ASSEMBLY, No. 4966

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 12, 2020

Sponsored by:
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District 14 (Mercer and Middlesex)
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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)

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

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

1. a. For the purposes of this section:

"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.).

“Personal protective equipment” or “PPE” means specialized clothing or equipment worn by a person for protection against health and safety hazards that arise during a state of emergency or public health emergency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STATEMENT

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

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

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

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

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

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

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