

Governor Phil Murphy

ICYMI: NJ DOBI Adopts Regulations to Require Comprehensive Abortion Coverage in Department Regulated Health Insurance Markets

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TRENTON – As part of the Murphy Administration’s efforts to protect access to reproductive health care, the New Jersey Department of Banking and Insurance today announced the adoption of rules to require comprehensive abortion coverage as a part of all health benefits plans regulated by the department. This requirement, which was in place as of January 1, 2023 in the individual and small employer health insurance markets, will now be in effect for the fully-insured large employer health insurance market upon plan issuance or renewal.

“New Jersey remains a leader in safeguarding reproductive rights and health care services. Implementation of this requirement across department-regulated plans will provide access to abortion services without exceptions limiting coverage – reaffirming a women’s ability to make medical decisions about her reproductive health,” **said Governor Phil Murphy**. “This rulemaking is another step forward in ensuring residents can access the reproductive care they both need and deserve.”

As part of the Freedom of Reproductive Choice Act, the department was tasked with performing a study on the impact of insurance coverage on the availability of reproductive health care services. Early adoption of the requirement was [approved late last year](https://urldefense.com/v3/_https://t.e2ma.net/click/b2lp1j/7ys5259b/biq7q5_!!J30X0ZrnC1oQtbA!KurbRfML_-76tr0vcZDstSt1L5mKFyhQ_gmlKlyNC3o-oY_rkgXQ3YfmyBW4ExhXwlyh3sfeMmSJudA7oWQvxaYQ$) ([https://urldefense.com/v3/_https://t.e2ma.net/click/b2lp1j/7ys5259b/biq7q5_!!J30X0ZrnC1oQtbA!KurbRfML_-76tr0vcZDstSt1L5mKFyhQ_gmlKlyNC3o-oY_rkgXQ3YfmyBW4ExhXwlyh3sfeMmSJudA7oWQvxaYQ\\$](https://urldefense.com/v3/_https://t.e2ma.net/click/b2lp1j/7ys5259b/biq7q5_!!J30X0ZrnC1oQtbA!KurbRfML_-76tr0vcZDstSt1L5mKFyhQ_gmlKlyNC3o-oY_rkgXQ3YfmyBW4ExhXwlyh3sfeMmSJudA7oWQvxaYQ$)), by both boards of the Individual Health Coverage Program and the Small Employer Health Benefits Program after the department’s [study](https://urldefense.com/v3/_https://t.e2ma.net/click/b2lp1j/7ys5259b/rar7q5_!!J30X0ZrnC1oQtbA!KurbRfML_-76tr0vcZDstSt1L5mKFyhQ_gmlKlyNC3o-oY_rkgXQ3YfmyBW4ExhXwlyh3sfeMmSJudA7oShhrFQb$) ([https://urldefense.com/v3/_https://t.e2ma.net/click/b2lp1j/7ys5259b/rar7q5_!!J30X0ZrnC1oQtbA!KurbRfML_-76tr0vcZDstSt1L5mKFyhQ_gmlKlyNC3o-oY_rkgXQ3YfmyBW4ExhXwlyh3sfeMmSJudA7oShhrFQb\\$](https://urldefense.com/v3/_https://t.e2ma.net/click/b2lp1j/7ys5259b/rar7q5_!!J30X0ZrnC1oQtbA!KurbRfML_-76tr0vcZDstSt1L5mKFyhQ_gmlKlyNC3o-oY_rkgXQ3YfmyBW4ExhXwlyh3sfeMmSJudA7oShhrFQb$)) found the need for regulatory action to require coverage for abortion services under health benefits plans regulated by the department. The study also found that requiring insurance coverage for abortion, without exceptions, will not increase premiums in any material way, allows access to the full range of reproductive health care, increases transparency, and would be consistent with actions taken in other states.

“Governor Murphy made it clear that New Jersey is a state that supports and defends reproductive choice when he signed the historic Freedom of Reproductive Choice Act. The study conducted by the department last year found a clear need for regulatory action to require coverage for abortion services under health benefits plans regulated by the department. Insurance coverage for reproductive health services is essential to expanding access to comprehensive care,” **said Acting Commissioner Justin Zimmerman**. “Today’s enactment reduces barriers to these critical health services, ensuring that health insurance carriers regulated by the department provide abortion coverage without exceptions.”

On January 13, 2022, Governor Phil Murphy signed the historic [Freedom of Reproductive Choice Act](https://urldefense.com/v3/_https://t.e2ma.net/click/b2lp1j/7ys5259b/72r7q5_!!J30X0ZrnC1oQtbA!KurbRfML_-76tr0vcZDstSt1L5mKFyhQ_gmlKlyNC3o-oY_rkgXQ3YfmyBW4ExhXwlyh3sfeMmSJudA7oWkS14Ny$) ([https://urldefense.com/v3/_https://t.e2ma.net/click/b2lp1j/7ys5259b/72r7q5_!!J30X0ZrnC1oQtbA!KurbRfML_-76tr0vcZDstSt1L5mKFyhQ_gmlKlyNC3o-oY_rkgXQ3YfmyBW4ExhXwlyh3sfeMmSJudA7oWkS14Ny\\$](https://urldefense.com/v3/_https://t.e2ma.net/click/b2lp1j/7ys5259b/72r7q5_!!J30X0ZrnC1oQtbA!KurbRfML_-76tr0vcZDstSt1L5mKFyhQ_gmlKlyNC3o-oY_rkgXQ3YfmyBW4ExhXwlyh3sfeMmSJudA7oWkS14Ny$)) (P.L. 2021, c. 375). The Act codifies an individual’s right to make their own decisions concerning reproduction, including the right to contraception, the right to terminate a pregnancy, and the right to carry a pregnancy to term, without government interference or fear of prosecution in the State of New Jersey. As a part of the Act, the Department of Banking and Insurance was responsible for conducting a study and issuing a report to the Governor and the Legislature regarding the need for regulations to ensure access to abortion services. The study found a need for regulatory action to require coverage for abortion services without exceptions that limit coverage under health benefits plans regulated by the department. This led to the department beginning formal rulemaking processes to implement the requirement.

The State of New Jersey has regulatory authority over certain health insurance markets. Specifically, the department regulates the individual, small employer and the fully-insured large employer health insurance markets, often referred to as the “regulated markets.” The individual market includes plans offered on the marketplace, through Get Covered New Jersey, the State’s Official Health Insurance Marketplace, and off the marketplace.

The rules take effect in the large employer market September 18.

The study may be found here: <https://nj.gov/dobi/PL.2021c.375report.pdf> ([https://urldefense.com/v3/_https://t.e2ma.net/click/b2lp1j/7ys5259b/nvs7q5_!!J30X0ZrnC1oQtbA!KurbRfML_-76tr0vcZDstSt1L5mKFyhQ_gmlKlyNC3o-oY_rkgXQ3YfmyBW4ExhXwlyh3sfeMmSJudA7oWkS14Ny\\$](https://urldefense.com/v3/_https://t.e2ma.net/click/b2lp1j/7ys5259b/nvs7q5_!!J30X0ZrnC1oQtbA!KurbRfML_-76tr0vcZDstSt1L5mKFyhQ_gmlKlyNC3o-oY_rkgXQ3YfmyBW4ExhXwlyh3sfeMmSJudA7oWkS14Ny$)).

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