

52:17B-139.7

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2002 **CHAPTER:** 118
NJSA: 52:17B-139.7 (Oxygen—notify fire department)
BILL NO: S380 (Substituted for A2939)

SPONSOR(S): Sacco and others

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Law and Public Safety
 SENATE: Law and Public Safety

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** October 28, 2002
 SENATE: September 12, 2002

DATE OF APPROVAL: December 12, 2002

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Original version of bill enacted)

S380

[SPONSORS STATEMENT:](#) (Begins on page 4 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

A2939

[SPONSORS STATEMENT:](#) (Begins on page 4 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)
 Identical to Assembly Statement to S380

SENATE: No

FLOOR AMENDMENT STATEMENTS: No

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

§§1-6 -
C.52:17B-139.7
to 52:17B-139.12
§6 - Note to
52:27D-25c
§7 - Note to §§1-6

P.L. 2002, CHAPTER 118, *approved December 12, 2002*
Senate, No. 380

1 AN ACT concerning medical oxygen and oxygen delivery system use
2 in a residential setting and supplementing P.L.1971, c.134
3 (C.52:17B-118 et seq.).
4

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

8 1. A licensed pharmacist or other provider of oxygen or an oxygen
9 delivery system who has supplied oxygen or an oxygen delivery system
10 to a patient on an order from a licensed health care provider shall
11 notify the appropriate fire department or company serving the
12 municipality in which the patient resides of the name and address of
13 the patient and the existence of the oxygen or oxygen delivery system
14 at the patient's residence, in accordance with the provisions of this act.

15 a. Prior to notification, a pharmacist or other provider of oxygen
16 or an oxygen delivery system shall inform the patient of the
17 notification requirements of this act and obtain written informed
18 consent from the patient for the notification.

19 If the patient is legally incompetent, the pharmacist or other
20 provider of oxygen or an oxygen delivery system shall inform an
21 authorized representative of the patient of the notification
22 requirements of this act and obtain the written informed consent from
23 the authorized representative.

24 b. Written informed consent shall consist of a statement, on a form
25 or in a manner to be determined by the Director of the Division of
26 Consumer Affairs in the Department of Law and Public Safety, signed
27 by the patient or by an authorized representative of the patient, which
28 acknowledges that the pharmacist or other provider of oxygen or an
29 oxygen delivery system has provided the patient with information
30 regarding the notification requirements of this act, and that the patient
31 or authorized representative of the patient consents to the notification.

32 c. If the patient or his authorized representative declines to give his
33 informed consent for the notification, the pharmacist or other provider
34 of oxygen or an oxygen delivery system is required to inform the
35 patient or his authorized representative that the patient is obligated to
36 notify the appropriate fire department or company of the patient's
37 name and address and of the existence of oxygen or an oxygen delivery
38 system at his residence.

39 d. If the patient or his authorized representative declines to give his
40 informed consent, the pharmacist or other provider of oxygen or an

1 oxygen delivery system is exempt from the requirement to make the
2 notification and is permitted to supply the oxygen or oxygen delivery
3 system as directed by the licensed health care provider's order.

4 e. A copy of the written informed consent shall be attached to the
5 order for the oxygen or oxygen delivery system or otherwise included
6 in the patient's record or, if written consent is not given, the
7 pharmacist or other provider of oxygen or an oxygen delivery system
8 shall note on the order or in the patient's record that informed consent
9 was not given.

10 f. A pharmacist or other provider of oxygen or an oxygen delivery
11 system who complies with the provisions of this act shall be immune
12 from civil liability if the patient fails to notify the appropriate fire
13 department or company of the patient's name and address and the
14 existence of oxygen or an oxygen delivery system at the patient's
15 residence.

16
17 2. A patient who declines to give his written informed consent for
18 the notification requirements of this act shall, promptly upon being
19 provided with the oxygen or oxygen delivery system, notify the
20 appropriate fire department or company of his name and address and
21 of the existence of the oxygen or oxygen delivery system at his
22 residence.

23
24 3. The Director of the Division of Consumer Affairs in the
25 Department of Law and Public Safety shall:

26 a. Notify all licensed pharmacists in the State of the requirements
27 of this act and provide public notice to other providers of oxygen or
28 oxygen delivery systems of the requirements of this act in newspapers
29 throughout the State;

30 b. Prepare a patient information brochure regarding the safe
31 handling, use and storage of oxygen or oxygen delivery systems and
32 make copies available to pharmacists and other providers of oxygen or
33 oxygen delivery systems; and

34 c. Report to the Governor and the Legislature within one year of
35 the effective date of this act on the effectiveness of the notification
36 program.

37
38 4. A pharmacist, other provider of oxygen or an oxygen delivery
39 system or patient who knowingly fails to comply with the provisions
40 of this act is a disorderly person.

41
42 5. The Director of the Division of Consumer Affairs in the
43 Department of Law and Public Safety shall, pursuant to the
44 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
45 seq.), adopt rules and regulations to effectuate the purpose of this act
46 concerning the requirements imposed by this act upon pharmacists and
47 other providers of oxygen or oxygen delivery systems. The rules shall

1 establish the procedures pharmacists and other providers of oxygen
2 or oxygen delivery systems shall follow to obtain written informed
3 consent and to notify the appropriate fire department or company
4 serving the municipality in which the patient resides of the patient's
5 name and address and of the existence of oxygen or an oxygen delivery
6 system at the patient's residence.

7

8 6. Pursuant to the "Administrative Procedure Act," P.L.1968,
9 c.410 (C.52:14B-1 et seq.), the Director of the Division of Fire Safety
10 in the Department of Community Affairs shall promulgate regulations
11 concerning the placement of warning signs on residences containing
12 oxygen or an oxygen delivery system.

13

14 7. Sections 5 and 6 of this act shall take effect immediately and the
15 remainder of this act shall take effect on the 180th day after
16 enactment.

17

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19

20

21 Requires pharmacists, other providers of oxygen or oxygen delivery
22 systems or patients to notify local fire department of existence of
23 oxygen or oxygen delivery system in residential setting.

SENATE, No. 380

STATE OF NEW JERSEY 210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

Senator NICHOLAS J. SACCO
District 32 (Bergen and Hudson)

Co-Sponsored by:

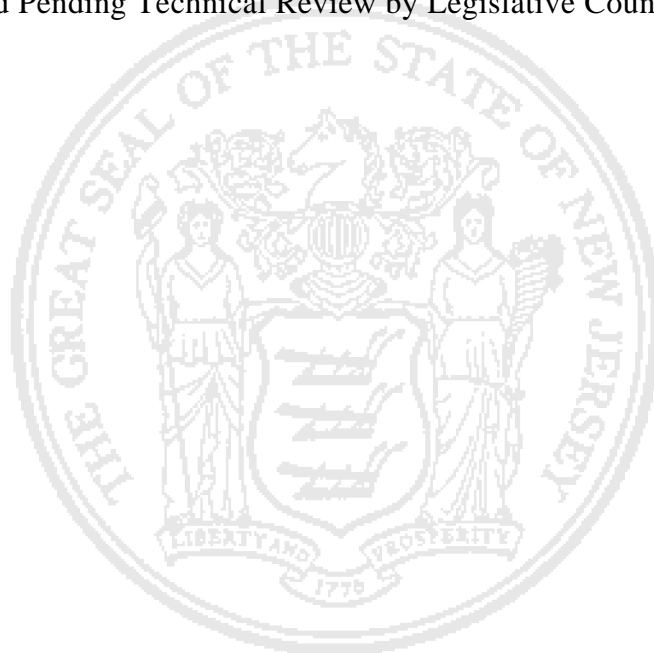
Senator Baer

SYNOPSIS

Requires pharmacists, other providers of oxygen or oxygen delivery systems or patients to notify local fire department of existence of oxygen or oxygen delivery system in residential setting.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



S380 SACCO

1 AN ACT concerning medical oxygen and oxygen delivery system use
2 in a residential setting and supplementing P.L.1971, c.134
3 (C.52:17B-118 et seq.).
4

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

8 1. A licensed pharmacist or other provider of oxygen or an oxygen
9 delivery system who has supplied oxygen or an oxygen delivery system
10 to a patient on an order from a licensed health care provider shall
11 notify the appropriate fire department or company serving the
12 municipality in which the patient resides of the name and address of
13 the patient and the existence of the oxygen or oxygen delivery system
14 at the patient's residence, in accordance with the provisions of this act.

15 a. Prior to notification, a pharmacist or other provider of oxygen
16 or an oxygen delivery system shall inform the patient of the
17 notification requirements of this act and obtain written informed
18 consent from the patient for the notification.

19 If the patient is legally incompetent, the pharmacist or other
20 provider of oxygen or an oxygen delivery system shall inform an
21 authorized representative of the patient of the notification
22 requirements of this act and obtain the written informed consent from
23 the authorized representative.

24 b. Written informed consent shall consist of a statement, on a form
25 or in a manner to be determined by the Director of the Division of
26 Consumer Affairs in the Department of Law and Public Safety, signed
27 by the patient or by an authorized representative of the patient, which
28 acknowledges that the pharmacist or other provider of oxygen or an
29 oxygen delivery system has provided the patient with information
30 regarding the notification requirements of this act, and that the patient
31 or authorized representative of the patient consents to the notification.

32 c. If the patient or his authorized representative declines to give his
33 informed consent for the notification, the pharmacist or other provider
34 of oxygen or an oxygen delivery system is required to inform the
35 patient or his authorized representative that the patient is obligated to
36 notify the appropriate fire department or company of the patient's
37 name and address and of the existence of oxygen or an oxygen delivery
38 system at his residence.

39 d. If the patient or his authorized representative declines to give his
40 informed consent, the pharmacist or other provider of oxygen or an
41 oxygen delivery system is exempt from the requirement to make the
42 notification and is permitted to supply the oxygen or oxygen delivery
43 system as directed by the licensed health care provider's order.

44 e. A copy of the written informed consent shall be attached to the
45 order for the oxygen or oxygen delivery system or otherwise included
46 in the patient's record or, if written consent is not given, the

1 pharmacist or other provider of oxygen or an oxygen delivery system
2 shall note on the order or in the patient's record that informed consent
3 was not given.

4 f. A pharmacist or other provider of oxygen or an oxygen delivery
5 system who complies with the provisions of this act shall be immune
6 from civil liability if the patient fails to notify the appropriate fire
7 department or company of the patient's name and address and the
8 existence of oxygen or an oxygen delivery system at the patient's
9 residence.

10

11 2. A patient who declines to give his written informed consent for
12 the notification requirements of this act shall, promptly upon being
13 provided with the oxygen or oxygen delivery system, notify the
14 appropriate fire department or company of his name and address and
15 of the existence of the oxygen or oxygen delivery system at his
16 residence.

17

18 3. The Director of the Division of Consumer Affairs in the
19 Department of Law and Public Safety shall:

20 a. Notify all licensed pharmacists in the State of the requirements
21 of this act and provide public notice to other providers of oxygen or
22 oxygen delivery systems of the requirements of this act in newspapers
23 throughout the State;

24 b. Prepare a patient information brochure regarding the safe
25 handling, use and storage of oxygen or oxygen delivery systems and
26 make copies available to pharmacists and other providers of oxygen or
27 oxygen delivery systems; and

28 c. Report to the Governor and the Legislature within one year of
29 the effective date of this act on the effectiveness of the notification
30 program.

31

32 4. A pharmacist, other provider of oxygen or an oxygen delivery
33 system or patient who knowingly fails to comply with the provisions
34 of this act is a disorderly person.

35

36 5. The Director of the Division of Consumer Affairs in the
37 Department of Law and Public Safety shall, pursuant to the
38 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
39 seq.), adopt rules and regulations to effectuate the purpose of this act
40 concerning the requirements imposed by this act upon pharmacists and
41 other providers of oxygen or oxygen delivery systems. The rules shall
42 establish the procedures pharmacists and other providers of oxygen
43 or oxygen delivery systems shall follow to obtain written informed
44 consent and to notify the appropriate fire department or company
45 serving the municipality in which the patient resides of the patient's
46 name and address and of the existence of oxygen or an oxygen delivery

1 system at the patient's residence.

2

3 6. Pursuant to the "Administrative Procedure Act," P.L.1968,
4 c.410 (C.52:14B-1 et seq.), the Director of the Division of Fire Safety
5 in the Department of Community Affairs shall promulgate regulations
6 concerning the placement of warning signs on residences containing
7 oxygen or an oxygen delivery system.

8

9 7. Sections 5 and 6 of this act shall take effect immediately and the
10 remainder of this act shall take effect on the 180th day after
11 enactment.

12

13

14

STATEMENT

15

16 The purpose of this bill is to provide local fire departments with
17 notice of the existence of oxygen or oxygen delivery systems at
18 residences within the municipality to enable them to appropriately
19 respond to the special safety hazards posed to the patient, neighboring
20 residents and firefighters in the event of fire at those residences.

21 In order to provide such notice, the bill requires that licensed
22 pharmacists and other providers of oxygen or oxygen delivery systems,
23 who have supplied oxygen or an oxygen delivery system to a patient
24 on an order from a licensed health care provider, or a patient who has
25 received oxygen or an oxygen delivery system, to notify the
26 appropriate fire department or company serving the municipality in
27 which the patient resides of the name and address of the patient and
28 the existence of oxygen or an oxygen delivery system at the patient's
29 residence. The bill also requires the patient's written informed consent
30 for the notification or, in the absence of written informed consent, that
31 the patient be advised of his responsibility to make the notification.
32 The bill relieves the pharmacist or other provider of oxygen or an
33 oxygen delivery system of the notification obligation and any civil
34 liability resulting therefrom in cases where written informed consent
35 is not given and the patient fails to make the required notification.

36 If the patient is legally incompetent, the bill requires the pharmacist
37 or other provider of oxygen or an oxygen delivery system to inform
38 the patient's representative of the bill's notification requirements and
39 obtain the authorized representative's written informed consent.

40 The bill requires that a copy of the written informed consent be
41 attached to the order for the oxygen or oxygen delivery system or
42 otherwise included in the patient's record. Likewise, a notation that
43 written informed consent was declined must be included on the order
44 or in the patient's record.

45 The bill specifies that the written informed consent is to consist of
46 a statement, signed by the patient or by the patient's authorized

1 representative, acknowledging that the patient has been informed of
2 the bill's notification requirements by the pharmacist or other provider
3 of oxygen or an oxygen delivery system and that the patient or
4 authorized representative consents to the notification.

5 The bill requires the Division of Consumer Affairs in the
6 Department of Law and Public Safety to notify licensed pharmacists
7 and other providers of oxygen or oxygen delivery systems of the bill's
8 requirements and to prepare and make available to them an
9 informational brochure for patients regarding the safe handling, use
10 and storage of oxygen and oxygen delivery systems.

11 Any pharmacist, other provider of oxygen or an oxygen delivery
12 system or patient who knowingly fails to comply with the bill's
13 provisions is guilty of a disorderly person's offense, which is
14 punishable by a fine of up to \$1,000, imprisonment for up to six
15 months, or both.

16 The bill also requires the Director of the Division of Fire Safety to
17 promulgate regulations concerning the placement of warning signs on
18 residences containing oxygen or an oxygen delivery system.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 380

STATE OF NEW JERSEY

DATED: OCTOBER 21, 2002

The Assembly Law and Public Safety Committee reports favorably Senate Bill No. 380.

Senate Bill No. 380 requires that local fire departments be notified of the existence of oxygen or oxygen delivery systems at residences within the municipality to enable them to appropriately respond to the special safety hazards posed to patients, neighboring residents and firefighters in the event of fire at those residences.

The bill requires licensed pharmacists and other providers of oxygen or oxygen delivery systems, who have supplied oxygen or an oxygen delivery system to a patient on an order from a licensed health care provider, or a patient who has received oxygen or an oxygen delivery system, to notify the appropriate fire department or company serving the municipality in which the patient resides of the name and address of the patient and the existence of oxygen or an oxygen delivery system at the patient's residence. The bill also requires the patient's written informed consent for the notification or, in the absence of written informed consent, that the patient be advised of the responsibility to make the notification. The bill relieves the pharmacist or other provider of oxygen or an oxygen delivery system of the notification obligation and any civil liability resulting therefrom in cases where written informed consent is not given and the patient fails to make the required notification.

If the patient is legally incompetent, the bill requires the pharmacist or other provider of oxygen or an oxygen delivery system to inform the patient's representative of the bill's notification requirements and obtain the authorized representative's written informed consent.

The bill requires that a copy of the written informed consent be attached to the order for the oxygen or oxygen delivery system or otherwise included in the patient's record. Likewise, a notation that written informed consent was declined must be included on the order or in the patient's record.

The bill specifies that the written informed consent is to consist of a statement, signed by the patient or by the patient's authorized representative, acknowledging that the patient has been informed of the bill's notification requirements by the pharmacist or other provider of oxygen or an oxygen delivery system and that the patient or authorized representative consents to the notification.

The bill requires the Division of Consumer Affairs in the Department of Law and Public Safety to notify licensed pharmacists and other providers of oxygen or oxygen delivery systems of the bill's requirements and to prepare and make available to them an informational brochure for patients regarding the safe handling, use and storage of oxygen and oxygen delivery systems.

Any pharmacist, other provider of oxygen or an oxygen delivery system or patient who knowingly fails to comply with the bill's provisions is guilty of a disorderly person's offense, which is punishable by a fine of up to \$1,000, imprisonment for up to six months, or both.

The bill also requires the Director of the Division of Fire Safety in the Department of Community Affairs to promulgate regulations concerning the placement of warning signs on residences containing oxygen or an oxygen delivery system.

This bill is identical to Assembly Bill No. 2939, as amended and released by the committee on this same date.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 380

STATE OF NEW JERSEY

DATED: MAY 30, 2002

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Senate Bill No. 380.

The purpose of this bill is to provide local fire departments with notice of the existence of oxygen or oxygen delivery systems at residences within the municipality to enable them to appropriately respond to the special safety hazards posed to the patient, neighboring residents and firefighters in the event of fire at those residences.

In order to provide such notice, the bill requires that licensed pharmacists and other providers of oxygen or oxygen delivery systems, who have supplied oxygen or an oxygen delivery system to a patient on an order from a licensed health care provider, or a patient who has received oxygen or an oxygen delivery system, to notify the appropriate fire department or company serving the municipality in which the patient resides of the name and address of the patient and the existence of oxygen or an oxygen delivery system at the patient's residence. The bill also requires the patient's written informed consent for the notification or, in the absence of written informed consent, that the patient be advised of his responsibility to make the notification. The bill relieves the pharmacist or other provider of oxygen or an oxygen delivery system of the notification obligation and any civil liability resulting therefrom in cases where written informed consent is not given and the patient fails to make the required notification.

If the patient is legally incompetent, the bill requires the pharmacist or other provider of oxygen or an oxygen delivery system to inform the patient's representative of the bill's notification requirements and obtain the authorized representative's written informed consent.

The bill requires that a copy of the written informed consent be attached to the order for the oxygen or oxygen delivery system or otherwise included in the patient's record. Likewise, a notation that written informed consent was declined must be included on the order or in the patient's record.

The bill specifies that the written informed consent is to consist of a statement, signed by the patient or by the patient's authorized representative, acknowledging that the patient has been informed of the bill's notification requirements by the pharmacist or other provider

of oxygen or an oxygen delivery system and that the patient or authorized representative consents to the notification.

The bill requires the Division of Consumer Affairs in the Department of Law and Public Safety to notify licensed pharmacists and other providers of oxygen or oxygen delivery systems of the bill's requirements and to prepare and make available to them an informational brochure for patients regarding the safe handling, use and storage of oxygen and oxygen delivery systems.

Any pharmacist, other provider of oxygen or an oxygen delivery system or patient who knowingly fails to comply with the bill's provisions is guilty of a disorderly person's offense, which is punishable by a fine of up to \$1,000, imprisonment for up to six months, or both.

The bill also requires the Director of the Division of Fire Safety to promulgate regulations concerning the placement of warning signs on residences containing oxygen or an oxygen delivery system.

This bill was pre-filed for introduction in the 2002 legislative session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY, No. 2939

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED OCTOBER 17, 2002

Sponsored by:

Assemblyman ALBIO SIRES

District 33 (Hudson)

Assemblyman JOSEPH J. ROBERTS, JR.

District 5 (Camden and Gloucester)

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

SYNOPSIS

Requires local fire departments be notified of the existence of oxygen or oxygen delivery systems in residential settings.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning fire safety and supplementing P.L.1971, c.134
2 (C.52:17B-118 et seq.).

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. For fire safety purposes, every licensed pharmacist, or other
8 provider of oxygen or an oxygen delivery system, who has supplied
9 oxygen or an oxygen delivery system to a patient on an order from a
10 licensed health care provider shall notify the appropriate fire
11 department or company serving the municipality in which the oxygen
12 receiving patient resides of the name and address of that patient and
13 of the existence of the oxygen or oxygen delivery system at that
14 patient's residence, in accordance with the provisions of this act.

15 a. Prior to notification, the pharmacist, or other provider of oxygen
16 or an oxygen delivery system, shall inform the patient of the
17 notification requirements prescribed under this act and obtain written
18 informed consent from that patient for the notification.

19 If the patient is legally incompetent, the pharmacist, or other
20 provider of oxygen or an oxygen delivery system, shall inform an
21 authorized representative of the patient of the notification
22 requirements prescribed under this act and obtain the written informed
23 consent from that authorized representative.

24 b. Written informed consent shall consist of a statement, on a form
25 or in a manner prescribed by the Director of the Division of Consumer
26 Affairs in the Department of Law and Public Safety, signed by the
27 patient or by an authorized representative of the patient, which
28 acknowledges that the pharmacist, or other provider of oxygen or an
29 oxygen delivery system, has provided the patient with information
30 regarding the notification requirements of this act, and that the patient
31 or authorized representative of the patient consents to the notification.

32 c. If the patient or his authorized representative declines to give his
33 informed consent for the notification, the pharmacist, or other provider
34 of oxygen or an oxygen delivery system, is required to inform that
35 patient or his authorized representative that the patient is obligated to
36 notify the appropriate fire department or company of the patient's
37 name and address and of the existence of oxygen or an oxygen delivery
38 system at his residence.

39 d. If the patient or his authorized representative declines to give his
40 informed consent, the pharmacist, or other provider of oxygen or an
41 oxygen delivery system, is exempt from the requirement to make the
42 notification and is permitted to supply the oxygen or oxygen delivery
43 system as directed by the licensed health care provider's order.

44 e. A copy of the written informed consent shall be attached to the
45 order for the oxygen or oxygen delivery system or otherwise included
46 in the patient's record or, if written consent is not given, the

1 pharmacist, or other provider of oxygen or an oxygen delivery system,
2 shall note on the order or in the patient's record that informed consent
3 was not given.

4 f. A pharmacist, or other provider of oxygen or an oxygen delivery
5 system, who complies with the provisions of this act shall be immune
6 from civil liability if the patient fails to notify the appropriate fire
7 department or company of the patient's name and address and the
8 existence of oxygen or an oxygen delivery system at the patient's
9 residence.

10

11 2. A patient who declines to give his written informed consent for
12 the notification requirements of this act shall, promptly upon being
13 provided with the oxygen or oxygen delivery system, notify the
14 appropriate fire department or company of his name and address and
15 of the existence of the oxygen or oxygen delivery system at his
16 residence.

17

18 3. The Director of the Division of Consumer Affairs in the
19 Department of Law and Public Safety shall:

20 a. Notify all licensed pharmacists in the State of the requirements
21 of this act and provide public notice to other providers of oxygen or
22 oxygen delivery systems of the requirements of this act in newspapers
23 throughout the State;

24 b. Prepare a patient information brochure regarding the safe
25 handling, use and storage of oxygen or oxygen delivery systems and
26 make copies available to pharmacists and other providers of oxygen or
27 oxygen delivery systems; and

28 c. Report to the Governor and the Legislature within one year of
29 the effective date of this act on the effectiveness of the notification
30 program.

31

32 4. A pharmacist, other provider of oxygen or an oxygen delivery
33 system, or patient who knowingly fails to comply with the provisions
34 of this act is a disorderly person.

35

36 5. The Director of the Division of Consumer Affairs in the
37 Department of Law and Public Safety shall, pursuant to the
38 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
39 seq.), adopt rules and regulations to effectuate the purpose of this act
40 concerning the requirements imposed by this act upon pharmacists and
41 other providers of oxygen or oxygen delivery systems. The rules shall
42 establish the procedures pharmacists and other providers of oxygen
43 or oxygen delivery systems shall follow to obtain written informed
44 consent and to notify the appropriate fire department or company
45 serving the municipality in which the patient resides of the patient's
46 name and address and of the existence of oxygen or an oxygen delivery
47 system at the patient's residence.

A2939 SIRES, ROBERTS

1 6. Pursuant to the "Administrative Procedure Act," P.L.1968,
2 c.410 (C.52:14B-1 et seq.), the Director of the Division of Fire Safety
3 in the Department of Community Affairs shall promulgate regulations
4 concerning the placement of warning signs on residences containing
5 oxygen or an oxygen delivery system.

6
7 7. Sections 5 and 6 of this act shall take effect immediately and the
8 remainder of this act shall take effect on the first day of the seventh
9 month after enactment.

10
11
12 STATEMENT

13
14 The purpose of this bill is to provide local fire departments with
15 notice of the existence of oxygen or oxygen delivery systems at
16 residences within the municipality in order to enable them to
17 appropriately respond to the special safety hazards posed to the
18 patient, neighboring residents and firefighters in the event of fire at
19 those residences.

20 To provide the appropriate notice, the bill requires that licensed
21 pharmacists, and other providers of oxygen or oxygen delivery
22 systems, who have supplied oxygen or an oxygen delivery system to
23 a patient on an order from a licensed health care provider, or a patient
24 who has received oxygen or an oxygen delivery system notify the fire
25 department or company serving the municipality in which the patient
26 resides of the name and address of the patient and the existence of
27 oxygen or an oxygen delivery system at the patient's residence. The
28 bill also requires the patient's written informed consent for the
29 notification or, in the absence of written informed consent, that the
30 patient be advised of his responsibility to make the notification. The
31 bill relieves the pharmacist, or other provider of oxygen or an oxygen
32 delivery system, of the notification obligation and any civil liability
33 resulting therefrom in cases where written informed consent is not
34 given and the patient fails to make the required notification.

35 If the patient is legally incompetent, the bill requires the pharmacist,
36 or other provider of oxygen or an oxygen delivery system, to inform
37 the patient's representative of the bill's notification requirements and
38 obtain the authorized representative's written informed consent.

39 Also, the bill requires that a copy of the written informed consent
40 be attached to the order for the oxygen or oxygen delivery system or
41 otherwise included in the patient's record. Likewise, a notation that
42 written informed consent was declined must be included on the order
43 or in the patient's record.

44 The bill specifies that the written informed consent is to consist of
45 a statement, signed by the patient or by the patient's authorized
46 representative, acknowledging that the patient has been informed of

1 the bill's notification requirements by the pharmacist, or other provider
2 of oxygen or an oxygen delivery system, and that the patient or
3 authorized representative consents to the notification.

4 Furthermore, the bill requires the Division of Consumer Affairs in
5 the Department of Law and Public Safety to notify licensed
6 pharmacists, and other providers of oxygen or oxygen delivery
7 systems, of the bill's requirements and to prepare and make available
8 to them an informational brochure for patients regarding the safe
9 handling, use and storage of oxygen and oxygen delivery systems.

10 Any pharmacist, other provider of oxygen or an oxygen delivery
11 system or patient who knowingly fails to comply with the bill's
12 provisions is guilty of a disorderly person's offense, which is
13 punishable by a fine of up to \$1,000, imprisonment for up to six
14 months, or both.

15 Finally, the bill requires the Director of the Division of Fire Safety
16 in the Department of Community Affairs to promulgate regulations
17 concerning the placement of warning signs on residences containing
18 oxygen or an oxygen delivery system.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2939

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 21, 2002

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 2939.

Assembly Bill No. 2939 requires that local fire departments be notified of the existence of oxygen or oxygen delivery systems at residences within the municipality to enable them to appropriately respond to the special safety hazards posed to patients, neighboring residents and firefighters in the event of fire at those residences.

The bill requires licensed pharmacists and other providers of oxygen or oxygen delivery systems, who have supplied oxygen or an oxygen delivery system to a patient on an order from a licensed health care provider, or a patient who has received oxygen or an oxygen delivery system, to notify the appropriate fire department or company serving the municipality in which the patient resides of the name and address of the patient and the existence of oxygen or an oxygen delivery system at the patient's residence. The bill also requires the patient's written informed consent for the notification or, in the absence of written informed consent, that the patient be advised of the responsibility to make the notification. The bill relieves the pharmacist or other provider of oxygen or an oxygen delivery system of the notification obligation and any civil liability resulting therefrom in cases where written informed consent is not given and the patient fails to make the required notification.

If the patient is legally incompetent, the bill requires the pharmacist or other provider of oxygen or an oxygen delivery system to inform the patient's representative of the bill's notification requirements and obtain the authorized representative's written informed consent.

The bill requires that a copy of the written informed consent be attached to the order for the oxygen or oxygen delivery system or otherwise included in the patient's record. Likewise, a notation that written informed consent was declined must be included on the order or in the patient's record.

The bill specifies that the written informed consent is to consist of a statement, signed by the patient or by the patient's authorized representative, acknowledging that the patient has been informed of the bill's notification requirements by the pharmacist or other provider

of oxygen or an oxygen delivery system and that the patient or authorized representative consents to the notification.

The bill requires the Division of Consumer Affairs in the Department of Law and Public Safety to notify licensed pharmacists and other providers of oxygen or oxygen delivery systems of the bill's requirements and to prepare and make available to them an informational brochure for patients regarding the safe handling, use and storage of oxygen and oxygen delivery systems.

Any pharmacist, other provider of oxygen or an oxygen delivery system or patient who knowingly fails to comply with the bill's provisions is guilty of a disorderly person's offense, which is punishable by a fine of up to \$1,000, imprisonment for up to six months, or both.

The bill also requires the Director of the Division of Fire Safety in the Department of Community Affairs to promulgate regulations concerning the placement of warning signs on residences containing oxygen or an oxygen delivery system.

As amended and released by the committee, this bill is identical to Senate Bill No. 380 also reported by committee on this same date.

COMMITTEE AMENDMENTS:

The committee amended the bill to conform it to the provisions of Senate Bill No. 380.