

## CHAPTER 118

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

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

C.52:17B-139.7 Notification to fire department by provider of medical oxygen, oxygen delivery system of patient's residence.

1. A licensed pharmacist or other provider of oxygen or an oxygen delivery system who has supplied oxygen or an oxygen delivery system to a patient on an order from a licensed health care provider shall 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 the oxygen or oxygen delivery system at the patient's residence, in accordance with the provisions of this act.

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

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

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

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

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

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

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

C.52:17B-139.8 Notification by patient.

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

C.52:17B-139.9 Duties of director.

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

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

b. Prepare a patient information brochure regarding the safe handling, use and storage of

oxygen or oxygen delivery systems and make copies available to pharmacists and other providers of oxygen or oxygen delivery systems; and

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

C.52:17B-139.10 Noncompliance; disorderly person.

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

C.52:17B-139.11 Rules, regulations by Division of Consumer Affairs.

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

C.52:17B-139.12 Regulations by Division of Fire Safety.

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

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

Approved December 12, 2002.