

P.L. 2021, CHAPTER 91, *approved May 12, 2021*
Assembly, No. 740

1 **AN ACT** requiring State agencies that award contracts for the
2 purchase of items that require a power source to consider items
3 powered by fuel cells and supplementing Title 52 of the Revised
4 Statutes.

5

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

8

9 1. A State agency that seeks to purchase any item requiring the
10 use of a power source, including but not limited to motor vehicles,
11 material and cargo-handling equipment such as forklifts, harbor
12 craft, generators, power systems, portable floodlights, microgrids,
13 and telecommunications equipment, shall include in the request for
14 proposals provisions that allow for the consideration of items that
15 are powered by fuel cells.

16 As used in this section:

17 “fuel cell” means a device or system that is designed to provide
18 heating or cooling, or electrical or mechanical power, by converting
19 the chemical energy of a fuel and an oxidant into electricity through
20 a non-combustive electrochemical process; and

21 "State agency" means any of the principal departments in the
22 Executive Branch of the State Government, and any division, board,
23 bureau, office, commission or other instrumentality within or
24 created by such department and any independent State authority,
25 commission, instrumentality or agency which is authorized by law
26 to award contracts.

27

28 2. This act shall take effect immediately.

29

30

31

32

33 Requires State agencies in awarding contracts for purchase of
34 items that require power source to consider items powered by fuel
35 cells.