

SENATE, No. 3492

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JUNE 24, 2024

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex and Hudson)

SYNOPSIS

Creates “Reproductive Health Care Access Fund” to strengthen access to reproductive health care; makes appropriation.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning reproductive rights, supplementing Titles 10,
2 26, and 45 of the Revised Statutes, and making an appropriation.

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

6
7 1. The Legislature finds and declares that:

8 a. New Jersey can increase access to abortion by ensuring the
9 sustainability of abortion providers.

10 b. The State's efforts to reduce maternal mortality and improve
11 maternal health, calls for services, and health systems supporting
12 the full range of people's reproductive needs. Yet, there remain
13 gaps in the availability of abortion providers.

14 c. A November 2023 report, "Abortion Needs and Availability
15 in New Jersey," by the Rutgers University, School of Public Health
16 identified 41 brick-and-mortar abortion providers in the State. The
17 report further points out, a "concerning" gap in abortion availability
18 in the southern counties of New Jersey. According to the report, of
19 the 21 counties in New Jersey, five southern counties have no
20 identifiable abortion providers.

21 d. Reproductive health clinics are being increasingly targeted
22 by anti-abortion extremists; State grants are crucial to help ensure
23 patients and providers can safely access clinics.

24 e. Cyber attacks are becoming increasingly common
25 throughout all of health care, and reproductive health care
26 specifically. Between 2010 and 2019 there were 128,000 cyber
27 threats made to reproductive health care providers, and these attacks
28 are only getting more sophisticated.

29

30 2. For the purpose of this section:

31 "Abortion" means any medical treatment intended to induce the
32 termination of a pregnancy and services rendered to facilitate the
33 termination which may include follow up care, except for the
34 purpose of producing a live birth. "Abortion" includes, but is not
35 limited to, "aspiration abortion" and "medication abortion," as
36 defined in this section.

37 "Aspiration abortion" means a procedure that terminates a
38 pregnancy utilizing manual or electric suction to empty the uterus.

39 "Health care professional" means a physician and other health
40 care professionals licensed pursuant to Title 45 of the Revised
41 Statutes, and a hospital and other health care facilities licensed
42 pursuant to Title 26 of the Revised Statutes.

43 "Health care facility" means a health care facility as defined in
44 section 2 of P.L.1971, c.136 (C.26:2H-2).

45 "Reproductive health care facility" means a licensed health care
46 facility that provides, refers, or seeks to provide reproductive health
47 care services.

1 “Reproductive health care services” includes all medical,
2 surgical, counseling, or referral services relating to the human
3 reproductive system, including, but not limited to, services relating
4 to pregnancy, contraception, managing infertility, or the termination
5 of a pregnancy.
6

7 3. a. There is established in the General Fund a separate, non-
8 lapsing fund to be known as the “Reproductive Health Care Access
9 Fund.” The fund shall be credited with moneys made available
10 from the fund established pursuant to section 8 of
11 P.L. , c. (C.) (pending before the Legislature as this bill),
12 interest earnings, and any other money from any other source
13 accepted for the benefit of the fund.

14 b. The fund shall be used for the following purposes:

15 (1) moneys shall be appropriated for the “Reproductive Health
16 Care Clinical Training Program” established pursuant to section 4
17 of P.L. , c. (C.) (pending before the Legislature as this bill);

18 (2) moneys shall be appropriated for the “Reproductive Health
19 Care Security Grant Program” established pursuant to section 5 of
20 P.L. , c. (C.) (pending before the Legislature as this bill);
21 and

22 (3) moneys shall be appropriated for the “Reproductive Health
23 Care Facility Loan Program” established pursuant to section 6 of
24 P.L. , c. (C.) (pending before the Legislature as this bill).

25 c. Notwithstanding the provisions of subsection b. of this section
26 to the contrary, the State Treasurer, in the State Treasurer’s
27 discretion, may transfer any portion of the amounts appropriated to
28 the fund among the Division of Consumer Affairs in the
29 Department of Law and Public Safety, the Office of Homeland
30 Security and Preparedness, and the Health Care Facilities Financing
31 Authority for the purposes set forth in paragraphs (1), (2), and (3)
32 of subsection b. of this section.
33

34 4. a. There is established in the Division of Consumer Affairs in
35 the Department of Law and Public Safety the “Reproductive Health
36 Care Clinical Training Program.” The purpose of the program shall
37 be to protect access to reproductive health care by ensuring that
38 there are a sufficient number of health care professionals to provide
39 reproductive health care services. The division shall contract with a
40 coordinating organization to administer the program. The
41 coordinating organization shall:

42 (1) have demonstrated experience in coordinating health care
43 training programs for reproductive health care services and family
44 planning services at licensed health care facilities or licensed health
45 care professional offices.

46 (2) be in good standing in any State or jurisdiction in which the
47 organization is registered or incorporated;

- 1 (3) submit an annual report to the division on the performance
- 2 of the program; and
- 3 (4) meet any other requirements established by the division.
- 4 b. The coordinating organization shall perform the following
- 5 functions:
- 6 (1) administer grants to develop and sustain reproductive health
- 7 care services training programs at a minimum of two licensed health
- 8 care facilities;
- 9 (2) identify and select eligible grant recipients, which may
- 10 include:
- 11 (a) licensed health care facilities;
- 12 (b) health care professionals;
- 13 (c) education programs for health care professionals and
- 14 students training to be health care professionals; and
- 15 (d) programs that provide training or education focused on
- 16 operational needs related to the provision of reproductive health
- 17 care services;
- 18 (3) establish training program requirements that are consistent
- 19 with evidence-based training standards, comply with applicable
- 20 State law and regulations, and focus on providing unbiased,
- 21 culturally congruent care;
- 22 (4) support reproductive health care services clinical training to
- 23 health care professionals and to the teams of the health care
- 24 professionals to:
- 25 (a) expand the number of health care professionals with
- 26 reproductive health care services training;
- 27 (b) increase the racial and ethnic diversity among health care
- 28 professionals with reproductive health care services training; and
- 29 (5) support the identification, screening, and placement of
- 30 students and health care professionals at training sites.
- 31 c. The program shall be funded by the “Reproductive Health
- 32 Care Access Fund” established pursuant to section 3
- 33 of P.L. , c. (C.) (pending before the Legislature as this bill).
- 34
- 35 5. a. There is established the “Reproductive Health Care
- 36 Security Grant Program” in the Office of Homeland Security and
- 37 Preparedness, which shall provide grants to eligible reproductive
- 38 health care facilities that provide reproductive health care services
- 39 and which the Director of the Office of Homeland Security and
- 40 Preparedness determines are at a high risk of being the target of
- 41 unlawful activity, including but not limited to, acts of violence,
- 42 property damage, vandalism, harassment, and cyber attacks. Grants
- 43 provided under the program shall be used by the grant recipient:
- 44 (1) to hire permanent or temporary security personnel, including
- 45 but not limited to, federal law enforcement officers; State, county,
- 46 or municipal law enforcement officers as defined in section 1 of
- 47 P.L.1977, c.437 (C.40A:14-152.2); special law enforcement officers
- 48 appointed pursuant to P.L.1985, c.439 (C.40A:14-146.8 et seq.); or

1 security officers registered pursuant to P.L.2004, c.134 (C.45:19A-1
2 et seq.); or any privately contracted security personnel; and

3 (2) for acquisition of target-hardening equipment for the purpose
4 of preparedness against threats, attacks, and other violent acts,
5 including but not limited to, cyber or physical.

6 b. The director shall administer the Reproductive Health Care
7 Security Grant Program. Subject to availability of funds, there shall
8 annually be distributed to approved eligible health care facilities
9 grants for hiring security personnel and grants for acquisition of
10 target-hardening equipment. The director may adjust the grant
11 amounts based upon the final availability of funds, analytical
12 trends, and emerging threats.

13 c. An eligible health care facility shall apply to the office to
14 receive a grant under the program, for either costs of security
15 personnel or acquisition of target-hardening equipment, or both.
16 The office first shall evaluate all applications as to whether the
17 facilities are at high risk of terrorist attacks, threats, domestic
18 extremism, cyber attacks, and other violent acts. The funds
19 distributed under the program shall be utilized solely for security
20 investments made within this State. Funds shall not be utilized to
21 support security needs while traveling outside of this State.

22 Applicants may apply annually for a disbursement of funds for
23 costs of security personnel and may be awarded grants in successive
24 years. The office shall assign a preference for applicants who have
25 not received a federal security grant that includes funding for hiring
26 security personnel in the previous two federal grant cycles.

27 Applicants may apply annually for grant funds for acquisition of
28 target-hardening equipment. The office shall assign a preference
29 for applicants who have not received either a federal or State
30 security grant for target-hardening equipment in the previous two
31 grant cycles.

32 d. The program shall be funded by the “Reproductive Health
33 Care Access Fund” established pursuant to section 3
34 of P.L. , c. (C.) (pending before the Legislature as this bill).
35 The office also shall pursue and develop, in conjunction with the
36 Department of Law and Public Safety, the United States
37 Department of Homeland Security, and any other applicable State
38 or federal agency, any available federal, State, local, and private
39 funding for the grants authorized pursuant to this section.

40 e. Of the amount appropriated to the program, five percent shall
41 be allocated to the office to be used to administer the program.

42
43 6. a. There is established the “Reproductive Health Care
44 Facility Loan Program” which shall award loans to eligible
45 reproductive health care facilities that provide reproductive health
46 care services. The Commissioner of Health may award loans to a
47 licensed health care facility or other health care facility where
48 licensed health care professionals deliver reproductive health care

1 services if the commissioner determines that the loan is necessary to
2 maintain access to reproductive health care services or referral
3 sources, as appropriate. Loans awarded pursuant to this section
4 shall be used to support establishing or renovating existing health
5 care facilities, investments in technology to facilitate care, the
6 recruitment and retention of staff, and other operational needs that
7 increase reproductive health care services. In determining whether
8 to award a loan to a licensed health care facility, the Commissioner
9 of Health may consider certain factors, including, but not limited to:

10 (1) extraordinary circumstances threaten access to reproductive
11 health care services in a community;

12 (2) persons in a community will be without ready access to
13 reproductive health care services in the absence of the award of a
14 loan;

15 (3) funding is unavailable from other sources to preserve or
16 provide reproductive health care services;

17 (4) a loan is likely to stabilize access to the reproductive health
18 care services; or

19 (5) there is a reasonable likelihood that the reproductive health
20 care services will be sustainable upon the termination of the loan.

21 b. A licensed health care facility or other health care facility
22 where licensed health care professionals deliver reproductive health
23 care services may apply for the loan made available pursuant to this
24 section by applying to the commissioner in a form and manner
25 determined by the commissioner. Applications shall include, at a
26 minimum, the prior two years of financial statements and utilization
27 statistics, along with a two-year projection of utilization.

28 c. Notwithstanding the provisions of the “Administrative
29 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to the
30 contrary, the Commissioner of Health may adopt, immediately
31 upon filing with the Office of Administrative Law, regulations that
32 the Commissioner of Health deems necessary to effectuate the
33 purposes of this section, which regulations shall be effective for a
34 period not to exceed 18 months from the date of the filing. The
35 commissioner may thereafter amend, adopt, or readopt the
36 regulations in accordance with the requirements of P.L.1968, c.410
37 (C.52:14B-1 et seq.).

38 d. Subject to the availability of funds, the program shall be
39 funded by the “Reproductive Health Care Access Fund” established
40 pursuant to section 3 of P.L. , c. (C.) (pending before the
41 Legislature as this bill).

42 e. Of the amount appropriated to the program, five percent shall
43 be allocated to the Department of Health to be used to administer
44 the program.

45

46 7. The Department of Health shall conduct a Statewide needs
47 assessment to examine the gaps in access and delivery of
48 reproductive health care services in the State, including the impact

1 that out-of-state restrictions have had on the need for reproductive
2 health care services and the provider network in the State. The
3 department may choose to examine specific populations as pertains
4 to this work, including State public institutions of higher education,
5 and may contract with any consultant or one or more public or
6 private entities to conduct the needs assessment required by this
7 section.

8
9 8. There is appropriated from the General Fund to the
10 Reproductive Health Care Access Fund such moneys as are
11 available and appropriate, subject to the approval of the Director of
12 Budget and Accounting, to carry out the purposes and objectives of
13 section 3 of P.L. , c. (C.) (pending before the Legislature as
14 this bill).

15
16 9. This act shall take effect immediately.

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18
19 STATEMENT

20
21 This bill implements various measures to strengthen access to
22 reproductive health care services in the State and establishes the
23 “Reproductive Health Care Access Fund” to address those purposes.

24 The fund will be used for the following purposes:

25 (1 “Reproductive Health Care Clinical Training Program”; (2)
26 “Reproductive Health Care Security Grant Program”; and (3)
27 “Reproductive Health Care Facility Loan Program”.

28 The purpose of the “Reproductive Health Care Clinical Training
29 Program” established in the Division of Consumer Affairs in the
30 Department of Law and Public Safety will be to protect access to
31 reproductive health care by ensuring that there are sufficient
32 number of health care professionals to provide reproductive health
33 care services. For instance, the program will ensure that the
34 coordinating organization has demonstrated experience in
35 coordinating health care training programs for reproductive health
36 care services and family planning services. The coordinating
37 organization will also be responsible for administering grants to
38 develop and sustain reproductive health care services.

39 The bill provides that the “Reproductive Health Care Security
40 Grant Program” in the Office of Homeland Security and
41 Preparedness will make available grants to eligible reproductive
42 health care facilities which the Director of the Office of Homeland
43 Security and Preparedness determines are at a high risk of being the
44 target of unlawful activity, including acts of violence, property
45 damage, vandalism, cyber attacks, and harassment. Grants provided
46 under the program will be used to hire security personnel and
47 target-hardening equipment.

1 Further, the “Reproductive Health Care Facility Loan Program”
2 will award loans to eligible reproductive health care facilities that
3 provide reproductive health care services. Under the bill, loans
4 awarded will be used to support establishing or renovating existing
5 health care facilities, investments in technology to facilitate care,
6 the recruitment and retention of staff, and other operational needs
7 that increase reproductive health care services.

8 The bill requires that the Department of Health conduct a
9 Statewide needs assessment to examine the gaps in access and
10 delivery of reproductive health care services in the State, including
11 the impact that out-of-State restrictions have had on the need for
12 reproductive health care services and the provider network in the
13 State.

14 Finally, the bill appropriates monies from the General Fund,
15 subject to availability, to the “Reproductive Health Care Access
16 Fund.”

17 The FY 2024 Appropriations Act includes a \$5 million
18 appropriation for OBGYN Clinical Training Program to provide
19 training to licensed members of the health care community. Another
20 \$5 million in FY 2024 is appropriated for the Reproductive Health
21 Security Grant Program toward securing clinics. These grants
22 support reproductive health care facilities that provide reproductive
23 health care with target hardening support. The FY 2024 Governor’s
24 Budget recommends language in which the Office of Homeland
25 Security Preparedness will receive reimbursement to administer the
26 grant.