

August 23, 2019

SENATE BILL NO. 3075
(First Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 3075 (First Reprint) with my recommendations for reconsideration.

This bill requires the New Jersey Department of Health (the "Department") to license embryo storage facilities and proffer regulations that reflect best practices for safe storage of human eggs and embryos. Nineteen clinics within the State, housing approximately 100,000 frozen specimens, currently specialize in reproductive endocrinology and in-vitro fertilization. For thousands of New Jerseyans, these facilities secure the option to build a family, often following expensive, invasive, and time-consuming treatments. These services are a source of hope for women with cancer diagnoses who should not have to decide whether to prioritize their health over their desire for a family. They assist members of the LGBTQ community, help couples struggling to conceive, and give others control over their family planning options. Consumers place their trust in these facilities, and it is critical that the centers deliver.

Recent equipment malfunctions at clinics in Ohio and California resulted in the destruction of thousands of egg and embryo specimens, devastating the individuals who staked their futures on those stored embryos and exposing a lack of oversight over fertility centers across the nation. There are currently no regulatory or legislative safeguards in place to prevent a similar incident occurring in New Jersey and no professional association or federal or state agency monitors these facilities with the close attention that should be required for entities entrusted with an individual's genetic material.

I commend the bill's sponsors for recognizing the need for rigorous oversight of these facilities, their equipment and processes. This regulatory program, however, will be the first of its kind in the nation and will require specialized expertise and careful consideration. The Department must examine the practices of the patchwork of entities, including the Food and Drug Administration, the Centers for Medicare and Medicaid Services, the Centers for Disease Control and Prevention, and the College of American Pathologists, that presently have some degree of control over these storage facilities.

The Department of Health will also need to approach licensure of human tissue storage facilities, milk banks and other related facilities holistically, as each of these entities are currently unregulated but are gaining popularity across the county. New Jersey is positioned to be a leader in this area, but we must not sacrifice the quality of this important licensing program by rushing through the regulatory process. Accordingly, I have recommended an extension of the effective date of the bill to allow additional time for the Department to thoughtfully implement the requirements outlined in the legislation.

Therefore, I herewith return Senate Bill No. 3075 (First Reprint) and recommend that it be amended as follows:

Page 6, Section 10, Line 14: Delete "seventh" and insert "fourteenth"

Respectfully,

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor