

26:5C-21

LEGISLATIVE HISTORY CHECKLIST

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(HIV - semen)

NJSA: 26:5C-21

LAWS OF: 1997 CHAPTER: 246

BILL NO: A350

SPONSOR(S): Quigley and others

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Health

SENATE: Health

AMENDED DURING PASSAGE: Yes Amendments during passage  
First reprint enacted denoted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: May 6, 1996

SENATE: June 19, 1997

DATE OF APPROVAL: September 9, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clippings--attached:  
"Semen bank law signed," 9-10-97, Trenton Times.

KBP:pp

§§1 - 4  
C. 26:5C-21  
To  
26:5C-24

P.L. 1997, CHAPTER 246, *approved September 9, 1997*  
Assembly, No. 350 (*First Reprint*)

1 **AN ACT** concerning HIV testing by semen banks and supplementing  
2 Title 26 of the Revised Statutes.

3

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

6

7 1. As used in this act:

8 "HIV" means the human immunodeficiency virus which has been  
9 identified as the probable causative agent of acquired immune  
10 deficiency syndrome, or AIDS.

11 "HIV test" means a laboratory test designed to detect the presence  
12 of HIV, its related antigens, or antibodies to HIV.

13 "Semen bank" means a commercial or noncommercial activity  
14 involving the handling of human semen which participates in the  
15 collection, processing, storage or distribution of semen.

16

17 2. a. A semen bank shall perform an HIV test on a potential donor  
18 prior to that person donating semen and shall freeze all donated semen  
19 for a waiting period of at least six months, in accordance with  
20 standards adopted by the United States Centers for Disease Control  
21 and Prevention.

22 b. A semen bank shall perform the HIV test only after the donor  
23 has provided written informed consent according to standards adopted  
24 by the <sup>1</sup>**[commissioner]**Commissioner of Health<sup>1</sup>. A donor who  
25 refuses to provide written informed consent to an HIV test or tests  
26 positive for HIV shall not be permitted to donate semen.

27 c. The cost of the HIV test shall be borne by the recipient of the  
28 donation.

29 d. The Commissioner of Health shall establish procedures for  
30 notification by a semen bank to donors of screening results and

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

**<sup>1</sup> Assembly AHL committee amendments adopted February 5, 1996.**

1 referrals to appropriate counseling and health care services as  
2 necessary.

3

4 3. A semen bank which violates any provision of this act is guilty  
5 of a disorderly persons offense and is liable to a penalty of not more  
6 than \$1,000 for each offense.

7

8 4. The Commissioner of Health, pursuant to the "Administrative  
9 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt  
10 rules and regulations to effectuate the purposes of this act.

11

12 5. This act shall take effect immediately.

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17 \_\_\_\_\_  
Requires semen banks test donors for HIV.

1 than \$1,000 for each offense.

2

3 4. The Commissioner of Health, pursuant to the "Administrative  
4 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt  
5 rules and regulations to effectuate the purposes of this act.

6

7 5. This act shall take effect immediately.

8

9

10

STATEMENT

11

12 This bill requires that semen banks test potential donors for the  
13 human immunodeficiency virus, or HIV, the probable causative agent  
14 of AIDS, and freeze all donated semen for a waiting period of at least  
15 six months, according to standards adopted by the U.S. Centers for  
16 Disease Control and Prevention.

17 The bill also provides that the HIV test shall be performed only  
18 after the donor has provided written informed consent according to  
19 standards adopted by the Commissioner of Health, and that a donor  
20 who refuses to provide written informed consent to an HIV test or  
21 tests positive for HIV shall not be permitted to donate semen. The bill  
22 also stipulates that the cost of the HIV test is to be borne by the  
23 recipient of the donation. Finally, the bill requires that any semen bank  
24 that violates the provisions of this act be found guilty of a disorderly  
25 persons offense and be liable to a penalty of not more than \$1,000 for  
26 each offense.

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31 \_\_\_\_\_  
Requires semen banks test donors for HIV.

[Passed Both Houses]

[First Reprint]

ASSEMBLY, No. 350

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# STATE OF NEW JERSEY

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PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman QUIGLEY, Assemblymen FELICE and Dalton

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2 Title 26 of the Revised Statutes.

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

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7 1. As used in this act:  
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9 identified as the probable causative agent of acquired immune  
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11 "HIV test" means a laboratory test designed to detect the presence  
12 of HIV, its related antigens, or antibodies to HIV.

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17 2. a. A semen bank shall perform an HIV test on a potential donor  
18 prior to that person donating semen and shall freeze all donated semen  
19 for a waiting period of at least six months, in accordance with  
20 standards adopted by the United States Centers for Disease Control  
21 and Prevention.

22 b. A semen bank shall perform the HIV test only after the donor  
23 has provided written informed consent according to standards adopted  
24 by the <sup>1</sup>**[commissioner]**Commissioner of Health<sup>1</sup>. A donor who  
25 refuses to provide written informed consent to an HIV test or tests  
26 positive for HIV shall not be permitted to donate semen.

27 c. The cost of the HIV test shall be borne by the recipient of the  
28 donation.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly AHL committee amendments adopted February 5, 1996.

1 d. The Commissioner of Health shall establish procedures for  
2 notification by a semen bank to donors of screening results and  
3 referrals to appropriate counseling and health care services as  
4 necessary.

5

6 3. A semen bank which violates any provision of this act is guilty  
7 of a disorderly persons offense and is liable to a penalty of not more  
8 than \$1,000 for each offense.

9

10 4. The Commissioner of Health, pursuant to the "Administrative  
11 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt  
12 rules and regulations to effectuate the purposes of this act.

13

14 5. This act shall take effect immediately.

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19 \_\_\_\_\_  
Requires semen banks test donors for HIV.

# ASSEMBLY HEALTH COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 350**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 5, 1996

The Assembly Health Committee favorably reports Assembly Bill No. 350 with committee amendments.

As amended by the committee, this bill requires that semen banks test potential donors for the human immunodeficiency virus, or HIV, the probable causative agent of AIDS, and freeze all donated semen for a waiting period of at least six months, according to standards adopted by the U.S. Centers for Disease Control and Prevention.

The bill also provides that the HIV test shall be performed only after the donor has provided written informed consent according to standards adopted by the Commissioner of Health, and that a donor who refuses to provide written informed consent to an HIV test or tests positive for HIV shall not be permitted to donate semen. The bill also stipulates that the cost of the HIV test is to be borne by the recipient of the donation. Finally, the bill requires that any semen bank that violates the provisions of this act be found guilty of a disorderly persons offense and be liable to a penalty of not more than \$1,000 for each offense.

The committee amendment is technical in nature and clarifies the reference to the Commissioner of Health in regard to the adoption of standards for providing written informed consent for the HIV test.

As reported by the committee, this bill is similar to Assembly Bill No. 2327 (Quigley/Felice) from the 1994-95 session.

This bill was prefiled for introduction in the 1996-97 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE HEALTH COMMITTEE

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 350**

**STATE OF NEW JERSEY**

DATED: JUNE 12, 1997

The Senate Health Committee reports favorably Assembly Bill No. 350 (1R).

This bill requires that semen banks test potential donors for the human immunodeficiency virus, or HIV, the probable causative agent of AIDS, and freeze all donated semen for a waiting period of at least six months, according to standards adopted by the U.S. Centers for Disease Control and Prevention.

The bill also provides that the HIV test shall be performed only after the donor has provided written informed consent according to standards adopted by the Commissioner of Health and Senior Services, and that a donor who refuses to provide written informed consent to an HIV test or tests positive for HIV shall not be permitted to donate semen. The bill also stipulates that the cost of the HIV test is to be borne by the recipient of the donation. Finally, the bill requires that any semen bank that violates the provisions of this bill be found guilty of a disorderly persons offense and be liable to a penalty of not more than \$1,000 for each offense.