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BILL NO. _____ Date of Intro. _____ Ref. _____

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AN ACT concerning hospitals and amending P.L.2020, c.28.

Requires hospitals to report available data on gender identity and sexual orientation in relation to coronavirus disease 2019 (COVID-19).

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PRIME Sponsor _____ / _____

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Same as _____ 18/19 Same as _____ 20/21

Suggested allocation: N/A

AN ACT concerning hospitals and amending P.L.2020, c.28.

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

1. Section 1 of P.L.2020, c.28 is amended to read as follows:

1. a. The Commissioner of Health shall require hospitals licensed pursuant to Title 26 of the Revised Statutes to report to the Department of Health demographic data, including the age, ethnicity, gender as indicated by the person, including any indicated non-binary gender, [and], race, and, to the extent such data is available, sexual orientation of persons in this State who have tested positive for the coronavirus disease 2019 or who have died from the coronavirus disease 2019, as well as the number of persons who attempt to get treatment for the coronavirus disease 2019, the number of persons who are admitted for treatment for the coronavirus disease 2019, and the number of persons who attempt to get tested for the coronavirus disease 2019 and were turned away, until the end of the State's declared public health emergency related to the coronavirus disease 2019. To the extent that a hospital reported demographic data pursuant to this subsection prior to the effective date of P.L. , c. (pending before the Legislature as this bill) that did not include data concerning non-binary gender identities or sexual orientation, the hospital shall provide updated data for that period that includes, to the extent available, data on non-binary gender identities and sexual orientation. Nothing in this section shall be construed to require a hospital to inquire about, or a person to disclose, information concerning the person's gender identity or sexual orientation unless that information is clinically necessary to treat the person. The commissioner shall compile the reported Statewide data by county and municipality.

b. The Department of Health shall publish on its Internet website the demographic data received pursuant to subsection a. of this section. The department shall update its Internet website on a daily basis by publishing the latest demographic data received by the Commissioner of Health until the end of the State's declared public health emergency related to the coronavirus disease 2019.

c. The Commissioner of Health shall prepare and submit a report compiling the data reported pursuant to this section to the Governor and to the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1).

(cf: P.L.2020, c.28, s.1)

2. This act shall take effect immediately and shall expire as provided in section 2 of P.L.2020, c.28.

STATEMENT

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.

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This bill revises the demographic data that hospitals are required to report in connection with the coronavirus disease 2019 (COVID-19) pandemic pursuant to P.L.2020, c.28. Specifically, the bill requires that the reported data include data on non-binary gender identities and sexual orientation, to the extent this information is available. The bill additionally clarifies that demographic data concerning gender is to be the gender indicated by the person, including non-binary genders.

Hospitals that reported demographic data under P.L.2020, c.28 prior to the effective date of this bill that did not include data on non-binary gender identities or sexual orientation will be required to submit updated data that includes that information, to the extent that it is available. Nothing in the bill is to be construed to require hospitals to inquire about, or any person to report, information concerning a non-binary gender identity or the person's sexual orientation if that information is not clinically necessary to treat the person.

Requires hospitals to report available data on gender identity and sexual orientation in relation to coronavirus disease 2019 (COVID-19).

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