

ASSEMBLY, No. 4966

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 12, 2020

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Establishes “PPE Resource Planning Unit” in Office of Emergency Management; requires Office of Emergency Management to maintain 90-day supply of personal protective equipment for use in declared emergency; appropriates \$20 million.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/12/2020)

1 AN ACT concerning personal protection equipment resources during
2 declared emergencies, supplementing chapter 9 of Appendix A,
3 and making an appropriation.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. a. For the purposes of this section:

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

13 "Personal protective equipment" or "PPE" means specialized
14 clothing or equipment worn by a person for protection against
15 health and safety hazards that arise during a state of emergency or
16 public health emergency.

17 b. The Attorney General shall establish a PPE Resource
18 Planning Unit in the Office of Emergency Management in the
19 Department of Law and Public Safety in order to maximize,
20 enhance, and effectuate the coordination of personal protective
21 equipment resources necessary for health care workers, long-term
22 care and other health care facilities, and emergency responders to
23 operate and provide services in a safe manner during a state of
24 emergency or public health emergency declared by the Governor.

25 c. The Director of the State Office of Emergency Management
26 shall ensure that the office maintains, at all times, a supply of
27 personal protective equipment that is sufficient, based on the
28 assessment conducted pursuant to this section, to enable health care
29 workers, long-term care and other health care facilities, and
30 emergency responders to operate and provide services in a safe
31 manner for a period of 90 days during a state of emergency or
32 public health emergency declared by the Governor. The personal
33 protective equipment resources to be maintained pursuant to this
34 subsection shall be stored in the New Jersey State Police Regional
35 Operations Intelligence Center.

36 d. The Director of the State Office of Emergency Management,
37 in consultation with the Commissioner of Health, the Commissioner
38 of Human Services, and the Director of Homeland Security and
39 Preparedness, shall assess the needs of health care workers, long-
40 term care and other health care facilities, and emergency responders
41 for personal protective equipment during a state of emergency or
42 public health emergency, and the resources available to meet those
43 needs.

44 e. The Director of the State Office of Emergency Management
45 shall establish a system for health care workers, long-term care and
46 other health care facilities, and emergency responders to obtain
47 personal protective equipment necessary to operate and provide

1 services in a safe manner during a state of emergency or public
2 health emergency.

3 f. The Attorney General shall appoint a PPE Resource
4 Planning coordinator who shall:

5 (1) act as a liaison to private industry throughout the State and
6 establish ongoing communication with private industry and State
7 and local officials regarding the availability of personal protective
8 equipment;

9 (2) identify methods for obtaining personal protective
10 equipment to meet the needs of health care workers, long-term care
11 and other health care facilities, and emergency responders to
12 operate and provide services in a safe manner during a state of
13 emergency or public health emergency declared by the Governor.

14 g. Notwithstanding any provision of law, rule, or regulation to
15 the contrary, the Director of the Division of Purchase and Property
16 in the Department of the Treasury, in consultation with the Director
17 of the State Office of Emergency Management, shall award a
18 contract or contracts for the procurement of the 90-day supply of
19 personal protective equipment, required pursuant to this section to
20 meet the needs of health care workers, long-term care and other
21 health care facilities, and emergency responders during a state of
22 emergency or public health emergency, to a bidder or bidders
23 whose proposal will be most advantageous to the State. The
24 Director of the Division of Purchase and Property, in consultation
25 with the Director of the State Office of Emergency Management,
26 may make awards to multiple bidders in accordance with section 1
27 of P.L.1986, c.26 (C.52:34-12.1).

28 h. The Director of the State Office of Emergency Management
29 shall make available any personal protective equipment stored by
30 the division in excess of the 90-day supply required pursuant to
31 subsection c. of this section, at cost, to health care workers, long-
32 term care and other health care facilities, and emergency responders
33 during a state of emergency or public health emergency.

34 i. The Attorney General shall promulgate regulations pursuant
35 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
36 1 et seq.), necessary to effectuate the provisions of P.L. , c.
37 (C.) (pending before the Legislature as this bill).

38

39 2. a. There shall be made available the sum of \$20,000,000 for
40 implementing the provisions of section 1 of P.L. , c. (C.)
41 (pending before the Legislature as this bill). Of this amount,
42 \$18,000,000 shall be allocated to the Department of the Treasury
43 for the purchase of personal protection equipment as required
44 pursuant to section 1 of P.L. , c. (C.) (pending before the
45 Legislature as this bill), and the sum of \$2,000,000 shall be
46 allocated to the Office of Emergency Management to support the
47 operating costs, including personnel, of the PPE Resource Planning

1 unit established pursuant to section 1 of P.L. , c. (C.)
2 (pending before the Legislature as this bill).

3 b. The Department of the Treasury and the Office of
4 Emergency Management shall prioritize the use of federal funds
5 made available to the State in relation to the COVID-19 pandemic
6 to implement the purposes of P.L. , c. (C.) (pending before
7 the Legislature as this bill).

8 c. There shall be appropriated to the Department of the
9 Treasury and the Office of Emergency Management out of the
10 General Fund for the purposes of P.L. , c. (C.) (pending
11 before the Legislature as this bill), any amount by which the amount
12 made available in subsection b. of this section is less than
13 \$20,000,000.

14
15 3. This act shall take effect on the first day of the fourth month
16 next following the date of enactment, provided, however, that the
17 Attorney General may take any anticipatory administrative action in
18 advance of that date as may be necessary for the timely
19 implementation of this act.

20 21 22 STATEMENT

23
24 This bill requires the Attorney General to establish a personal
25 protective equipment (PPE) Resource Unit within the State Office
26 of Emergency Management in the Department of Law and Public
27 Safety. The purpose of this unit is to maximize, enhance, and
28 effectuate the coordination of PPE resources necessary for health
29 care workers, long-term care and other health care facilities, and
30 emergency responders to operate and provide services in a safe
31 manner during a state of emergency or public health emergency
32 declared by the Governor.

33 The provisions of the bill require the Director of the State Office
34 of Emergency Management to ensure that the division maintains a
35 90-day supply of PPE, to be stored in the New Jersey State Police
36 Regional Operations Intelligence Center.

37 The Director of the State Office of Emergency Management is
38 required under the bill: (1) in consultation with the Commissioner
39 of Health, the Commissioner of Human Services, and the Director
40 of Homeland Security and State Preparedness, to assess the needs of
41 health care workers, long-term care and other health care facilities,
42 and emergency responders for PPE during a state of emergency or
43 public health emergency, and the resources available to meet those
44 needs; and (2) establish a system for health care workers, long-term
45 care and other health care facilities, and emergency responders to
46 obtain PPE necessary to operate and provide services in a safe
47 manner during a state of emergency or public health emergency.

1 Under the bill, the Attorney General is required to appoint a PPE
2 Resource Planning coordinator to: (1) act as a liaison to private
3 industry throughout the State and establish ongoing communication
4 with private industry and State and local officials regarding the
5 availability of PPE; and (2) identify methods for obtaining PPE to
6 meet the needs of health care workers, long-term care and other
7 health care facilities, and emergency responders during a declared
8 emergency.

9 The Director of the Division of Purchase and Property in the
10 Department of the Treasury, in consultation with the Director of the
11 State Office of Emergency Management, is required under the bill
12 to award contracts for the procurement of the 90-day supply of PPE
13 required under the bill to meet the needs of health care workers,
14 long-term care and other health care facilities, and emergency
15 responders during a state of emergency or public health emergency,
16 to a bidder or bidders whose proposal will be most advantageous to
17 the State. The Director of the Division of Purchase and Property, in
18 consultation with the Director of the State Office of Emergency
19 Management, also is authorized to make awards to multiple bidders.

20 The Director of the State Office of Emergency Management also
21 is to make available any PPE stored by the division in excess of the
22 required 90-day supply, at cost, to health care workers, long-term
23 care and other health care facilities, and emergency responders
24 during a state of emergency or public health emergency.

25 The bill provides that the sum of \$20,000,000 is to be made
26 available for implementing the provisions of the bill. Of this
27 amount, \$2,000,000 is to be allocated for operating costs, including
28 personnel, of the PPE Resource Planning unit, and \$18,000,000 is
29 to be allocated to the Department of the Treasury to fund the
30 acquisition and storage of PPE equipment as required under the bill.
31 The Department of the Treasury and the Office of Emergency
32 Management are required under the bill to prioritize the use of
33 federal funds made available to the State in relation to the COVID-
34 19 pandemic to implement the purposes of the bill. The bill further
35 provides that there is to be appropriated to the Department of the
36 Treasury and the Office of Emergency Management out of the
37 General Fund any amount by which the amount of federal funds
38 made available to the State in relation to the COVID-19 pandemic
39 is less than \$20,000,000.