

# SENATE, No. 2784

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JULY 30, 2020

**Sponsored by:**

**Senator JOSEPH P. CRYAN**

**District 20 (Union)**

**Senator PAUL A. SARLO**

**District 36 (Bergen and Passaic)**

**SYNOPSIS**

Dedicates personal protective equipment to long-term care facilities during public health emergency.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 8/25/2020)

1 AN ACT concerning personal protective equipment in long-term  
2 care facilities during a public health emergency and  
3 supplementing chapter 13 of Title 26 of the Revised Statutes.

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

7  
8 1. a. The Commissioner of Health, in consultation with the  
9 Director of the State Office of Emergency Management, shall  
10 dedicate a percentage of the State Stockpile's personal protective  
11 equipment and any personal protective equipment received from the  
12 federal "Strategic National Stockpile" to long-term care facilities in  
13 the State during public health emergencies.

14 b. Following a declaration of a public health emergency by the  
15 Governor, pursuant to P.L.2005, c.222, s.3, the commissioner, in  
16 consultation with the Director of the State Office of Emergency  
17 Management, shall determine the specific percentage allocation of  
18 personal protective equipment for long-term care facilities, based  
19 on the nature of the public health emergency, the total number of  
20 patients, and the average rate of personal protective equipment  
21 consumption in long-term care facilities.

22 c. The commissioner shall coordinate with local health  
23 departments and the New Jersey Office of Emergency Management  
24 County Coordinators to collect information on the total number of  
25 patients, the current inventory of personal protective equipment,  
26 and the average rate of personal protective equipment consumption  
27 in long-term care facilities and to distribute personal protective  
28 equipment to the long-term care facilities, based on a facility's need  
29 and available supplies.

30 d. As used in this section:

31 "Commissioner" means Commissioner of Health.

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

36 "Personal protective equipment" means any items commonly used  
37 to protect an individual from bacterial or viral infections, including,  
38 but not necessarily limited to, disinfecting wipes, disposable gloves,  
39 disposable gowns, face shields, facemasks, portable respirators,  
40 medical equipment, or parts thereof.

41 "State Stockpile" means the State managed asset containing a  
42 limited supply of pharmaceuticals and personal protective equipment  
43 dedicated for use during a public health emergency.

44 "Strategic National Stockpile" means the United States' national  
45 repository of antibiotics, vaccines, chemical antidotes, antitoxins and  
46 other critical medical equipment and supplies. In the event of a  
47 national emergency involving bioterrorism or a natural pandemic, the  
48 Strategic National Stockpile has the capability to supplement and re-  
49 supply local health authorities that may be overwhelmed by the crisis.

1       2. The Commissioner of Health shall adopt rules and regulations  
2 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410  
3 (C.52:14B-1 et seq.), to effectuate the purposes of  
4 P.L. , c. , (C. ) (pending before this Legislature as this bill).

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6       3. This act shall take effect immediately.

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STATEMENT

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11       This bill requires the Commissioner of Health, in consultation  
12 with the Director of the State Office of Emergency Management, to  
13 dedicate a percentage of the State’s stockpiled personal protective  
14 equipment to long-term care facilities in the State during public  
15 health emergencies. This bill helps ensure that long-term care  
16 facilities have access to personal protective equipment during  
17 public health emergencies. Long-term care facilities face unique  
18 challenges during public health emergencies, as they often care for  
19 vulnerable patient populations and operate facilities with layouts  
20 that make it difficult to quarantine patients. During the COVID-19  
21 pandemic of 2020, long-term care facilities accounted for a  
22 disproportionate amount of COVID-19 related deaths. Many  
23 facilities suffered from a lack of personal protective equipment, but  
24 the cost of personal protective equipment places an additional  
25 burden on an already financially constrained long-term care facility  
26 industry.

27       The commissioner, in consultation with the Director of the State  
28 Office of Emergency Management, will determine the specific  
29 percentage allocation of personal protective equipment for long-  
30 term care facilities, based on the nature of the public health  
31 emergency, the total number of patients, and the average rate of  
32 personal protective equipment consumption in long-term care  
33 facilities. The commissioner will also coordinate with local health  
34 departments and the New Jersey Office of Emergency Management  
35 County Coordinators to collect information on the total number of  
36 patients, the current inventory of personal protective equipment,  
37 and the average rate of personal protective equipment consumption  
38 in long-term care facilities and to distribute personal protective  
39 equipment to the long-term care facilities, based on a facility’s need  
40 and available supplies.