

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, Nos. 4803 and 4811**

with committee amendments

# STATE OF NEW JERSEY

DATED: DECEMBER 11, 2020

The Senate Law and Public Safety Committee reports favorably and with committee amendments Assembly Committee Substitute for Assembly Bill Nos. 4803 and 4811.

This committee substitute, as amended, requires the New Jersey Office of Emergency Management to establish a process to evaluate, provide feedback on, and approve personal protective equipment (PPE) for use during public health emergencies. The bill also requires the State to create PPE stockpiles for the State.

The approval process of personal protective equipment will allow businesses that are not in the business of creating PPE, to create PPE during an emergency if those businesses are approved by the New Jersey Office of Emergency Management. During the COVID-19 pandemic, many businesses were not able to transition to creating PPE because the businesses were not approved by federal agencies, which exacerbated the shortage of PPE in the State.

The amended committee substitute creates a liability exemption for anyone using PPE approved by the New Jersey Office of Emergency Management if they used the personal protective equipment for approved purposes.

Following the public health emergency caused by the COVID-19 pandemic, the State will be required to create two stockpiles of PPE. One stockpile will consist of federally approved PPE and the other will consist of New Jersey Office of Emergency Management-approved PPE. To the extent feasible, 50 percent of each stockpile will consist of PPE made in New Jersey, and at least 66 percent of each stockpile will consist of PPE made in the United States.

During public health emergencies, the PPE in the stockpiles will be made available to the State and its political subdivisions as well as non-profit schools. The remainder of the stockpiles will be made available for purchase by private entities at market price, except that non-profits will be allowed to pay 75% of market price or cost price.

As amended and reported by the committee, the Assembly Committee Substitute for Assembly Bill Nos. 4803 and 4811 is identical to the Senate Committee Substitute for Senate Bill Nos. 2991 and 3117, which was reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amended the substitute to:

- 1) include non-public schools in the group of entities which the NJ OEM will make PPE from the stockpiles available to during public health emergencies;
- 2) give the NJ OEM the option to sell PPE remaining in the stockpiles during public health emergencies at cost price instead of at market price, or 75% of market price in the case of non-profits, and to exclude such sales from sales tax;
- 3) prioritize non-public schools over for-profit hospitals for purposes of entities to which the NJ OEM should sell soon-to-expire PPE; and
- 4) allow the State to donate expired PPE to a charity in the State.