

LEGISLATIVE HISTORY CHECKLIST
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(Hepatitis Inoculation Fund)

NJSA: 2C:64-6

LAWS OF: 1993 **CHAPTER:** 227

BILL NO: S1214

SPONSOR(S) Dimon

DATE INTRODUCED: October 5, 1992

COMMITTEE: **ASSEMBLY:** Appropriations; Health & Human Services
SENATE: Budget

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** June 21, 1993
SENATE: December 14, 1992

DATE OF APPROVAL: August 6, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes 5-6-93 & 1-11-93
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clippings--attached:

"Hepatitis fund set," 8-7-93, Trenton Times."State fund to provide hepatitis inoculations," 8-7-93, Star Ledger.

KBG:pp

P.L.1993, CHAPTER 227, *approved August 6, 1993*

1992 Senate No. 1214

1 **AN ACT** providing for the payment of the costs of hepatitis
2 inoculations for certain health and safety workers, amending
3 N.J.S.2C:64-6 and P.L.1992, c.40, supplementing Title 26 of
4 the Revised Statutes and making an appropriation.

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

8 1. N.J.S.2C:64-6 is amended to read as follows:

9 2C:64-6. Disposal of Forfeited Property. a. Property which
10 has been forfeited shall be destroyed if it can serve no lawful
11 purpose or it presents a danger to the public health, safety or
12 welfare. All other forfeited property or any proceeds resulting
13 from the forfeiture and all money seized pursuant to this chapter
14 shall become the property of the entity funding the prosecuting
15 agency involved and shall be disposed of, distributed,
16 appropriated and used in accordance with the provisions of this
17 chapter.

18 The prosecutor or the Attorney General, whichever is
19 prosecuting the case, shall divide the forfeited property, any
20 proceeds resulting from the forfeiture or any money seized
21 pursuant to this chapter with any other entity where the other
22 entity's law enforcement agency participated in the surveillance,
23 investigation, arrest or prosecution resulting in the forfeiture, in
24 proportion to the other entity's contribution to the surveillance,
25 investigation, arrest or prosecution resulting in the forfeiture, as
26 determined in the discretion of the prosecutor or the Attorney
27 General, whichever is prosecuting the case. Notwithstanding any
28 other provision of law, such forfeited property and proceeds shall
29 be used solely for law enforcement purposes, and shall be
30 designated for the exclusive use of the law enforcement agency
31 which contributed to the surveillance, investigation, arrest or
32 prosecution resulting in the forfeiture.

33 The Attorney General is authorized to promulgate rules and
34 regulations to implement and enforce the provisions of this act.

35 b. For a period of two years from the date of enactment of
36 P.L. , c. (C.)(now pending before the Legislature as this
37 bill), 10% of the proceeds obtained by the Attorney General under
38 the provisions of subsection a. of this section shall be deposited
39 into the Hepatitis Inoculation Fund established pursuant to
40 section 2 of P.L. ,c. (C.)(now pending before the
41 Legislature as this bill).

42 c. Beginning two years from the date of enactment of P.L. ,
43 c. (C.)(now pending before the Legislature as this bill) and in

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.

1 subsequent years, 5% of the proceeds obtained by the Attorney
 2 General under the provisions of subsection a. of this section shall
 3 be deposited into the Hepatitis Inoculation Fund established
 4 pursuant to Section 2 of P.L. , c. (C.)(now pending before
 5 the Legislature as this bill).

6 (cf: P.L.1986, c.135, s.1)

7 2. (New section) a. There is created in the Department of
 8 Health the "Hepatitis Inoculation Fund," hereinafter referred to
 9 as the "fund". The fund shall be a separate, nonlapsing, revolving
 10 account and shall be administered by the Division of
 11 Epidemiology and Communicable Disease Control in the
 12 Department of Health and all moneys deposited in the fund
 13 pursuant to Section 1 of P.L. , c. (C.)(now pending before
 14 the Legislature as this bill) shall be used for the provision of
 15 hepatitis inoculations to the following persons, in order of
 16 eligibility, and for related administrative costs:

17 (1) volunteer emergency medical technicians-ambulance and
 18 volunteer firefighters;

19 (2) all other emergency medical technicians-ambulance,
 20 firefighters and police officers in squads or departments with less
 21 than 100 members; and,

22 (3) all other emergency medical technicians-ambulance,
 23 firefighters and police officers.

24 The Director of the Division of Epidemiology and
 25 Communicable Disease Control shall promulgate rules and
 26 regulations in order to effectuate the purposes of this fund.

27 b. A person whose medical insurance policy pays for the full
 28 cost of the hepatitis inoculation shall not receive payment for an
 29 inoculation administered pursuant to subsection a. of this
 30 section. A person whose medical insurance policy pays for a
 31 portion of the cost of hepatitis inoculation may be reimbursed for
 32 the unpaid portion from the Hepatitis Inoculation Fund.

33 3. The following provision in section 1 of P.L. 1992, c.40 (on
 34 page 85 of Senate, No. 1000(1R)) is amended to read as follows:

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 36 **GENERAL FUND**
 37 **DIRECT STATE SERVICES**
 38 **66 DEPARTMENT OF LAW AND PUBLIC SAFETY**
 39 **10 Public Safety and Criminal Justice**
 40 **19 Central Planning, Direction and Management**
 41

42 [Notwithstanding the provisions of any other law,] Except as
 43 provided under section 1 of P.L. , c. (C.)(now pending
 44 before the Legislature as this bill), any funds obtained through
 45 seizure, forfeiture, or abandonment pursuant to any federal or
 46 State statutory or common law and the proceeds of the sale of
 47 any such confiscated property or goods are appropriated for law
 48 enforcement purposes designated by the Attorney General;
 49 provided however, that the expenditures thereof shall be subject
 50 to the approval of the Director of the Division of Budget and
 51 Accounting and the Joint Budget Oversight Committee.

52 (cf: P.L.1992, c.40,s.1)

53 4. The following provision is added in section 1 of P.L. 1992,
 54 c.40 (on page 46 of Senate Bill No. 1000(1R)), to read as follows:

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GENERAL FUND
DIRECT STATE SERVICES
46 DEPARTMENT OF HEALTH
20 Physical and Mental Health
21 Health Services

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There are appropriated from the Hepatitis Inoculation Fund established pursuant to section 2 of P.L. _____, c. _____ (C. _____)(now pending before the Legislature as this bill) such sums as may be required for the costs of hepatitis inoculations administered to eligible persons pursuant to section 2 of P.L. _____, c. _____ (C. _____)(now pending before the Legislature as this bill).

(cf: P.L.1992, c.40,s.1)

5. This act shall take effect immediately.

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STATEMENT

Thousands of volunteer and non-volunteer emergency medical technicians, firefighters and police officers incur the risk of exposure to the highly contagious hepatitis virus every day. As a result, many of their related organizations are calling for hepatitis inoculations for their members. The cost of inoculation, however, is expensive relative to other vaccinations and could create a disincentive to volunteerism as well as pose a heavy financial burden on municipalities providing health and safety services.

This bill amends N.J.S.2C:64-6 and supplements Title 26 of the Revised Statutes to provide hepatitis inoculations for certain emergency medical technicians (EMT's), firefighters and police officers and pay for them with a portion of State funds obtained from proceeds resulting from the forfeiture of property and cash seizures pursuant to N.J.S.2C:64-6. The bill directs that, during the first two years after enactment, 10% of the proceeds obtained by the Attorney General from property forfeitures and seizures shall be deposited in a special Hepatitis Inoculation Fund to be administered by the Department of Health. After the second year and in subsequent years, 5% of these proceeds shall be deposited in the fund.

The bill establishes an eligibility order for inoculations such that inoculations would be provided first to volunteer emergency medical technicians and firefighters, after which all other EMT's, firefighters and police officers in departments with fewer than 100 members would be eligible for inoculation. After eligible members of those two groups have been inoculated, all other EMT's, firefighters and police officers (i.e., in departments with 100 members or more) would be eligible for inoculation.

The bill also amends the FY 1993 Appropriations Act (P.L. 1992, c.40), which currently authorizes the Attorney General to designate how forfeiture funds are to be allocated to indicate that the provisions of this bill with regard to the Hepatitis Inoculation Fund are applicable, and to make an appropriation of the funds deposited in the Hepatitis Inoculation Fund.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 1214

STATE OF NEW JERSEY

DATED: JANUARY 11, 1993

The Assembly Health and Human Services Committee favorably reports Senate Bill No. 1214.

This bill amends N.J.S.2C:64-6 and supplements Title 26 of the Revised Statutes to provide hepatitis inoculations for certain emergency medical technicians (EMTs), firefighters and police officers and pay for them with a portion of State funds obtained from proceeds resulting from the forfeiture of property and cash seizures pursuant to N.J.S.2C:64-6. The bill directs that, during the first two years after enactment, 10% of the proceeds obtained by the Attorney General from property forfeitures and seizures shall be deposited in a special Hepatitis Inoculation Fund to be administered by the Department of Health. After the second year and in subsequent years, 5% of these proceeds are to be deposited in the fund.

The bill establishes an eligibility order for inoculations so that inoculations would be provided first to volunteer emergency medical technicians and firefighters, after which all other EMTs, firefighters and police officers in departments with fewer than 100 members would be eligible for inoculation. After eligible members of those two groups have been inoculated, all other EMTs, firefighters and police officers (i.e., in departments with 100 members or more) would be eligible for inoculation.

The bill also amends the FY 1993 Appropriations Act (P.L. 1992, c.40), which currently authorizes the Attorney General to designate how forfeiture funds are to be allocated to indicate that the provisions of this bill with regard to the Hepatitis Inoculation Fund are applicable, and to make an appropriation of the funds deposited in the Hepatitis Inoculation Fund.

In its assessment of the fiscal impact of this bill, the Senate Budget and Appropriations Committee noted that:

- there are approximately 88,200 EMTs, firefighters and police officers in the State; however, information is not available to determine how many persons would be eligible under the bill to have the cost of their inoculations paid by the Hepatitis Inoculation Fund since payment would be only for those persons who do not have health insurance which covers this inoculation or which covers only a portion of the cost;

- the \$400,000 anticipated for deposit into the Hepatitis Inoculation Fund by June 30, 1994 (\$150,000 in FY 1993 and \$250,000 in FY 1994), would be sufficient to pay for the cost of inoculating 4,444 eligible EMTs, police officers and firefighters, assuming a \$90 inoculation cost for each person and assuming payment of the full inoculation cost for each person; and

- because forfeiture proceeds depend entirely on law enforcement efforts, they cannot be anticipated as revenue with a great degree of accuracy and may fluctuate significantly from year to year (the average annual amount of proceeds during the past three years was \$2.5 million according to the Department of Law and Public Safety).

This bill is identical to Assembly Bill No. 1887 (Singer/Cottrell), which the committee also reported on this date.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1214

STATE OF NEW JERSEY

DATED: MAY 6, 1993

The Assembly Appropriations Committee reports favorably Senate Bill No. 1214.

Senate Bill No. 1214 amends N.J.S.2C:64-6 and supplements Title 26 of the Revised Statutes to provide hepatitis inoculations for certain emergency medical technicians (EMTs), firefighters and police officers with State funds obtained from forfeiture proceeds pursuant to N.J.S.2C:64-6. The bill directs that, during the first two years after enactment, 10% of the proceeds obtained by the Attorney General from property forfeitures and seizures be deposited in a special Hepatitis Inoculation Fund administered by the Department of Health. After the second year and in subsequent years, 5% of these proceeds will be deposited in the fund.

The bill establishes an eligibility order for inoculations. Inoculations would be provided first to volunteer emergency medical technicians and firefighters, after which all other EMTs, firefighters and police officers in departments with fewer than 100 members would be eligible for inoculation. After eligible members of those two groups have been inoculated, all other EMTs, firefighters and police officers would be eligible for inoculation.

The fund will cover the cost of a hepatitis inoculation only if the eligible person's medical insurance policy does not cover the cost of such an inoculation or covers only a portion of the cost, or if the eligible person does not have medical insurance coverage at all.

The bill amends the FY 1993 Appropriations Act (P.L.1992, c.40) to ensure that the funds necessary to effectuate the provisions of this bill are deposited into the Hepatitis Inoculation Fund and appropriated from the fund to cover the cost of inoculations.

This bill is identical to Assembly Bill 1887 of 1992.

FISCAL IMPACT:

According to the Department of Law and Public Safety, if forfeitures continue at this rate in FY's 1994 and 1995, deposits into the fund would equal \$250,000 in FY 1994 and \$187,500 in FY 1995.

The decline for FY 1995 reflects the provision of the bill under which the percentage of forfeiture proceeds dedicated to the fund drops from 10% to 5% two years from the date on which the bill is enacted into law.

An inoculation involves a series of three injections which may cost \$90 to \$120.

There are approximately 88,200 EMTs, firefighters and police officers in the State. Information is not available to determine how many persons would be eligible under the bill to have the cost of their inoculations paid by the Hepatitis Inoculation Fund since payment would be only for those persons who do not have health insurance which covers this inoculation or which covers only a portion of the cost.

As an example however, the \$250,000 anticipated by June 30, 1994, would be sufficient to pay for the cost of inoculating 2,777 eligibles, assuming a \$90 inoculation cost for each person and assuming payment of the full inoculation cost for each person.

It should be noted that forfeiture proceeds depend entirely on law enforcement efforts. Forfeiture proceeds cannot be anticipated as revenue with a great degree of accuracy and may fluctuate significantly from year to year.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1214

STATE OF NEW JERSEY

DATED: DECEMBER 3, 1992

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1214.

Senate Bill No. 1214 amends N.J.S.2C:64-6 and supplements Title 26 of the Revised Statutes to provide hepatitis inoculations for certain emergency medical technicians (EMTs), firefighters and police officers with State funds obtained from forfeiture proceeds pursuant to N.J.S.2C:64-6. The bill directs that, during the first two years after enactment, 10% of the proceeds obtained by the Attorney General from property forfeitures and seizures be deposited in a special Hepatitis Inoculation Fund administered by the Department of Health. After the second year and in subsequent years, 5% of these proceeds will be deposited in the fund.

The bill establishes an eligibility order for inoculations. Inoculations would be provided first to volunteer emergency medical technicians and firefighters, after which all other EMTs, firefighters and police officers in departments with fewer than 100 members would be eligible for inoculation. After eligible members of those two groups have been inoculated, all other EMTs, firefighters and police officers would be eligible for inoculation.

The fund will cover the cost of a hepatitis inoculation only if the eligible person's medical insurance policy does not cover the cost of such an inoculation or covers only a portion of the cost, or if the eligible person does not have medical insurance coverage at all.

The bill amends the FY 1993 Appropriations Act (P.L.1992, c.40) to ensure that the funds necessary to effectuate the provisions of this bill are deposited into the Hepatitis Inoculation Fund and appropriated from the fund to cover the cost of inoculations.

This bill is identical to Assembly Bill 1887 of 1992.

FISCAL IMPACT

According to the Department of Law and Public Safety, approximately \$3 million in forfeiture proceeds are anticipated for FY1993. If this bill is enacted into law on January 1, 1993, and \$1.5 million in forfeiture funds are obtained during the last six months of the fiscal year, 10% of those funds, or \$150,000, will be deposited into the fund in FY1993. The department states that forfeitures for the past three years have averaged \$2.5 million. Assuming that forfeitures continue at this rate in FY1994 and 1995, deposits into the fund would equal \$250,000 in FY 1994 and \$187,500 in FY1995.

The decline for FY 1995 reflects the provision of the bill under which the percentage of forfeiture proceeds dedicated to the fund drops from 10% to 5% two years from the date on which the bill is enacted into law.

An inoculation involves a series of three injections which may cost \$90 to \$120.

There are approximately 88,200 EMTs, firefighters and police officers in the State. Information is not available to determine how many persons would be eligible under the bill to have the cost of their inoculations paid by the Hepatitis Inoculation Fund since payment would be only for those persons who do not have health insurance which covers this inoculation or which covers only a portion of the cost.

As an example however, the \$400,000 anticipated for deposit into the fund by June 30, 1994, would be sufficient to pay for the cost of inoculating 4,444 eligible EMTs, police officers and firefighters, assuming a \$90 inoculation cost for each person and assuming payment of the full inoculation cost for each person.

It should be noted that forfeiture proceeds depend entirely on law enforcement efforts. Forfeiture proceeds cannot be anticipated as revenue with a great degree of accuracy and may fluctuate significantly from year to year.



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Contact:

AUDREY KELLY
609-777-2600

TRENTON, N.J. 08625
Release:

Friday
August 6, 1993

GOVERNOR CREATES HEPATITIS INOCULATION FUND

Governor Jim Florio today signed legislation that will establish a fund to provide health and safety workers with access to hepatitis inoculations.

"Our police officers, our firefighters and all of our emergency medical volunteers provide an invaluable public service every day of every week," Gov. Florio said. "Many of these people put their lives on the line to keep the rest of us safe and secure. This legislation will provide those public servants with access to some peace of mind - inoculations for hepatitis."

The new law requires the Attorney General's Office to dedicate a portion of funds it collects from criminal forfeitures to a Hepatitis Inoculation Fund. The fund will be used to provide health and safety workers, including police officers, emergency medical technicians, and firefighters, with hepatitis inoculations.

During the first year of the program, the Attorney General's Office will dedicate 10 percent of criminal forfeiture proceeds to the fund. Thereafter, 5 percent of the proceeds will be dedicated to keep the fund operating. The Attorney General's Office expects to collect about \$3.2 million in criminal forfeiture proceeds this fiscal year, meaning about \$320,000 would be set aside for the inoculation fund.

The legislation, S-1214, was sponsored by Sen. John Dimon, R-Burlington, and Assemblymen Robert Singer and Melvin Cottrell, both R-Burlington.