutions of higher education and municipalities
- A-3027/S-793 (Lampitt, Jasey, Houghtaling/Cunningham, Singleton)** – Commits \$3 million from Supplemental Workforce Fund for Basic Skill to NJ Community College Consortium for Workforce and Economic Development
- ACS for A-3352/S-3504 (Kennedy, Stanley, Calabrese/Smith)** – Requires certain newly constructed warehouses to be solar-ready buildings

**A-3897/S-3263 (Armato, Mazzeo, DiMaso/Beach, Gopal)** – Increases fee for New Jersey Waterfowl Stamps

**A-4138/S-2701 (Vainieri Huttle, Benson, Giblin/Gopal, Codey)** – Requires Department of Human Services to develop public emergency response plan for licensed providers of services to individuals with developmental disabilities

**A-4367/S-2794 (Mukherji, Sumter, Taliaferro/Pou, Scutari)** – Provides that AOC shall administer program for municipal courts allowing defendants to engage in online plea negotiations, entry of guilty plea, and payment of fine or penalty

**A-4484/S-3153 (McKnight, Kennedy, Mukherji, Gove/Pou, Vitale)** – Requires State Long-Term Care Ombudsman to establish long-term care advocacy and educational training program

**A-4538/S-3131 (Lampitt, Quijano/Pou, A.M. Bucco)** – Requires dental insurers to provide credits for reduced usage during coronavirus disease 2019 pandemic

**A-4544/S-3150 (Caputo, Jasey, Murphy/Pou, Codey)** – Permits school nurse who is retired from TPAF to return to employment for up to two years without reenrollment in TPAF

**A-4633/S-2856 (Giblin, DeCroce/Pou)** – Permits certain nonresident Certified Public Accountants to provide attest services

**A-4831/S-3953 (Chaparro, Kennedy, Murphy/Scutari)** – Clarifies classification in this State of criminal offenses committed in other states or under federal law

**A-4836/S-3313 (Giblin, Benson, Downey/Pou, Turner)** – Establishes task force to evaluate quality, efficacy, costs, and educational outcomes of online courses offered by public and independent institutions of higher education and degree-granting proprietary institutions during COVID-19 pandemic

**A-4861/S-3041 (Vainieri Huttle, Armato, Verrelli/Vitale, Gopal)** – Requires DOH to publish total number of COVID-19 deaths and cases in long-term care facilities

**A-4869/S-2414 (Wirths, Verrelli, Space/Singleton, Madden)** – Requires certain bidders for prevailing wage public work to provide proof that prevailing wage will be paid

**A-5059/S-3031 (Conaway, Vainieri Huttle, Benson/Sweeney, Vitale)** – Requires DOH to establish certain nursing education and professional advancement programs

**A-5212/S-3638 (Conaway, Verrelli, Karabinchak/Turner, Diegnan)** – Permits dentists to administer vaccines under certain circumstances

**A-5751/S-3823 (Swain, Timberlake, Carter, Johnson/Weinberg, Gopal)** – Expands State corrections officers training to include topics contributing to their core mission of treating inmates with dignity, fairness, and respect

**A-5817/S-3852 (Tully, Swain, Benson/Lagana, Diegnan)** – Revises violation and fines for approving or assigning unauthorized individuals as school bus drivers

**A-5818/S-3849 (Tully, Swain, Benson/Lagana, Diegnan)** – Provides for debarment of school bus contractors for certain violations; requires certain information in pupil transportation contract bid

**AJR-204/SJR-105 (Jasey, Benson, Reynolds-Jackson/Cunningham, T. Kean)** – Designates April of each year as “Educational Opportunity Fund (EOF) Month” in New Jersey

**AJR-238/SJR-123 (Burzichelli/Sweeney, Singleton)** – Urges U.S. President and EPA to take appropriate action, through waivers and other reforms, to allow blending of renewable fuels under the federal “Clean Air Act”

Governor Murphy conditionally vetoed the following bills:

**S-108/A-169 (Gill, Turner/Caputo, Wirths)** – **CONDITIONAL** - Concerns speech rights of student journalists at public schools and public institutions of higher education

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**S-2078/A-5008 (Weinberg, Addiego/Lampitt, Benson, Vainieri Huttie) – CONDITIONAL** - Establishes “Stillbirth Resource Center” and regional Fetal and Infant Mortality Review Committee, and programs for the prevention and reduction of incidences of stillbirth; expands list of professionals authorized to provide stillbirth-related care

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**S-2160/A-5701 (Sweeney, Oroho, Singer/Carter, Lampitt, Jasey) – CONDITIONAL** - Creates special education unit within the Office of Administrative Law; requires annual report

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**S-2525/A-4274 (Rice, Singleton, Turner/Conaway, Sumter, Stanley) – CONDITIONAL** - Expands powers and duties of State Chief Diversity Officer to promote diversity in State government and public contracting

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**S-2559/ACS for A-4179 and 4200 (Gopal, Gill/Downey, Conaway, Benson, Houghtaling, Karabinchak) – CONDITIONAL** - Revises requirements for health insurance providers and Medicaid to cover services provided using telemedicine and telehealth; appropriates \$5 million

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**S-2834/A-5312 (Ruiz, Cunningham/Quijano, Lampitt, McKnight) – CONDITIONAL** - Mandates training on culturally responsive teaching for all candidates for teaching certification

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**S-2953/A-4785 (Sweeney, Cunningham/Quijano, Verrelli, Mukherji) – CONDITIONAL** - Expands scope of inmate reentry assistance and benefits

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**S-3238/A-5213 (Ruiz, Pou/Verrelli, McKnight, McKeon) – CONDITIONAL** - Establishes New Jersey Easy Enrollment Health Insurance Program

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**S-3488/A-5537 (Sweeney, Gopal, O'Scanlon/Burzichelli, Dancer, Spearman) – CONDITIONAL** - Modifies certain procedures pertaining to school district regionalization; establishes grant program for cost reimbursement of conducting regionalization feasibility studies; and provides financial incentives for regionalization

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**S-3867/A-5868 (Addiego, Singleton/Benson, Verrelli, Vainieri Huttie) – CONDITIONAL** - Establishes Opioid Recovery and Remediation Fund and Opioid Recovery and Remediation Fund Advisory Council; provides for funds received from opioid settlements to support substance use disorder prevention and treatment programs

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**S-3955/A-5905 (Ruiz/Timberlake, Speight, Spearman) – CONDITIONAL** - Establishes “Rental Assistance Navigation Program” in DCA; makes appropriation

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**A-1533/S-3321 (Spearman, Reynolds-Jackson, Schaer/Stack, Turner) – CONDITIONAL** - Requires reservation of portion of tenant-based vouchers under State rental assistance program for persons displaced due to redevelopment of an affordable housing development; provides displaced persons with affordable housing priority status

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**A-2455/S-2204 (Benson, Vainieri Huttle, DeAngelo/Greenstein, Oroho) – CONDITIONAL** - Establishes pilot program in DOE to support FIRST Robotics Programs in school districts

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**A-3062/S-1196 (Pintor Marin, Moen, Reynolds-Jackson/Pou, Cruz-Perez) – CONDITIONAL** - Establishes three year Financial Empowerment Pilot Program

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**A-4002/S-2257 (Caputo, Dancer, Murphy/Gopal, Sarlo) – CONDITIONAL** - Allows deduction of promotional gaming credit from gross revenue on sports wagering

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**A-4433/S-2715 (Greenwald, Mukherji, Lampitt/Beach, Corrado) – CONDITIONAL** - Creates grant program to encourage school districts to partner with institutions of higher education in training school-based mental health services providers

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**A-4435/S-2717 (Verrelli, Greenwald, Speight, Lampitt/Beach, Corrado) – CONDITIONAL** - Requires DCF to give priority to certain school districts with student mental health counseling centers in awarding grants under School Based Youth Services Program

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**A-4630/S-577 (Burzichelli/Madden, Singleton) – CONDITIONAL** - Concerns labor harmony agreements in retail and distribution center projects

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**A-4746/S-3947 (Mosquera, Lopez, Chaparro, Dunn/Vitale, Turner) – CONDITIONAL** - Requires that certain provider subsidy payments for child care services be based on enrollment

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**A-4834/S-3474 (Mazzeo, Quijano, Downey/Pou, Turner) – CONDITIONAL** - Requires disclosure letter be included with mail falsely implying State government connection

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**A-4850/S-3095 (Karabinchak, Freiman, Calabrese, Greenwald/Diegnan) – CONDITIONAL** - Establishes expedited construction inspection program

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**A-5033/S-3279 (Benson, Dancer, Verrelli/Gopal) – CONDITIONAL** - Authorizes motor vehicle dealers to sell motor vehicles online and obtain electronic signatures for motor vehicle transactions

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**A-5353/S-3421 (Conaway, Vainieri Huttle, Benson/Madden, Turner) – CONDITIONAL** - Provides for certification of temporary nurse aides

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**A-5599/S-3916 (Chiaravalloti, Vainieri Huttle, McKnight/Scutari, Gill) – CONDITIONAL** - Establishes order of protection for current or former judge; upgrades and clarifies harassment against current or former judge; bars firearms possession by persons against whom current or former judge order of protection is entered

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**A-5864/S-3939 (Speight, Pintor Marin, Chaparro, McKnight, DeAngelo, Bergen/Gopal, Cryan) – CONDITIONAL** - Allows law enforcement officers to review body worn camera recordings prior to creating initial report

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Governor Murphy absolute vetoed the following bills:

**S-415/A-4685 (Turner/Quijano, Verrelli) – ABSOLUTE** - Requires reentry assistance to be provided to certain inmates who have served their maximum sentence

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**S-969/ACS for A-2687 (Ruiz, Turner/Mazzeo, Lampitt, Moen) – CONDITIONAL** - Establishes loan redemption program for teachers in certain fields to redeem loan amounts received under New Jersey College Loans to Assist State Students Loan Program through employment in certain low performing schools

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**S-2261/A-4265 (Singleton/Conaway) – ABSOLUTE** - Revises law relating to common interest communities

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**S-2347/A-4030 (Sweeney, Greenstein, T. Kean/Mukherji, Benson, Murphy) – ABSOLUTE** - Establishes Employment and Business-Related Tax Deferral Assistance Program in EDA to allow small businesses to defer the payment and remittance of certain employment and business-related taxes during COVID-19 public health emergency

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**S-3093/A-4910 (Gopal, Sweeney, Singleton/Burzichelli, Johnson, Danielsens) – ABSOLUTE** - Establishes county-based mitigation plan to allow businesses to operate during pandemic

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**S-3505/A-5371 (Scutari, Weinberg/Mukherji, Johnson, Quijano) – ABSOLUTE** - Requires assignment of unemployment claims handlers to legislative districts and partisan offices during COVID-19 pandemic state of emergency; appropriates \$1.8 million

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**S-3868/A-5895 (Sarlo/Giblin) – ABSOLUTE** - Concerns construction code enforcing agency fee revenue

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**A-2722/S-1862 (Mukherji/Gopal, Oroho) – ABSOLUTE** - Requires Commissioner of Corrections to institute 30-minute shift overlap in State correctional facilities

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**A-4297/S-2631 (Houghtaling, Downey, Space/Gopal, Oroho) – ABSOLUTE** - Permits conduct of bingos and raffles remotely; permits online sale of tickets for all bingos and raffles

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**A-5231/S-3806 (Lopez, Coughlin, Freiman/Vitale) – ABSOLUTE** - Allows county or municipal governing body to enter into revenue sharing agreement for alcoholic beverage sales by concessionaire permit holder

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