

## **CORRECTIONS**

### **THE COMMISSIONER**

#### **Health Services Rules**

#### **Proposed Amendments: N.J.A.C. 10A:16-6.4 and 6.5**

Authorized By: Victoria L. Kuhn, Esq., Commissioner, Department of Corrections.

Authority: N.J.S.A. 30:1B-6, 30:1B-10, and 30:4-123.55b et seq.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2022-101.

Submit written comments by September 30, 2022, to:

Kathleen Cullen

Administrative Rules Unit

Office of the Commissioner

New Jersey Department of Corrections

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Trenton, New Jersey 08625-0863

or email to [ARU@doc.nj.gov](mailto:ARU@doc.nj.gov)

The agency proposal follows:

#### **Summary**

The proposed amendments replace all instances of the word “father” with “non-gestational parent” at N.J.A.C. 10A:16-6.5 with more inclusive and gender neutral language. The Department of Corrections (Department) also proposes a gender neutral word replacement of “his” with “the” at N.J.A.C. 10A:16-6.5(a). In addition, at N.J.A.C. 10A:16-6.4, the Department proposes to replace “Edna Mahan Correctional Facility for Women” with a more general name

of “Correctional Facility for Women” as the Department anticipates changes at that particular facility.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

### **Social Impact**

The proposed amendments incorporate gender-neutral terminology into the referenced administrative rules of the Department and generalizes reference to a particular correctional facility that will undergo significant changes in the near term. The Department anticipates a positive social impact on the general public and incarcerated population resulting from the proposed amendments.

### **Economic Impact**

The cost of meeting and maintaining the requirements of the proposed amendments will be accommodated within the existing budget.

### **Federal Standards Statement**

The proposed amendments are promulgated under the authority of the rulemaking requirements of the Department, as established at N.J.S.A. 30:1B-6 and 30:1B-10. The proposed amendments are not subject to any Federal laws or standards; therefore, a Federal standards analysis is not required.

### **Jobs Impact**

The proposed amendments will have no impact on jobs in the State of New Jersey.

### **Agriculture Industry Impact**

The proposed amendments will have no impact on the agriculture industry in the State of New Jersey.

### **Regulatory Flexibility Statement**

A regulatory flexibility analysis is not required because the proposed amendments do not impose reporting, recordkeeping, or other compliance requirements on small businesses, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments only impose reporting, recordkeeping, and other compliance requirements on the New Jersey Department of Corrections.

### **Housing Affordability Impact Analysis**

The proposed amendments shall have no impact on housing affordability and there is an extreme unlikelihood that the proposed amendments would evoke a change in the average costs associated with housing, as the rules pertain to the name of a correctional facility and gender neutrality in this chapter.

### **Smart Growth Impact Development Analysis**

The proposed amendments will have no impact on the achievement of smart growth and there is an extreme unlikelihood the proposed amendments will evoke a change in housing production within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan, as the rules pertain to the name of a correctional facility and gender neutrality in this chapter.

### **Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The Department of Corrections has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, or probation in the State. Accordingly, no further analysis is required.

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

## SUBCHAPTER 6. PREGNANT INMATES

### 10A:16-6.4 Termination of pregnancy

(a)-(c) (No change.)

(d) A pregnancy shall be terminated only at a [state-licensed] **State-licensed** medical facility or hospital. Follow-up medical care shall be provided in the [Edna Mahan] Correctional Facility for Women.

### 10A:16-6.5 [Father] **Non-gestational parent** of the child

(a) The [father] **non-gestational parent**, if not incarcerated, may attend the birth of [his] **the** child in the delivery room.

(b) The [father's] **non-gestational parent's** presence in the delivery room is contingent upon approval by the:

1. - 3. (No change.)