

SENATE, No. 1664

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Requires emergency action plans for delivery of oxygen to patient residences during public health emergency.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the delivery of oxygen to a patient’s residence
2 under emergency conditions and supplementing Title 52 of the
3 Revised Statutes.

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

8 1. As used in this act:

9 “Director” means the Director of the Division of Consumer
10 Affairs in the Department of Law and Public Safety.

11 “Pharmacy” means a pharmacy operating in accordance with the
12 provisions of P.L.2003, c.280 (C.45:14-40 et seq.).

13 “Public health emergency” means a public health emergency as
14 defined in section 2 of P.L.2005, c.222 (C.26:13-2).

2. a. Each pharmacy or other provider of oxygen or an oxygen delivery system that has supplied oxygen or an oxygen delivery system to a patient, for use in the patient's residence, on order from a licensed health care professional shall prepare and adopt an emergency action plan, in accordance with requirements to be established by the director, which sets forth the procedures that the pharmacy or other provider shall follow, in the event of a public health emergency, in order to: ensure the availability of oxygen to that patient, to the maximum extent practicable; and be responsive to inquiries or requests made by, or on behalf of, the patient concerning the patient's need for, or receipt of, oxygen or an oxygen delivery system by the pharmacy or other provider.

b. The director shall notify all pharmacies and all other licensed providers of oxygen or oxygen delivery systems in the State of the requirements of this act.

32 3. The director, in consultation with the Commissioner of
33 Health and the Director of the State Office of Emergency
34 Management and pursuant to the “Administrative Procedure Act,”
35 P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
36 regulations to effectuate the purposes of this act.

4. This act shall take effect on the first day of the seventh month next following enactment, except the director may take such anticipatory administrative action in advance as shall be necessary for the implementation of this act.

STATEMENT

46 This bill requires providers of residential use oxygen and oxygen
47 delivery systems to prepare and adopt emergency action plans in the
48 event of a public health emergency.

1 The purpose of the emergency action plan is to set forth the
2 procedures that will be followed by a pharmacy or any other
3 provider in the event of a public health emergency in order to:

4 (1) ensure the availability of oxygen to that patient, to the
5 maximum extent practicable; and

6 (2) be responsive to inquiries or requests made concerning the
7 patient's need for, or receipt of, oxygen or an oxygen delivery
8 system.

9 The bill requires the Director of the Division of Consumer
10 Affairs in the Department of Law and Public Safety to notify both
11 pharmacies and other licensed providers of oxygen or oxygen
12 delivery systems in the State of the requirements of this bill.

13 The director is also required to adopt regulations, in consultation
14 with the Commissioner of Health and the Director of the State
15 Office of Emergency Management, to effectuate the purposes of the
16 bill.