ASSEMBLY, No. 634

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
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District 28 (Essex)
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SYNOPSIS

Requires certain fireworks-related injuries be reported to State Fire Marshal.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning the reporting of fireworks-related injuries and supplementing Title 21 of the Revised Statutes.

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

1. a. Every case of a wound, burn, or any other injury arising from or caused by fireworks or sparkling devices and novelties as defined in R.S.21:2-2, and every case which meets the criteria set forth in subsection b. of this section, shall be reported within 48 hours to the State Fire Marshal by the physician consulted, attending, or treating the case or the administrator or administrator's designee, whenever the case is presented for treatment or treated in a general hospital or health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) or an office where medical care is provided.

b. The criteria shall consist of an injury accompanied by at least one of the following factors:

(1) changes or discrepancies in the account of the patient or an accompanying person concerning the cause of the injury which creates a reasonable suspicion that the patient unlawfully used fireworks in violation of R.S.21:3-2;

(2) a voluntary statement by the patient or an accompanying person that the patient was injured while using fireworks; or

(3) any other factor determined by the State Fire Marshal to typify a patient whose injuries were caused due to the use of fireworks in violation of R.S.21:3-2.

2. By the first day of the third month after the first full year of data collection and annually thereafter, the State Fire Marshal shall prepare and submit an annual report to the Governor and the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), summarizing the number of injuries caused by or arising from fireworks or sparkling devices and novelties by county each month, the types of fireworks or sparkling devices and novelties that caused the injury, and any other relevant information related to fireworks-related injuries or treatment.

3. The Commissioner of Health, in consultation with the Commissioner of Community Affairs, shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to effectuate the purposes of this act.

4. This act shall take effect on the first day of the fifth month next following the date of enactment, except the Commissioner of Health and the Commissioner of Community Affairs may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.

STATEMENT

This bill requires hospitals, health care facilities, and medical offices to report injuries arising from or caused by fireworks or sparkling devices and novelties to the State Fire Marshal in the Department of Community Affairs.

The bill also requires the State Fire Marshal to annually report the number of fireworks-related injuries by county and by month, the types of fireworks or sparklers and novelties that caused the injury, and any other relevant information related to fireworks-related injuries or treatment.

This bill is modeled on a similar statute (N.J.S.2C:58-8) that requires hospitals and physicians to report injuries caused by firearms and other weapons.