

These amendments make this bill identical to
Senate No. S2260 SCS (2R)

ASSEMBLY APPROPRIATIONS COMMITTEE

AMENDMENTS

to

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2218

(Sponsored by Assemblywomen SPEIGHT, PARK, QUIJANO, and PETERPAUL)

REPLACE SECTION 1 TO READ:

1. (New section) As used in P.L. , c. (C.) (pending before the Legislature as this bill):

“Assisted reproductive technology” shall mean the same as defined in section 3 of P.L.2018, c.18 (C.9:17-62).

“Driveway” means an entry from a public street to a public or private parking area used by a health care services facility.

“Health care services facility” includes a hospital, clinic, office, or other site that provides or seeks to provide health care services and includes the building or structure in which the facility is located and the driveway of such building or structure.

“Intimidate” means to place a person in reasonable apprehension of bodily harm to themselves or to another.

“Physically obstruct” means rendering ingress to or egress from a health care services facility impassable to another person, or rendering passage to or from a health care services facility unreasonably difficult or hazardous to another person.

“Reproductive health care activity” means any conduct related to providing, seeking, receiving, advising, aiding, facilitating, encouraging, referring for, assisting with, providing material support for, or inquiring about reproductive health care services that are lawful in this State. “Reproductive health care activity” shall not include any conduct that could form the basis of a civil, criminal, or administrative action under the laws of this State.

“Reproductive health care services” means all supplies, care, and services of a medical, surgical, psychiatric, therapeutic, diagnostic, mental health, behavioral health, preventative, rehabilitative, support, consultative, prescribing, or dispensing services relating to the human reproductive system, whether provided in person or by means of telehealth, in compliance with New Jersey law. “Reproductive health care services” shall include, but not be limited to, all services, care, and products relating to pregnancy, assisted ¹**[reproduction]** reproductive¹

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technology, contraception, miscarriage management, or abortion, and all supplies, care, and services of a medical, surgical, psychiatric, therapeutic, diagnostic, mental health, behavioral health, preventative, rehabilitative, supportive, consultative, prescribing, or dispensing or supportive nature, including medication, to support a person's alignment with their gender identity or expression ¹ [and delivered or overseen in accordance with the accepted standard of care, pursuant to] consistent with¹ subparagraphs (a) and (b) of paragraph (4) of subsection b. of section 2 of P.L.2017, c.176 (C.17:48A-711). "Reproductive health care services" shall not include any conduct that would constitute a violation of any law ¹, regulation, or agency standard¹ of this State ¹ or deviation from the applicable professional standard of care¹, and shall not include any service described in section 2 of P.L.2013, c.150 (C.45:1-55).

REPLACE SECTION 5 TO READ:

5. (New section) a. A person is guilty of interference with reproductive health care services if the person purposely or knowingly:

(1) inflicts or attempts to inflict bodily injury on another person, with purpose to unlawfully restrict another's access to or receipt or provision of reproductive health care services or to intimidate the person from becoming or remaining a patient, provider, volunteer, or assistant of reproductive health care services, if the conduct would cause a reasonable person to be intimidated;

(2) physically obstructs any person seeking to enter into or exit from a health care services facility, with the purpose to unlawfully restrict another's access to or receipt or provision of reproductive health care services or to intimidate the person from becoming or remaining a patient, provider, volunteer, or assistant of reproductive health care services, if the conduct would cause a reasonable person to be intimidated;

(3) ¹ by force or threat of force,¹ intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person or entity:

(a) because that person or entity is a reproductive health care services patient, provider, volunteer, or assistant; or

(b) in order to intimidate a person or entity, or a class of persons or entities, from becoming or remaining a patient, provider, volunteer, or assistant of reproductive health care services; or

(4) damages, defaces, or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility provides, volunteers, assists with, or receives reproductive health care services ¹ [; or

(5) causes a reasonable person to suffer damage to the person's business or personal reputation, financial harm, or pain and suffering, mental anguish, or emotional harm on the basis that the person, entity, or facility provides, volunteers, assists with, or receives reproductive health care services] ¹.

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b. Interference with reproductive health care services is a crime of the fourth degree, except that:

(1) it is a crime of the third degree if the victim suffers bodily injury; and

(2) it is a crime of the second degree if the victim suffers significant bodily injury or serious bodily injury.

c. Nothing in this section shall be construed to preclude or limit in any way prosecution and conviction for any other offense including, but not limited to, prosecution and conviction for assault or aggravated assault pursuant to N.J.S.2C:12-1; terroristic threats pursuant to N.J.S.2C:12-3; stalking pursuant to section 1 of P.L.1992, c.209 (C.2C:12-10); criminal coercion pursuant to N.J.S.2C:13-5; or criminal trespass pursuant to N.J.S.2C:18-3.

REPLACE SECTION 6 TO READ:

6. (New section) a. ¹ **【A person who,】** An actor who commits a violation of this section shall be liable to an aggrieved person, who may bring a civil action in the Superior Court, if the actor:

(1)¹ in violation of section 5 of P.L. , c. (C.) (pending before the Legislature as this bill), commits an act of interference with another person's reproductive health care services ¹ **【shall be liable to that aggrieved person, who may bring a civil action in the Superior Court】** ;
or

(2) causes a reasonable person to suffer damage to the person's business or personal reputation, financial harm, or pain and suffering, mental anguish, or emotional harm on the basis that the person, entity, or facility provides, volunteers, assists with, or receives reproductive health care services¹.

b. The court may award:

(1) injunctive relief;

(2) compensatory damages in an amount not less than liquidated damages computed at the rate of \$1,000 for each violation of section 5 of P.L. , c. (C.) (pending before the Legislature as this bill);

(3) punitive damages upon proof of willful or reckless disregard of the law;

(4) reasonable attorney's fees and other litigation costs reasonably incurred; and

(5) any other preliminary and equitable relief as the court determines to be appropriate.

c. A conviction for a violation of section 5 of P.L. , c. (C.) (pending before the Legislature as this bill) shall not be a prerequisite for a civil action brought pursuant to this section.

d. A court may, in its discretion, permit a person aggrieved by a violation of section 5 of P.L. , c. (C.) (pending before the Legislature as this bill) to use a pseudonym in a civil action brought pursuant to the provisions of this section when reasonably required to safeguard the health, safety, or privacy of the person.

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