ASSEMBLY, No. 2118

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Assemblyman P. CHRISTOPHER TULLY
District 38 (Bergen and Passaic)
Assemblywoman LISA SWAIN
District 38 (Bergen and Passaic)
Assemblyman VINCENT MAZZEO
District 2 (Atlantic)

Co-Sponsored by:
Assemblyman Armato, Assemblywoman Downey, Assemblymen Freiman, Houghtaling, DeAngelo, Assemblywomen Murphy, McKnight, Lopez, Timberlake, Assemblymen Conaway, Calabrese and Assemblywoman Jimenez

SYNOPSIS

Requires telecommunications, cable television, and Internet service providers to allow service recipients to terminate service contracts following physician's referral to long-term care facility.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT allowing certain telecommunications service recipients to terminate service contracts following a physician's referral to certain long-term care facilities and supplementing Title 56 of the Revised Statutes.

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

1. a. A service provider doing business in this State shall allow a service recipient to terminate a contract for telecommunications service, cable television service, or Internet connection service pursuant to subsection b. of this section.

b. (1) A service provider shall permit a service recipient to terminate, without incurring an early termination fee, the contract for those services after the service recipient receives a physician's order, or develops a plan of care in collaboration with a physician responsible for the care of the service recipient, to relocate the service recipient to a long-term care facility for a period of at least 90 days, if the service recipient relocates to a long-term care facility that meets the description in the physician's order or the plan of care.

(2) The service recipient shall, unless waived or not required by the service provider, provide the service provider with no less than 45 days' notice prior to the requested date of the contract termination or cancellation; provided, however, a service provider shall waive the notice requirement and permit the termination within 48 hours if a physician's order requires immediate relocation to a long-term care facility.

(3) A service provider may require written proof of a service recipient's relocation to a long-term facility. If the service provider requires written proof, then the delivery of a written notice to the service provider of the requested contract termination and a letter signed by the service recipient's physician, no later than 45 days prior to the requested date of termination, attesting that the requirements established pursuant to this subsection are met, shall be deemed sufficient proof.

(4) Nothing in P.L. , c. (C.) (pending before the Legislature as this bill) shall relieve a service recipient of an obligation to return equipment to the service provider or to be charged a lawful unreturned equipment charge nor shall a service recipient be relieved from any amounts owed for any equipment purchased by the service recipient.

c. For purposes of this section:

"Assisted living facility" means an assisted living residence or comprehensive personal care home licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).

"Cable television company" and "cable television service" shall have the same meaning as provided in section 3 of P.L.1972, c.186 (C.48:5A-3).

"Certified mail" shall have same meaning as provided in R.S.1:1-2.

"Dementia care home" means a community residential facility which: (1) provides services to residents with special needs, including, but not limited to, persons with Alzheimer's disease and related disorders or other forms of dementia; (2) is subject to the licensure authority of the Department of Health as a health care facility pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.); (3) and meets the requirements of section 19 of P.L.2015, c.125 (C.26:2H-150).

"Internet service provider" shall have same meaning as provided in section 3 of P.L.2007, c.272 (C.56:8-170).

"Long-term care facility" means a nursing home, assisted living residence, comprehensive personal care home, residential health care facility, or dementia care home licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).

"Physician" means a physician authorized by law to practice medicine in this or any other state and any other person authorized by law to treat sick and injured human beings in this or any other state.

"Service provider" means a telecommunications service provider, a cable television company, or an Internet service provider.

"Service recipient" means any individual who resides in this State who receives telecommunications service, cable television service, or Internet service from a service provider through equipment that is located in this State.

"Telecommunications service provider" means any person, business or organization qualified to do business in this State that provides a telecommunications service that is subject to regulation by the Board of Public Utilities pursuant to Title 48 of the Revised Statutes.

2. This act shall take effect on the first day of the 12th month next following enactment.

STATEMENT

This bill requires telecommunications, cable television, and Internet service providers (service providers) to allow service recipients to terminate service contracts following a physician's referral to a long-term care facility

Under the bill, a service provider doing business in this State is required to allow a service recipient to terminate the contract in accordance with the bill. The bill requires a service provider to permit a service recipient to terminate, without incurring an early termination fee, the contract for those services as provided in the bill.

The bill requires a service recipient to provide, unless waived or not required by the service provider, the service provider with no less than with 45 days' notice prior to the contract termination or cancellation; provided, however, a service provider is to waive the

notice requirement and permit the termination within 48 hours if a physician's order requires immediate relocation to a long-term care facility. A service provider may require written proof of a service recipient's relocation to a long-term facility. If the service provider requires written proof, then the delivery of a written notice to the service provider of the contract termination and a letter signed by the service recipient's physician, no later than 45 days prior to the scheduled date of termination, is deemed sufficient proof.

The bill further provides that nothing in the bill is to relieve a service recipient of an obligation to return equipment to the service provider or to be charged a lawful unreturned equipment charge, nor is a service recipient relieved from any amounts owed for any equipment purchased by the service recipient.