

59:6-8

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2003 **CHAPTER:** 51
NJSA: 59:6-8 (Immunity to public entities for distributing drugs)
BILL NO: S2140 (Substituted for A3335)

SPONSOR(S): Cafiero and others

DATE INTRODUCED: December 9, 2002

COMMITTEE: **ASSEMBLY:** ----

SENATE: Judiciary

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** February 24, 2003

SENATE: December 16, 2002

DATE OF APPROVAL: April 23, 2003

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (1st reprint enacted)
(Amendments during passage denoted by superscript numbers)

S2140

[SPONSORS STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A3335

[SPONSORS STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

Bill and Sponsors Statement identical to S2140

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: No

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

P.L. 2003, CHAPTER 51, *approved April 23, 2003*
Senate, No. 2140 (*First Reprint*)

1 **AN ACT** concerning the liability of public entities and public
2 employees for acquiring, stockpiling, distributing and dispensing
3 certain drugs and vaccines and supplementing chapter 6 of Title 59
4 of the New Jersey Statutes.

5

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

8

9 1. 1. Notwithstanding any other provision of law to the contrary,
10 a public entity or public employee shall not be liable in any civil action
11 for damages ¹[resulting from] as a result of the public entity's or
12 public employee's acts of commission or omission arising out of and
13 in the course of¹ the acquisition, stockpiling, distribution or dispensing
14 by the public entity or public employee of drugs and vaccines which
15 mitigate the effects of exposure to nuclear, chemical or biological
16 agents ¹caused by an act of terrorism or arising out of a state of
17 emergency as declared by the Governor¹, including but not limited to,
18 potassium iodide pills.

19 ¹Nothing in this act shall be deemed to grant immunity to any
20 person or entity causing damage by a willful, wanton or grossly
21 negligent act of commission or omission.¹

22

23 2. Within six months of the effective date of this act and in
24 accordance with the "Administrative Procedure Act," P.L.1968, c.410
25 (C.52:14B-1 et seq.), the Commissioner of Health and Senior Services
26 shall adopt and implement adequate procedures and promulgate rules
27 and regulations necessary to implement the acquisition, stockpiling,
28 distribution and dispensing of drugs and vaccines which mitigate the
29 effects of exposure to nuclear, chemical or biological agents,
30 including but not limited to, potassium iodide pills.

31 The rules and regulations shall include, but need not be limited to,
32 provisions concerning: (1) the monitoring and inspection procedures
33 for stockpiled drugs and vaccines; (2) the maintenance and retention
34 of records of information from monitoring activities; (3) the
35 submission to the Department of Health and Senior Services of
36 monitoring reports; and (4) any other related information as the
37 Commissioner of Health and Senior Services may require.

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:

¹ Senate SJU committee amendments adopted December 9, 2002.

1 3. This act shall take effect immediately.

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6 Provides immunity to public entities and public employees for
7 acquiring, stockpiling, distributing and dispensing drugs and vaccines
8 which mitigate effects of exposure to nuclear, chemical and biological
9 agents.

SENATE, No. 2140

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED DECEMBER 9, 2002

Sponsored by:

Senator JAMES S. CAFIERO

District 1 (Cape May, Atlantic and Cumberland)

SYNOPSIS

Provides immunity to public entities and public employees for acquiring, stockpiling, distributing and dispensing drugs and vaccines which mitigate effects of exposure to nuclear, chemical and biological agents.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the liability of public entities and public
2 employees for acquiring, stockpiling, distributing and dispensing
3 certain drugs and vaccines and supplementing chapter 6 of Title 59
4 of the New Jersey Statutes.

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

8
9 1. Notwithstanding any other provision of law to the contrary, a
10 public entity or public employee shall not be liable in any civil action
11 for damages resulting from the acquisition, stockpiling, distribution or
12 dispensing by the public entity or public employee of drugs and
13 vaccines which mitigate the effects of exposure to nuclear, chemical
14 or biological agents, including but not limited to, potassium iodide
15 pills.

16
17 2. Within six months of the effective date of this act and in
18 accordance with the "Administrative Procedure Act," P.L.1968, c.410
19 (C.52:14B-1 et seq.), the Commissioner of Health and Senior Services
20 shall adopt and implement adequate procedures and promulgate rules
21 and regulations necessary to implement the acquisition, stockpiling,
22 distribution and dispensing of drugs and vaccines which mitigate the
23 effects of exposure to nuclear, chemical or biological agents,
24 including but not limited to, potassium iodide pills.

25 The rules and regulations shall include, but need not be limited to,
26 provisions concerning: (1) the monitoring and inspection procedures
27 for stockpiled drugs and vaccines; (2) the maintenance and retention
28 of records of information from monitoring activities; (3) the
29 submission to the Department of Health and Senior Services of
30 monitoring reports; and (4) any other related information as the
31 Commissioner of Health and Senior Services may require.

32
33 3. This act shall take effect immediately.

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36 STATEMENT

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38 This bill clarifies that a public entity and public employees would be
39 immune from civil liability for the acquisition, stockpiling, distribution
40 or dispensing of potassium iodide pills or any other drugs and vaccines
41 which mitigate the effects of exposure to nuclear, chemical or
42 biological agents.

43 The bill would require, within six months of its enactment, the
44 Commissioner of Health and Senior Services to adopt and implement
45 adequate procedures and promulgate rules and regulations necessary
46 to implement the acquisition, stockpiling, distribution and dispensing

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1 of drugs and vaccines which mitigate the effects of exposure to
2 nuclear, chemical or biological agents. The rules and regulations
3 would include, but not be limited to: provisions concerning the
4 monitoring and inspection procedures for stockpiled drugs and
5 vaccines; the maintenance and retention of records from monitoring
6 activities; the submission of monitoring reports to the Department of
7 Health and Senior Services; and any other related information which
8 the commissioner may require.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 2140

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 9, 2002

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 2140.

This bill provides that a public entity and public employees would be immune from civil liability for the acquisition, stockpiling, distribution or dispensing of drugs and vaccines which mitigate the effects of exposure to nuclear, chemical or biological agents, including but not limited to potassium iodide pills.

The bill would require the Commissioner of Health and Senior Services to adopt and implement adequate procedures and promulgate rules and regulations necessary to implement the acquisition, stockpiling, distribution and dispensing of drugs and vaccines which mitigate the effects of exposure to nuclear, chemical or biological agents.

The committee amended the bill to modify the blanket immunity that had been granted to public entities and public employees in the bill's original form. The amendments specify that immunity would not be granted to any person or entity causing damage by a willful, wanton or grossly negligent act of commission or omission.

In addition, the amendments add language to clarify that the immunity is intended to apply to public entities and public employees who are responding to, or preparing for, acts of terrorism and other disasters. The new language grants the immunity only if the drugs or vaccines mitigate the effects of exposure to nuclear, chemical or biological agents "caused by an act of terrorism or arising out of a state of emergency as declared by the Governor."

ASSEMBLY, No. 3335

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED FEBRUARY 13, 2003

Sponsored by:

Assemblyman DOUGLAS H. FISHER

District 3 (Salem, Cumberland and Gloucester)

Assemblyman JOHN J. BURZICHELLI

District 3 (Salem, Cumberland and Gloucester)

Assemblyman JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

SYNOPSIS

Provides immunity to public entities and public employees for acquiring, stockpiling, distributing and dispensing drugs and vaccines which mitigate effects of exposure to nuclear, chemical and biological agents.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/25/2003)

1 AN ACT concerning the liability of public entities and public
2 employees for acquiring, stockpiling, distributing and dispensing
3 certain drugs and vaccines and supplementing chapter 6 of Title 59
4 of the New Jersey Statutes.

5

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

8

9 1. Notwithstanding any other provision of law to the contrary, a
10 public entity or public employee shall not be liable in any civil action
11 for damages resulting from the acquisition, stockpiling, distribution or
12 dispensing by the public entity or public employee of drugs and
13 vaccines which mitigate the effects of exposure to nuclear, chemical
14 or biological agents, including but not limited to, potassium iodide
15 pills.

16

17 2. Within six months of the effective date of this act and in
18 accordance with the "Administrative Procedure Act," P.L.1968, c.410
19 (C.52:14B-1 et seq.), the Commissioner of Health and Senior Services
20 shall adopt and implement adequate procedures and promulgate rules
21 and regulations necessary to implement the acquisition, stockpiling,
22 distribution and dispensing of drugs and vaccines which mitigate the
23 effects of exposure to nuclear, chemical or biological agents, including
24 but not limited to, potassium iodide pills.

25 The rules and regulations shall include, but need not be limited to,
26 provisions concerning: (1) the monitoring and inspection procedures
27 for stockpiled drugs and vaccines; (2) the maintenance and retention
28 of records of information from monitoring activities; (3) the
29 submission to the Department of Health and Senior Services of
30 monitoring reports; and (4) any other related information as the
31 Commissioner of Health and Senior Services may require.

32

33 3. This act shall take effect immediately.

34

35

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STATEMENT

37

38 This bill clarifies that a public entity and public employees would be
39 immune from civil liability for the acquisition, stockpiling, distribution
40 or dispensing of potassium iodide pills or any other drugs and vaccines
41 which mitigate the effects of exposure to nuclear, chemical or
42 biological agents.

43 The bill would require, within six months of its enactment, the
44 Commissioner of Health and Senior Services to adopt and implement
45 adequate procedures and promulgate rules and regulations necessary
46 to implement the acquisition, stockpiling, distribution and dispensing

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1 of drugs and vaccines which mitigate the effects of exposure to
2 nuclear, chemical or biological agents. The rules and regulations
3 would include, but not be limited to: provisions concerning the
4 monitoring and inspection procedures for stockpiled drugs and
5 vaccines; the maintenance and retention of records from monitoring
6 activities; the submission of monitoring reports to the Department of
7 Health and Senior Services; and any other related information which
8 the commissioner may require.

STATEMENT TO
ASSEMBLY, No. 3335

with Assembly Floor Amendments
(Proposed By Assemblyman FISHER)

ADOPTED: FEBRUARY 24, 2003

The amendments modify the blanket immunity which would be granted to public entities and public employees in the bill's original form. The amendments specify that immunity would not be granted to any person or entity causing damage by a willful, wanton or grossly negligent act of commission or omission.

In addition, the amendments add language to clarify that the immunity is intended to apply to public entities and public employees who are responding to, or preparing for, acts of terrorism and other disasters. The new language would grant the immunity only if the drugs or vaccines mitigate the effects of exposure to nuclear, chemical or biological agents "caused by an act of terrorism or arising out of a state of emergency as declared by the Governor."