

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 2566 and 2677

STATE OF NEW JERSEY
219th LEGISLATURE

ADOPTED SEPTEMBER 14, 2020

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Senator VIN GOPAL

District 11 (Monmouth)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

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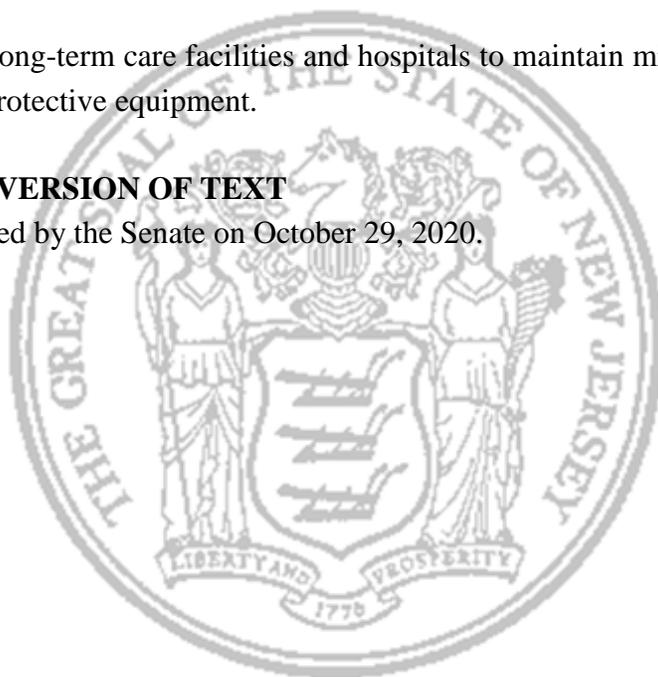
Senators Lagana, Pou and Greenstein

SYNOPSIS

Requires long-term care facilities and hospitals to maintain minimum supply of personal protective equipment.

CURRENT VERSION OF TEXT

As amended by the Senate on October 29, 2020.



(Sponsorship Updated As Of: 10/29/2020)

1 AN ACT concerning personal protective equipment in long-term care
2 facilities ¹and hospitals¹ and supplementing Title 26 of the
3 Revised Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. a. Each long-term care facility shall ¹make a good faith effort
9 to¹ maintain an adequate emergency stockpile of personal protective
10 equipment necessary to meet the facility's need for personal protective
11 equipment for:

12 (1) In the case of a facility that is part of a system that owns or
13 operates eight or more facilities, 30 days;

14 (2) In the case of a facility that is part of a system that owns or
15 operates fewer than eight facilities, 60 days; and

16 For the purposes of meeting the requirements of this subsection, a
17 facility that is not part of a system or that is part of a system that owns
18 or operates fewer than eight facilities may enter into a collaborative
19 agreement with other facilities or with one or more systems, which
20 collaborative agreement shall be deemed to render the facility part of a
21 system comprising of the health care facility and any other health care
22 facilities that are party to the collaborative agreement or that are part of
23 a system that is party to the collaborative agreement. The collaborative
24 agreement shall, at a minimum, include protocols for sharing personal
25 protective equipment among facilities that are part of the system
26 established pursuant to the collaborative agreement.

27 b. ¹Each general acute care hospital shall make a good faith effort
28 to maintain at least a 90-day emergency stockpile of personal protective
29 equipment at all times. A system comprising multiple hospitals may
30 count the total emergency stockpile of personal protective equipment
31 available at all hospitals that are part of that system when determining
32 whether a hospital is in compliance with the personal protective
33 equipment emergency stockpile requirements set forth in this
34 subsection, provided that the total quantity of personal protective
35 equipment available throughout the system is equivalent to at least a 90-
36 day emergency supply of personal protective equipment for each
37 hospital that is a part of the system.

38 c. For the purposes of this act, any determination as to whether a
39 long-term care facility has made a good faith effort to maintain a
40 minimum stockpile of personal protective equipment consistent with the
41 requirements of subsection a. of this section or whether a hospital has
42 made a good faith effort to maintain a minimum stockpile of personal
43 protective equipment consistent with the requirements of subsection b.
44 of this section shall take into consideration the current state of the supply
45 chain of personal protective equipment in the State.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate floor amendments adopted October 29, 2020.

1 including, but not limited to, unit cost, recent price increases, overall
2 availability, and delays in shipping times.

3 d.¹ In determining the quantity of personal protective equipment a
4 ‘long-term care’¹ facility ‘or hospital’¹ will need to maintain in order to
5 meet the requirements of this section, the facility ‘or hospital’¹ shall:

6 (1) take into account prevailing conditions in the State that may
7 affect the need for and availability of personal protective equipment;

8 (2) take into account anticipated surges, over the next 90 days, in
9 the need for personal protective equipment at that facility ‘or hospital’¹
10 and at other facilities ‘or hospitals’¹ that are part of the same system as
11 the facility ‘or hospital’¹; and

12 (3) utilize any burn rate calculator or other tool as the Department
13 of Health may designate for use in determining the anticipated need for
14 personal protective equipment.

15 The facility ‘and hospital’¹ shall immediately reevaluate the
16 adequacy of its stockpile of personal protective equipment upon any
17 declaration of ‘a state of emergency by the Governor or’¹ a public health
18 emergency pursuant to P.L.2005, c.222 (C.26:13-1 et seq.) in response
19 to an outbreak, epidemic, or pandemic involving an infectious disease,
20 and shall acquire such additional supplies of personal protective
21 equipment as it determines are necessary to meet increases in the need
22 for and use of personal protective equipment during the ‘state of
23 emergency or’¹ public health emergency.

24 ‘[c.] e.’¹ The Department of Health may impose fines or other
25 administrative remedies against any facility ‘or hospital’¹ that violates
26 the requirements of this section.

27 ‘[d.] f.’¹ As used in this section:

28 ‘“General acute care hospital” means a general acute care hospital
29 licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).

30 “Infectious disease” means a disease caused by a living organism or
31 other pathogen, including a fungus, bacteria, parasite, protozoan, virus,
32 or prion. An infectious disease may, or may not, be transmissible from
33 person to person, animal to person, or insect to person.¹

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

38 “Personal protective equipment” means any items commonly used to
39 protect an individual from bacterial or viral infections, including, but not
40 limited to, disinfecting wipes, disposable gloves, disposable gowns, face
41 shields, N95 face masks, surgical masks, or parts thereof.

42
43 2. The Commissioner of Health may adopt rules and regulations,
44 in accordance with the “Administrative Procedure Act,” P.L.1968,
45 c.410 (C.52:14B-1 et seq.), as are necessary to effectuate the
46 provisions of this act.

47
48 3. This act shall take effect immediately.