

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

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: Yes

974.90 M549, 2009

Addressing the need of adults with autism spectrum disorder: recommendations for a plan of action for the state of New Jersey. New Jersey Adult with Autism Task Force. Trenton, NJ. New Jersey Department of Human Services 2009. <http://www.njstatelib.org/digit/m549/m5492009.pdf>

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"New state law targets autism discrimination," The Record, 1-16-10.

"Discrimination laws now include autism," The Star-Ledger, 1-16-10, p. 20.

LAW/RWH

ASSEMBLY, No. 4225

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED NOVEMBER 23, 2009

Sponsored by:

Assemblyman JOSEPH J. ROBERTS, JR.

District 5 (Camden and Gloucester)

Assemblywoman L. GRACE SPENCER

District 29 (Essex and Union)

Assemblywoman JOAN M. VOSS

District 38 (Bergen)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Co-Sponsored by:

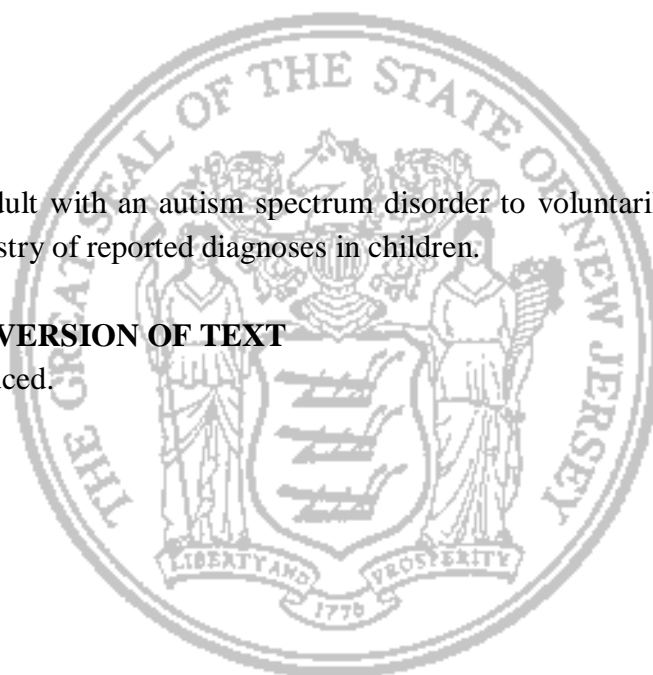
**Assemblywoman Evans, Assemblyman Prieto, Assemblywoman Wagner,
Assemblymen Conners, Conaway, Scalera, Diegnan, Chivukula, Senators
Vitale and Singer**

SYNOPSIS

Permits adult with an autism spectrum disorder to voluntarily register with the State registry of reported diagnoses in children.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/12/2010)

1 AN ACT concerning adults with an autism spectrum disorder,
2 amending and supplementing P.L.2007, c.170.

3

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

6

7 1. The Title of P.L.2007, c.170 is amended to read as follows:

8 Title. **AN ACT** concerning the reporting of autism spectrum
9 disorder diagnoses, supplementing Title 26 of the Revised Statutes,
10 and making an appropriation.

11

12 2. Section 1 of P.L.2007, c.170 (C.26:2-185) is amended to
13 read as follows:

14 1. The Legislature finds and declares that:

15 a. **[Autism]** An autism spectrum disorder is a developmental
16 disorder of brain function which is typically manifested in impaired
17 social interaction, problems with verbal and nonverbal
18 communication and imagination, and unusual or severely limited
19 activities and interests. These symptoms generally appear during
20 the first three years of childhood and continue throughout life, often
21 taking devastating emotional and financial tolls on the family of the
22 **[autistic]** child or adult with an autism spectrum disorder;

23 b. According to the federal Centers for Disease Control and
24 Prevention, or CDC, one of every 94 children in this State has an
25 autism spectrum disorder, which is the highest rate among the states
26 examined by the CDC in the most comprehensive study of the
27 prevalence of autism spectrum disorders to date;

28 c. There is a clear need for greater accuracy in reporting as
29 well as for information on the epidemiologic data on the incidence
30 and prevalence of autism spectrum disorders in this State; and

31 d. The State currently requires that a number of other
32 conditions, including cancer and certain birth defects, be reported
33 and maintained in a central registry. A similar requirement for
34 reporting diagnoses of autism spectrum disorder, as well as
35 providing for the inclusion on a voluntary basis of information
36 about adults with an autism spectrum disorder who opt to be
37 included in a registry of that information, and maintaining such
38 registry **[of that information]** is needed to improve current
39 knowledge and understanding of autism spectrum disorders, to
40 conduct thorough and complete epidemiologic surveys of **[the**
41 **disorder]** these disorders, to enable analysis of this problem, and to
42 plan for and provide services to children and adults with an autism
43 spectrum disorder and their families.

44 (cf: P.L.2007, c.170, s.1)

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

Matter underlined thus is new matter.

1 3. Section 2 of P.L.2007, c.170 (C.26:2-186) is amended to
2 read as follows:

3 2. a. A physician, psychologist, and any other health care
4 professional licensed pursuant to Title 45 of the Revised Statutes
5 who is qualified by training to make the diagnosis and who then
6 makes the diagnosis that a child **[is affected with]** has an autism
7 spectrum disorder shall report this diagnosis to the Department of
8 Health and Senior Services in a form and manner prescribed by the
9 Commissioner of Health and Senior Services.

10 b. The report shall be in writing and shall include the name and
11 address of the person submitting the report, the name, age, place of
12 birth, and address of the child diagnosed as having an autism
13 spectrum disorder, and other pertinent information as may be
14 required by the commissioner; except that, if the child's parent or
15 guardian objects to the reporting of the child's diagnosis for any
16 reason, the report shall not include any information that could be
17 used to identify the child.

18 c. The commissioner shall specify procedures for the health
19 care professional to inform the child's parent or guardian of the
20 requirements of subsections a. and b. of this section and the purpose
21 served by including this information in **[a registry pursuant to**
22 **section 3 of this act]** the registry established pursuant to section 3
23 of P.L.2007, c.170 (C.26:2-187), as well as the parent's or
24 guardian's right to refuse to permit the reporting of any information
25 that could be used to identify the child.

26 (cf: P.L.2007, c.170, s.2)

27

28 4. (New section) a. An adult who has been diagnosed as
29 having an autism spectrum disorder by a physician, psychologist, or
30 any other health care professional licensed pursuant to Title 45 of
31 the Revised Statutes who is qualified by training to make the
32 diagnosis, and whose diagnosis has not been reported pursuant to
33 section 2 of P.L.2007, c.170 (C.26:2-186), may, at his discretion,
34 report this diagnosis, or request that a health care professional on
35 his behalf report this diagnosis, to the Department of Health and
36 Senior Services in a form and manner prescribed by the
37 Commissioner of Health and Senior Services.

38 b. The report shall be in writing and shall include the name and
39 address of the person submitting the report, the name, age, place of
40 birth, and address of the adult diagnosed as having an autism
41 spectrum disorder, and other pertinent information as may be
42 required by the commissioner.

43 c. The commissioner shall specify procedures for the health
44 care professional to inform the adult of the provisions of
45 subsections a. and b. of this section and the purpose served by
46 including this information in the registry established pursuant to
47 section 3 of P.L.2007, c.170 (C.26:2-187).

1 5. Section 3 of P.L.2007, c.170 (C.26:2-187) is amended to
2 read as follows:

3 3. The Department of Health and Senior Services, in
4 consultation with the Department of Human Services, shall
5 maintain an up-to-date registry which shall include a record of: all
6 reported cases of an autism spectrum disorder that occur in New
7 Jersey, including those reported pursuant to section 2 of P.L.2007,
8 c.170 (C.26:2-186) and section 4 of P.L. , c. (C.) (pending
9 before the Legislature as this bill); each reported case of an autism
10 spectrum disorder that occurs in New Jersey in which the initial
11 diagnosis is changed, lost, or considered misdiagnosed; and any
12 other information it deems relevant and appropriate in order to
13 conduct thorough and complete epidemiologic surveys of autism
14 spectrum disorders, to enable analysis of this problem and to plan
15 for and provide services to children and adults with an autism
16 spectrum disorder and their families.

17 (cf: P.L.2007, c.170, s.3)

18

19 6. Section 4 of P.L.2007, c.170 (C.26:2-188) is amended to
20 read as follows:

21 4. a. The reports made pursuant to **[this act]** P.L.2007, c.170
22 (C.26:2-185 et seq.) and section 4 of P.L. , c. (C.) (pending
23 before the Legislature as this bill) are to be used only by the
24 Department of Health and Senior Services and other agencies as
25 may be designated by the Commissioner of Health and Senior
26 Services, including the Department of Human Services, and shall
27 not otherwise be divulged or made public so as to disclose the
28 identity of any person to whom they relate; and, to that end, the
29 reports shall not be included under materials available to public
30 inspections pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) or
31 P.L.2001, c.404 (C.47:1A-5 et al.).

32 b. A physician, psychologist, or health care professional
33 providing information to the department in accordance with **[this**
34 **act]** P.L.2007, c.170 (C.26:2-185 et seq.) or section 4 of P.L. , c.
35 (C.) (pending before the Legislature as this bill) shall not be
36 deemed to be, or held liable for, divulging confidential information.

37 c. Nothing in **[this act]** P.L.2007, c.170 (C.26:2-185 et seq.) or
38 section 4 of P.L. , c. (C.) (pending before the Legislature as
39 this bill) shall be construed to compel a child or adult who has been
40 reported as **[affected with]** having an autism spectrum disorder to
41 submit to medical or health examination or supervision by the
42 department.

43 (cf: P.L.2007, c.170, s.4)

44

45 7. This act shall take effect on the 180th day after enactment,
46 but the Commissioner of Health and Senior Services may take such

1 anticipatory administrative action in advance as shall be necessary
2 for the implementation of this act.

3

4

5

STATEMENT

6

7 This bill amends P.L.2007, c.170 (C.26:2-185 et seq.) to provide
8 for the inclusion, on a voluntary basis, of information about adults
9 with an autism spectrum disorder (ASD) in the registry established
10 under that law.

11 The bill provides specifically as follows:

- 12 • An adult who has been diagnosed as having an ASD by a
13 physician, psychologist, or any other health care professional
14 licensed pursuant to Title 45 of the Revised Statutes who is
15 qualified by training to make the diagnosis, and whose diagnosis
16 has not been reported pursuant to section 2 of P.L.2007, c.170
17 (C.26:2-186), may, at his discretion, report this diagnosis, or
18 request that a health care professional on his behalf report this
19 diagnosis, to the Department of Health and Senior Services in a
20 form and manner prescribed by the Commissioner of Health and
21 Senior Services.
- 22 • The report is to be in writing and include the name and address of
23 the person submitting the report, the name, age, place of birth,
24 and address of the adult diagnosed as having an ASD, and other
25 pertinent information as may be required by the commissioner.
- 26 • The commissioner is to specify procedures for the health care
27 professional to inform the adult of the provisions of this bill and
28 the purpose served by including this information in the registry
29 established pursuant to section 3 of P.L.2007, c.170 (C.26:2-187).
- 30 • The bill takes effect on the 180th day after enactment, but
31 authorizes the Commissioner of Health and Senior Services to
32 take anticipatory administrative action in advance as necessary
33 for its implementation.

34 This bill is based upon a recommendation included in the
35 October 2009 report of the Adults with Autism Task Force.

ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4225

STATE OF NEW JERSEY

DATED: NOVEMBER 23, 2009

The Assembly Health and Senior Services Committee reports favorably Assembly Bill No. 4225.

This bill amends P.L.2007, c.170 (C.26:2-185 et seq.) to provide for the inclusion on a voluntary basis of information about adults with an autism spectrum disorder (ASD) in the registry established under that law.

The bill provides specifically as follows:

- An adult who has been diagnosed as having an ASD by a physician, psychologist, or any other health care professional licensed pursuant to Title 45 of the Revised Statutes who is qualified by training to make the diagnosis, and whose diagnosis has not been reported pursuant to section 2 of P.L.2007, c.170 (C.26:2-186), may, at his discretion, report this diagnosis, or request that a health care professional on his behalf report this diagnosis, to the Department of Health and Senior Services in a form and manner prescribed by the Commissioner of Health and Senior Services.
- The report is to be in writing and include the name and address of the person submitting the report, the name, age, place of birth, and address of the adult diagnosed as having an ASD, and other pertinent information as may be required by the commissioner.
- The commissioner is to specify procedures for the health care professional to inform the adult of the provisions of this bill and the purpose served by including this information in the registry established pursuant to section 3 of P.L.2007, c.170 (C.26:2-187).
- The bill takes effect on the 180th day after enactment, but authorizes the Commissioner of Health and Senior Services to take anticipatory administrative action in advance as necessary for its implementation.

This bill is based upon a recommendation included in the October 2009 report of the Adults with Autism Task Force.

SENATE, No. 3057

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED NOVEMBER 23, 2009

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator ROBERT W. SINGER

District 30 (Burlington, Mercer, Monmouth and Ocean)

SYNOPSIS

Permits adult with an autism spectrum disorder to voluntarily register with the State registry of reported diagnoses in children.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning adults with an autism spectrum disorder,
2 amending and supplementing P.L.2007, c.170.

3

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

6

7 1. The Title of P.L.2007, c.170 is amended to read as follows:

8 Title. **AN ACT** concerning the reporting of autism spectrum
9 disorder diagnoses, supplementing Title 26 of the Revised Statutes,
10 and making an appropriation.

11

12 2. Section 1 of P.L.2007, c.170 (C.26:2-185) is amended to
13 read as follows:

14 1. The Legislature finds and declares that:

15 a. **[Autism]** An autism spectrum disorder is a developmental
16 disorder of brain function which is typically manifested in impaired
17 social interaction, problems with verbal and nonverbal
18 communication and imagination, and unusual or severely limited
19 activities and interests. These symptoms generally appear during
20 the first three years of childhood and continue throughout life, often
21 taking devastating emotional and financial tolls on the family of the
22 **[autistic]** child or adult with an autism spectrum disorder;

23 b. According to the federal Centers for Disease Control and
24 Prevention, or CDC, one of every 94 children in this State has an
25 autism spectrum disorder, which is the highest rate among the states
26 examined by the CDC in the most comprehensive study of the
27 prevalence of autism spectrum disorders to date;

28 c. There is a clear need for greater accuracy in reporting as
29 well as for information on the epidemiologic data on the incidence
30 and prevalence of autism spectrum disorders in this State; and

31 d. The State currently requires that a number of other
32 conditions, including cancer and certain birth defects, be reported
33 and maintained in a central registry. A similar requirement for
34 reporting diagnoses of autism spectrum disorder, as well as
35 providing for the inclusion on a voluntary basis of information
36 about adults with an autism spectrum disorder who opt to be
37 included in a registry of that information, and maintaining such
38 registry **[of that information]** is needed to improve current
39 knowledge and understanding of autism spectrum disorders, to
40 conduct thorough and complete epidemiologic surveys of **[the**
41 **disorder]** these disorders, to enable analysis of this problem, and to
42 plan for and provide services to children and adults with an autism
43 spectrum disorder and their families.

44 (cf: P.L.2007, c.170, s.1)

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

Matter underlined thus is new matter.

1 3. Section 2 of P.L.2007, c.170 (C.26:2-186) is amended to
2 read as follows:

3 2. a. A physician, psychologist, and any other health care
4 professional licensed pursuant to Title 45 of the Revised Statutes
5 who is qualified by training to make the diagnosis and who then
6 makes the diagnosis that a child **[is affected with]** has an autism
7 spectrum disorder shall report this diagnosis to the Department of
8 Health and Senior Services in a form and manner prescribed by the
9 Commissioner of Health and Senior Services.

10 b. The report shall be in writing and shall include the name and
11 address of the person submitting the report, the name, age, place of
12 birth, and address of the child diagnosed as having an autism
13 spectrum disorder, and other pertinent information as may be
14 required by the commissioner; except that, if the child's parent or
15 guardian objects to the reporting of the child's diagnosis for any
16 reason, the report shall not include any information that could be
17 used to identify the child.

18 c. The commissioner shall specify procedures for the health
19 care professional to inform the child's parent or guardian of the
20 requirements of subsections a. and b. of this section and the purpose
21 served by including this information in **[a registry pursuant to**
22 **section 3 of this act]** the registry established pursuant to section 3
23 of P.L.2007, c.170 (C.26:2-187), as well as the parent's or
24 guardian's right to refuse to permit the reporting of any information
25 that could be used to identify the child.

26 (cf: P.L.2007, c.170, s.2)

27

28 4. (New section) a. An adult who has been diagnosed as
29 having an autism spectrum disorder by a physician, psychologist, or
30 any other health care professional licensed pursuant to Title 45 of
31 the Revised Statutes who is qualified by training to make the
32 diagnosis, and whose diagnosis has not been reported pursuant to
33 section 2 of P.L.2007, c.170 (C.26:2-186), may, at his discretion,
34 report this diagnosis, or request that a health care professional on
35 his behalf report this diagnosis, to the Department of Health and
36 Senior Services in a form and manner prescribed by the
37 Commissioner of Health and Senior Services.

38 b. The report shall be in writing and shall include the name and
39 address of the person submitting the report, the name, age, place of
40 birth, and address of the adult diagnosed as having an autism
41 spectrum disorder, and other pertinent information as may be
42 required by the commissioner.

43 c. The commissioner shall specify procedures for the health
44 care professional to inform the adult of the provisions of
45 subsections a. and b. of this section and the purpose served by
46 including this information in the registry established pursuant to
47 section 3 of P.L.2007, c.170 (C.26:2-187).

1 5. Section 3 of P.L.2007, c.170 (C.26:2-187) is amended to
2 read as follows:

3 3. The Department of Health and Senior Services, in
4 consultation with the Department of Human Services, shall
5 maintain an up-to-date registry which shall include a record of: all
6 reported cases of an autism spectrum disorder that occur in New
7 Jersey, including those reported pursuant to section 2 of P.L.2007,
8 c.170 (C.26:2-186) and section 4 of P.L. , c. (C.) (pending
9 before the Legislature as this bill); each reported case of an autism
10 spectrum disorder that occurs in New Jersey in which the initial
11 diagnosis is changed, lost, or considered misdiagnosed; and any
12 other information it deems relevant and appropriate in order to
13 conduct thorough and complete epidemiologic surveys of autism
14 spectrum disorders, to enable analysis of this problem and to plan
15 for and provide services to children and adults with an autism
16 spectrum disorder and their families.

17 (cf: P.L.2007, c.170, s.3)

18

19 6. Section 4 of P.L.2007, c.170 (C.26:2-188) is amended to
20 read as follows:

21 4. a. The reports made pursuant to **【this act】** P.L.2007, c.170
22 (C.26:2-185 et seq.) and section 4 of P.L. , c. (C.) (pending
23 before the Legislature as this bill) are to be used only by the
24 Department of Health and Senior Services and other agencies as
25 may be designated by the Commissioner of Health and Senior
26 Services, including the Department of Human Services, and shall
27 not otherwise be divulged or made public so as to disclose the
28 identity of any person to whom they relate; and, to that end, the
29 reports shall not be included under materials available to public
30 inspections pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) or
31 P.L.2001, c.404 (C.47:1A-5 et al.).

32 b. A physician, psychologist, or health care professional
33 providing information to the department in accordance with **【this**
34 **act】** P.L.2007, c.170 (C.26:2-185 et seq.) or section 4 of
35 P.L. , c. (C.) (pending before the Legislature as this bill) shall
36 not be deemed to be, or held liable for, divulging confidential
37 information.

38 c. Nothing in **【this act】** P.L.2007, c.170 (C.26:2-185 et seq.) or
39 section 4 of P.L. , c. (C.) (pending before the Legislature as
40 this bill) shall be construed to compel a child or adult who has been
41 reported as **【affected with】** having an autism spectrum disorder to
42 submit to medical or health examination or supervision by the
43 department.

44 (cf: P.L.2007, c.170, s.4)

45

46 7. This act shall take effect on the 180th day after enactment,
47 but the Commissioner of Health and Senior Services may take such

1 anticipatory administrative action in advance as shall be necessary
2 for the implementation of this act.

3

4

5

STATEMENT

6

7 This bill amends P.L.2007, c.170 (C.26:2-185 et seq.) to provide
8 for the inclusion, on a voluntary basis, of information about adults
9 with an autism spectrum disorder (ASD) in the registry established
10 under that law.

11 The bill provides specifically as follows:

- 12 • An adult who has been diagnosed as having an ASD by a
13 physician, psychologist, or any other health care professional
14 licensed pursuant to Title 45 of the Revised Statutes who is
15 qualified by training to make the diagnosis, and whose diagnosis
16 has not been reported pursuant to section 2 of P.L.2007, c.170
17 (C.26:2-186), may, at his discretion, report this diagnosis, or
18 request that a health care professional on his behalf report this
19 diagnosis, to the Department of Health and Senior Services in a
20 form and manner prescribed by the Commissioner of Health and
21 Senior Services.
- 22 • The report is to be in writing and include the name and address of
23 the person submitting the report, the name, age, place of birth,
24 and address of the adult diagnosed as having an ASD, and other
25 pertinent information as may be required by the commissioner.
- 26 • The commissioner is to specify procedures for the health care
27 professional to inform the adult of the provisions of this bill and
28 the purpose served by including this information in the registry
29 established pursuant to section 3 of P.L.2007, c.170 (C.26:2-187).
- 30 • The bill takes effect on the 180th day after enactment, but
31 authorizes the Commissioner of Health and Senior Services to
32 take anticipatory administrative action in advance as necessary
33 for its implementation.

34 This bill is based upon a recommendation included in the
35 October 2009 report of the Adults with Autism Task Force.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 3057

STATE OF NEW JERSEY

DATED: DECEMBER 7, 2009

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 3057.

This bill amends P.L.2007, c.170 (C.26:2-185 et seq.) to provide for the inclusion, on a voluntary basis, of information about adults with an autism spectrum disorder (ASD) in the registry established under that law.

The bill provides specifically as follows:

- An adult who has been diagnosed as having an ASD by a physician, psychologist, or any other health care professional licensed pursuant to Title 45 of the Revised Statutes who is qualified by training to make the diagnosis, and whose diagnosis has not been reported pursuant to section 2 of P.L.2007, c.170 (C.26:2-186), may, at his discretion, report this diagnosis, or request that a health care professional on his behalf report this diagnosis, to the Department of Health and Senior Services in a form and manner prescribed by the Commissioner of Health and Senior Services.
- The report is to be in writing and include the name and address of the person submitting the report, the name, age, place of birth, and address of the adult diagnosed as having an ASD, and other pertinent information as may be required by the commissioner.
- The commissioner is to specify procedures for the health care professional to inform the adult of the provisions of this bill and the purpose served by including this information in the registry established pursuant to section 3 of P.L.2007, c.170 (C.26:2-187).
- The bill takes effect on the 180th day after enactment, but authorizes the Commissioner of Health and Senior Services to take anticipatory administrative action in advance as necessary for its implementation.

This bill is based upon a recommendation included in the October 2009 report of the Adults with Autism Task Force.

This bill is identical to Assembly Bill No. 4225 (Roberts/Spencer/Voss/Vainieri Huttle/Wisniewski), which is pending before the General Assembly.