

[Third Reprint]

**SENATE, No. 2784**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED JULY 30, 2020

**Sponsored by:**

**Senator JOSEPH P. CRYAN**

**District 20 (Union)**

**Senator PAUL A. SARLO**

**District 36 (Bergen and Passaic)**

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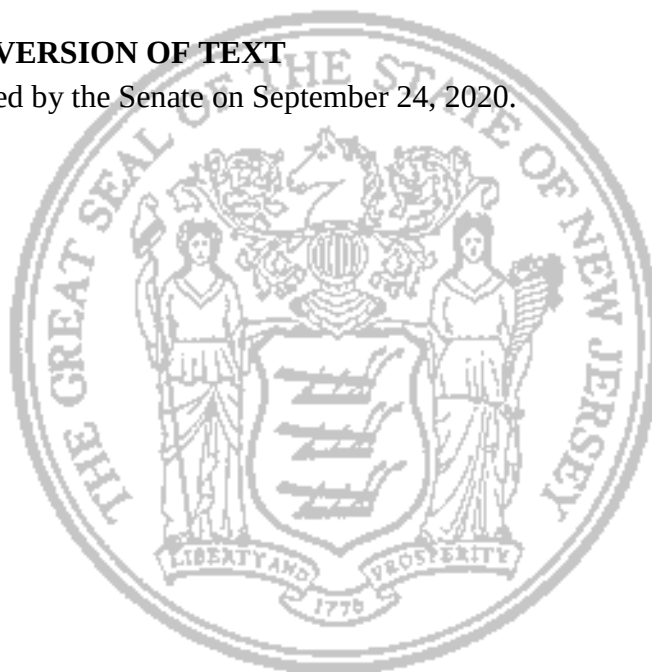
**Senators Diegnan, Greenstein, Pou and Ruiz**

**SYNOPSIS**

Dedicates personal protective equipment to long-term care facilities, home health agencies, hospice care providers, health care service firms, PACE programs, and certain community-based providers during public health emergency.

**CURRENT VERSION OF TEXT**

As amended by the Senate on September 24, 2020.



**(Sponsorship Updated As Of: 8/27/2020)**

1 AN ACT concerning <sup>1</sup>the dedication of<sup>1</sup> personal protective  
 2 equipment <sup>1</sup>[in] to<sup>1</sup> long-term care facilities <sup>3</sup>[facilities]<sup>3</sup> <sup>1</sup>,  
 3 home health agencies, <sup>2</sup>hospice care providers, health care  
 4 service firms,<sup>2</sup> <sup>3</sup>PACE programs,<sup>3</sup> and certain community-based  
 5 providers<sup>1</sup> during a public health emergency and supplementing  
 6 chapter 13 of Title 26 of the Revised Statutes.

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

10  
 11 1. a. The Commissioner of Health, in consultation with the  
 12 Director of the State Office of Emergency Management <sup>1</sup>in the New  
 13 Jersey Division of State Police<sup>1</sup> , shall <sup>1</sup>, during a public health  
 14 emergency,<sup>1</sup> dedicate a percentage of <sup>2</sup>[the] any<sup>2</sup> <sup>1</sup>personal  
 15 protective equipment <sup>2</sup>[in] as<sup>2</sup> the<sup>1</sup> State <sup>1</sup>[Stockpile's personal  
 16 protective equipment] <sup>2</sup>or a department, division, agency, office, or  
 17 other entity of State government may elect to<sup>2</sup> stockpile<sup>1</sup> <sup>2</sup>in  
 18 response to the public health emergency or for any other reason<sup>2</sup>  
 19 and <sup>2</sup>, consistent with any federal rules, guidance, and directives as  
 20 may apply to the distribution of the personal protective equipment,<sup>2</sup>  
 21 any personal protective equipment received from the federal  
 22 <sup>1</sup>["<sup>1</sup>Strategic National Stockpile<sup>1</sup>"]<sup>1</sup> to<sup>1</sup>: (1)<sup>1</sup> long-term care  
 23 facilities <sup>1</sup>[in the State during public health emergencies]<sup>1</sup>; (2)  
 24 home health agencies; <sup>2</sup>(3) hospice care providers; (4) health care  
 25 service firms;<sup>2</sup> <sup>3</sup>(5) PACE programs;<sup>3</sup> and <sup>2</sup>[(3)] <sup>3</sup>[(5)<sup>2</sup>] (6)<sup>3</sup>  
 26 community-based providers that employ <sup>2</sup>or place<sup>2</sup> direct support  
 27 professionals in group homes. The amount of personal protective  
 28 equipment that is dedicated to long-term care facilities, home health  
 29 agencies, <sup>2</sup>hospice care programs, health care service firms,<sup>2</sup>  
 30 <sup>3</sup>PACE programs,<sup>3</sup> and community-based providers under this  
 31 section shall be sufficient to meet the needs of those facilities,  
 32 agencies, <sup>3</sup>programs,<sup>3</sup> and providers to the greatest extent possible,  
 33 given the available stockpiled supplies<sup>1</sup>.

34 b. Following a declaration of a public health emergency by the  
 35 Governor, pursuant to <sup>1</sup>section 3 of<sup>1</sup> P.L.2005, c.222<sup>1</sup>[, s.3]  
 36 (C.26:13-3)<sup>1</sup>, the commissioner, in consultation with the Director of  
 37 the State Office of Emergency Management, shall <sup>2</sup>develop a  
 38 formula or other methodology to<sup>2</sup> determine the specific percentage  
 39 <sup>1</sup>[allocation]<sup>1</sup> of personal protective equipment <sup>1</sup>[for] to be  
 40 allocated to<sup>1</sup> long-term care facilities<sup>1</sup>, home health agencies,  
 41 <sup>2</sup>hospice care providers, health care service firms,<sup>2</sup> <sup>3</sup>PACE  
 42 programs,<sup>3</sup> and community-based providers under this section<sup>1</sup>,  
 43 <sup>2</sup>[based on] which formula shall account for<sup>2</sup> the nature of the

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:

<sup>1</sup>Senate SHH committee amendments adopted August 25, 2020.

<sup>2</sup>Senate floor amendments adopted August 27, 2020.

<sup>3</sup>Senate floor amendments adopted September 24, 2020.

1 public health emergency, the total number of <sup>1</sup>**[patients]** current  
 2 long-term care facility residents, home health agency <sup>2</sup>and health  
 3 care service firm <sup>2</sup> consumers, <sup>2</sup>hospice care patients, <sup>2</sup> <sup>3</sup>enrollees of  
 4 PACE programs, <sup>3</sup> and residents of community-based group homes <sup>1</sup>,  
 5 <sup>2</sup>Statewide demand for personal protective equipment, <sup>2</sup> and the  
 6 average rate of personal protective equipment consumption <sup>1</sup>**[in]**  
 7 by <sup>1</sup> long-term care facilities <sup>1</sup>, home health agencies, <sup>2</sup>hospice care  
 8 programs, health care service firms, <sup>2</sup> <sup>3</sup>PACE programs, <sup>3</sup> and  
 9 community-based providers <sup>1</sup> <sup>2</sup>, which rate of consumption may be  
 10 adjusted to account for nominal consumption rates and surges in  
 11 consumption rates during the public health emergency <sup>2</sup>.

12 c. The commissioner shall coordinate with <sup>2</sup>**[local health**  
 13 **departments and]** the State Office of Emergency Management, <sup>2</sup> the  
 14 <sup>1</sup>county coordinators for the <sup>1</sup> <sup>2</sup>**[New Jersey]** State <sup>2</sup> Office of  
 15 Emergency Management <sup>2</sup>, and the Long-Term Care Emergency  
 16 Operations Center established pursuant to section 1 of P.L. \_\_\_\_\_,  
 17 c. (C. \_\_\_\_\_) (pending before the Legislature as Senate Bill No.  
 18 2790 and Assembly Bill No. 4476 of 2020-2021) <sup>2</sup> <sup>1</sup>**[County**  
 19 **Coordinators]** <sup>1</sup> to <sup>1</sup>:

20 (1) <sup>1</sup> <sup>2</sup>**[collect information on]** determine <sup>2</sup> the total number of  
 21 <sup>1</sup>**[patients]** current long-term care facility residents, home health  
 22 agency <sup>2</sup>and health care service firm <sup>2</sup> consumers, <sup>2</sup>hospice care  
 23 patients <sup>2</sup> <sup>3</sup>enrollees in PACE programs, <sup>3</sup> and residents of  
 24 community-based group homes <sup>1</sup>, the current inventory of personal  
 25 protective equipment <sup>1</sup>in the State stockpile, <sup>2</sup>if any, <sup>2</sup> as well as the  
 26 inventory that is currently available at each long-term care facility,  
 27 home health agency, <sup>2</sup>hospice care program, health care service  
 28 firm, <sup>2</sup> <sup>3</sup>PACE program, <sup>3</sup> and community-based provider <sup>1</sup>, and the  
 29 average rate of personal protective equipment consumption <sup>1</sup>**[in]**  
 30 by <sup>1</sup> long-term care facilities <sup>1</sup>, home health agencies, <sup>2</sup>hospice care  
 31 providers, health care service firms <sup>2</sup> <sup>3</sup>, PACE programs, <sup>3</sup> and  
 32 community-based providers; <sup>1</sup> and <sup>1</sup>**[to]**

33 (2) <sup>1</sup> <sup>2</sup>in coordination with county coordinators for the State  
 34 Office of Emergency Management or other entities as may be  
 35 appropriate and available for this purpose, <sup>2</sup> distribute personal  
 36 protective equipment to the long-term care facilities <sup>1</sup>, home health  
 37 agencies, <sup>2</sup>hospice care providers, health care service firms, <sup>2</sup>  
 38 <sup>3</sup>PACE programs, <sup>3</sup> and community-based providers <sup>1</sup>, based on <sup>1</sup>**[a**  
 39 **facility's]** each entity's <sup>1</sup> need and <sup>1</sup>the <sup>1</sup> available <sup>1</sup>stockpiled  
 40 supplies.

41 d. As used in this section:

42 “Commissioner” means Commissioner of Health.

43 <sup>1</sup>“Home health agency” means a home health care provider that  
 44 is certified to participate either as a home health agency under Title

1 XVIII of the Social Security Act, 42 U.S.C.1395 et seq., or as a  
2 proprietary agency licensed by the Commissioner of Health.<sup>1</sup>

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

7 <sup>3</sup>"PACE program" means the "Program of All-Inclusive Care for  
8 the Elderly," operated by a public, private, nonprofit, or proprietary  
9 entity, as permitted by federal law.<sup>3</sup>

10 "Personal protective equipment" means any items commonly  
11 used to protect an individual from bacterial or viral infections,  
12 including, but not <sup>1</sup>**["necessarily"]** limited to, disinfecting wipes,  
13 disposable gloves, disposable gowns, face shields, <sup>1</sup>**["facemasks,**  
14 **portable respirators, medical equipment"]** N95 face masks<sup>1</sup>,  
15 <sup>2</sup>surgical masks,<sup>2</sup> or parts thereof.

16 <sup>2</sup>**["State <sup>1</sup>**["Stockpile"]** stockpile**<sup>1</sup>" means <sup>1</sup>**["State managed asset]**  
17 State-managed stockpile<sup>1</sup> containing a limited supply of  
18 pharmaceuticals and personal protective equipment dedicated for  
19 use during a public health emergency.**"]**<sup>2</sup>

20 "Strategic National Stockpile" means the United States' national  
21 repository of antibiotics, vaccines, chemical antidotes, antitoxins<sup>1, 1</sup>  
22 <sup>2</sup>personal protective equipment, critical medical equipment<sup>2</sup> and  
23 other <sup>2</sup>**["critical"]**<sup>2</sup> medical equipment and supplies<sup>1</sup>**[" In], which, in**<sup>1</sup>  
24 the event of a national emergency involving bioterrorism or a  
25 natural pandemic, <sup>1</sup>**["the Strategic National Stockpile"]**<sup>1</sup> has the  
26 capability to supplement and re-supply local health authorities that  
27 may be overwhelmed by the crisis.

28  
29 2. The Commissioner of Health shall adopt rules and  
30 regulations pursuant to the "Administrative Procedure Act,"  
31 P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of  
32 <sup>1</sup>**["P.L. , c. , (C. ) (pending before this Legislature as this**  
33 **bill)]** this act<sup>1</sup>.  
34

35 3. This act shall take effect immediately.