



To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

**SENATE, No. 1072**

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

INTRODUCED FEBRUARY 28, 2000

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator JACK SINAGRA**

**District 18 (Middlesex)**

**Co-Sponsored by:**

**Senators Zane, Bryant and Matheussen**

**SYNOPSIS**

Makes clauses waiving right to sue in nursing home admission agreements void and unenforceable.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 10/24/2000)**

**S1072 VITALE, SINAGRA**

2

1 **AN ACT** making void and unenforceable certain provisions in nursing  
2 home and assisted living facility admission agreements and  
3 supplementing Title 2A of the New Jersey Statute.

4

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

7

8 1. Any provision or clause waiving or limiting the right to sue for  
9 negligence or malpractice in any admission agreement or contract  
10 between a patient and a nursing home or assisted living facility  
11 licensed by the Department of Health and Human Services pursuant to  
12 provisions of P.L.1971, c.136 (C.26:2H-1 et seq.), is hereby declared  
13 to be void as against public policy, wholly unenforceable and shall not  
14 constitute a defense in any action, suit or proceeding.

15

16 2. This act shall take effect immediately.

17

18

19

**STATEMENT**

20

21 This bill would make any provision which waives or limits the right  
22 to sue for negligence or malpractice in an admission agreement  
23 between a patient and a nursing home or assisted care facility void and  
24 unenforceable as against public policy.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

**SENATE, No. 1072**

**STATE OF NEW JERSEY**

DATED: OCTOBER 19, 2000

The Senate Judiciary Committee reports favorably Senate Bill No. 1072.

This bill would make any provision which waives or limits the right to sue for negligence or malpractice in an admission agreement between a patient and a nursing home or assisted care facility void and unenforceable as against public policy.

# ASSEMBLY HEALTH COMMITTEE

## STATEMENT TO

### **SENATE, No. 1072**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 5, 2001

The Assembly Health Committee reports favorably and with committee amendments Senate Bill No. 1072.

As amended by the committee, this bill would make any provision which waives or limits the right to sue for negligence or malpractice in an admission agreement or contract between a patient and a licensed nursing home or assisted living facility void and unenforceable as against public policy.

The committee amended the bill to:

- C clarify that its provisions would apply to any admission agreement or contract between a patient and a nursing home or assisted living facility, whether executed prior to, on or after the effective date of the bill; and
- C correct an intended reference to the Department of Health and Senior Services.

This bill is identical to Assembly Bill No. 3018 Aca (Blee/Quigley), which the committee also reported on this date.

[First Reprint]

**SENATE, No. 1072**

---

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

---

INTRODUCED FEBRUARY 28, 2000

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator JACK SINAGRA**

**District 18 (Middlesex)**

**Co-Sponsored by:**

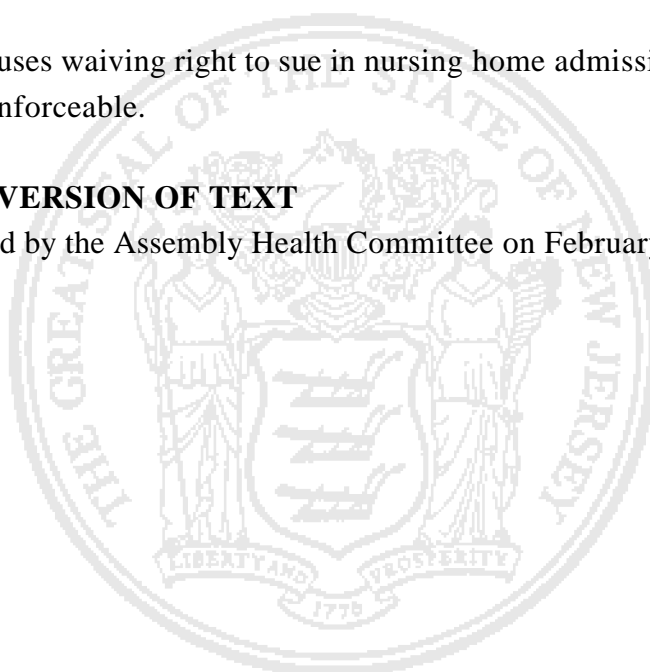
**Senators Zane, Bryant, Matheussen, Assemblyman Blee, Assemblywomen Quigley, Weinberg, Assemblymen Thompson, Felice, Assemblywomen Vandervalk, Gill, Assemblymen Corodemus and Gusciora**

**SYNOPSIS**

Makes clauses waiving right to sue in nursing home admission agreements void and unenforceable.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Health Committee on February 5, 2001, with amendments.



**(Sponsorship Updated As Of: 12/11/2001)**

S1072 [1R] VITALE, SINAGRA

2

1 AN ACT making void and unenforceable certain provisions in nursing  
2 home and assisted living facility admission agreements and  
3 supplementing Title 2A of the New Jersey Statute.

4

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

7

8 1. Any provision or clause waiving or limiting the right to sue for  
9 negligence or malpractice in any admission agreement or contract  
10 between a patient and a nursing home or assisted living facility  
11 licensed by the Department of Health and <sup>1</sup>[Human] Senior<sup>1</sup> Services  
12 pursuant to <sup>1</sup>the<sup>1</sup> provisions of P.L.1971, c.136 (C.26:2H-1 et seq.),  
13 <sup>1</sup>whether executed prior to, on or after the effective date of this act,<sup>1</sup>  
14 is hereby declared to be void as against public policy<sup>1</sup>[,] and<sup>1</sup> wholly  
15 unenforceable<sup>1</sup>,<sup>1</sup> and shall not constitute a defense in any action, suit  
16 or proceeding.

17

18 2. This act shall take effect immediately.

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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> Assembly AHL committee amendments adopted February 5, 2001.



# ASSEMBLY, No. 3018

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED DECEMBER 7, 2000

**Sponsored by:**

**Assemblyman FRANCIS J. BLEE**

**District 2 (Atlantic)**

**Assemblywoman JOAN M. QUIGLEY**

**District 32 (Bergen and Hudson)**

**Co-Sponsored by:**

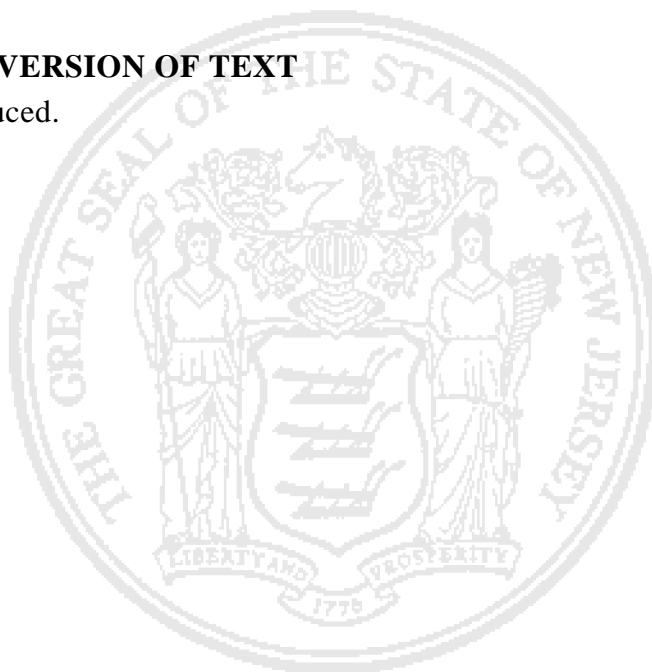
**Assemblywoman Weinberg, Assemblymen Thompson, Felice and  
Assemblywoman Vandervalk**

**SYNOPSIS**

Makes clauses waiving right to sue in nursing home admission agreements void and unenforceable.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT making void and unenforceable certain provisions in nursing  
2 home and assisted living facility admission agreements and  
3 supplementing Title 2A of the New Jersey Statute.

4

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

7

8 1. Any provision or clause waiving or limiting the right to sue for  
9 negligence or malpractice in any admission agreement or contract  
10 between a patient and a nursing home or assisted living facility  
11 licensed by the Department of Health and Human Services pursuant to  
12 provisions of P.L.1971, c.136 (C.26:2H-1 et seq.), is hereby declared  
13 to be void as against public policy, wholly unenforceable and shall not  
14 constitute a defense in any action, suit or proceeding.

15

16 2. This act shall take effect immediately.

17

18

19

STATEMENT

20

21 This bill would make any provision which waives or limits the right  
22 to sue for negligence or malpractice in an admission agreement  
23 between a patient and a nursing home or assisted care facility void and  
24 unenforceable as against public policy.

# ASSEMBLY HEALTH COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 3018**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 5, 2001

The Assembly Health Committee reports favorably and with committee amendments Assembly Bill No. 3018.

As amended by the committee, this bill would make any provision which waives or limits the right to sue for negligence or malpractice in an admission agreement or contract between a patient and a licensed nursing home or assisted living facility void and unenforceable as against public policy.

The committee amended the bill to:

- C clarify that its provisions would apply to any admission agreement or contract between a patient and a nursing home or assisted living facility, whether executed prior to, on or after the effective date of the bill; and
- C correct an intended reference to the Department of Health and Senior Services.

As reported by the committee, this bill is identical to Senate Bill No. 1072 Aca (Vitale/Sinagra), which the committee also reported on this date.

[First Reprint]

**ASSEMBLY, No. 3018**

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

INTRODUCED DECEMBER 7, 2000

**Sponsored by:**

**Assemblyman FRANCIS J. BLEE**

**District 2 (Atlantic)**

**Assemblywoman JOAN M. QUIGLEY**

**District 32 (Bergen and Hudson)**

**Co-Sponsored by:**

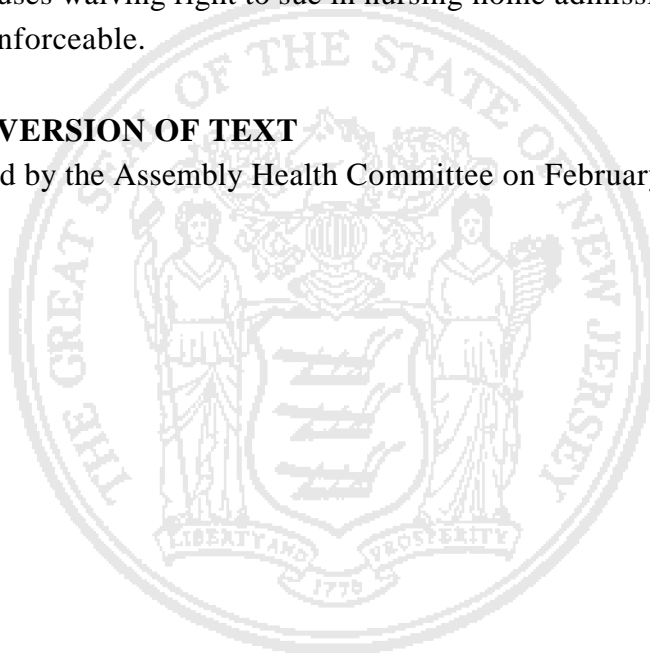
**Assemblywoman Weinberg, Assemblymen Thompson, Felice,  
Assemblywomen Vandervalk, Gill, Assemblymen Corodemus and  
Gusciora**

**SYNOPSIS**

Makes clauses waiving right to sue in nursing home admission agreements void and unenforceable.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Health Committee on February 5, 2001, with amendments.



**(Sponsorship Updated As Of: 12/11/2001)**

A3018 [1R] BLEE, QUIGLEY

2

1 AN ACT making void and unenforceable certain provisions in nursing  
2 home and assisted living facility admission agreements and  
3 supplementing Title 2A of the New Jersey Statute.

4

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

7

8 1. Any provision or clause waiving or limiting the right to sue for  
9 negligence or malpractice in any admission agreement or contract  
10 between a patient and a nursing home or assisted living facility  
11 licensed by the Department of Health and <sup>1</sup>[Human] Senior<sup>1</sup> Services  
12 pursuant to <sup>1</sup>the<sup>1</sup> provisions of P.L.1971, c.136 (C.26:2H-1 et seq.),  
13 <sup>1</sup>whether executed prior to, on or after the effective date of this act,<sup>1</sup>  
14 is hereby declared to be void as against public policy<sup>1</sup>[,] and<sup>1</sup> wholly  
15 unenforceable<sup>1</sup>,<sup>1</sup> and shall not constitute a defense in any action, suit  
16 or proceeding.

17

18 2. This act shall take effect immediately.

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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> Assembly AHL committee amendments adopted February 5, 2001.

P.L. 2001, CHAPTER 450, *approved January 12, 2002*  
Senate, No. 1072 (*First Reprint*)

1 **AN ACT** making void and unenforceable certain provisions in nursing  
2 home and assisted living facility admission agreements and  
3 supplementing Title 2A of the New Jersey Statute.

4

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

7

8 1. Any provision or clause waiving or limiting the right to sue for  
9 negligence or malpractice in any admission agreement or contract  
10 between a patient and a nursing home or assisted living facility  
11 licensed by the Department of Health and <sup>1</sup>[Human] Senior<sup>1</sup> Services  
12 pursuant to <sup>1</sup>the<sup>1</sup> provisions of P.L.1971, c.136 (C.26:2H-1 et seq.),  
13 <sup>1</sup>whether executed prior to, on or after the effective date of this act,<sup>1</sup>  
14 is hereby declared to be void as against public policy<sup>1</sup>[,] and<sup>1</sup> wholly  
15 unenforceable<sup>1</sup>,<sup>1</sup> and shall not constitute a defense in any action, suit  
16 or proceeding.

17

18 2. This act shall take effect immediately.

19

20

21

22

23 Makes clauses waiving right to sue in nursing home admission  
24 agreements void and unenforceable.

**EXPLANATION** - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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> Assembly AHL committee amendments adopted February 5, 2001.

## CHAPTER 450

**AN ACT** making void and unenforceable certain provisions in nursing home and assisted living facility admission agreements and supplementing Title 2A of the New Jersey Statute.

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

C.30:13-8.1 Clauses waiving right to sue in nursing home admission agreements void, unenforceable.

1. Any provision or clause waiving or limiting the right to sue for negligence or malpractice in any admission agreement or contract between a patient and a nursing home or assisted living facility licensed by the Department of Health and Senior Services pursuant to the provisions of P.L.1971, c.136 (C.26:2H-1 et seq.), whether executed prior to, on or after the effective date of this act, is hereby declared to be void as against public policy and wholly unenforceable, and shall not constitute a defense in any action, suit or proceeding.

2. This act shall take effect immediately.

Approved January 12, 2002.