

ASSEMBLY, No. 1884

STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

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District 28 (Essex)

Assemblywoman LISA SWAIN

District 38 (Bergen and Passaic)

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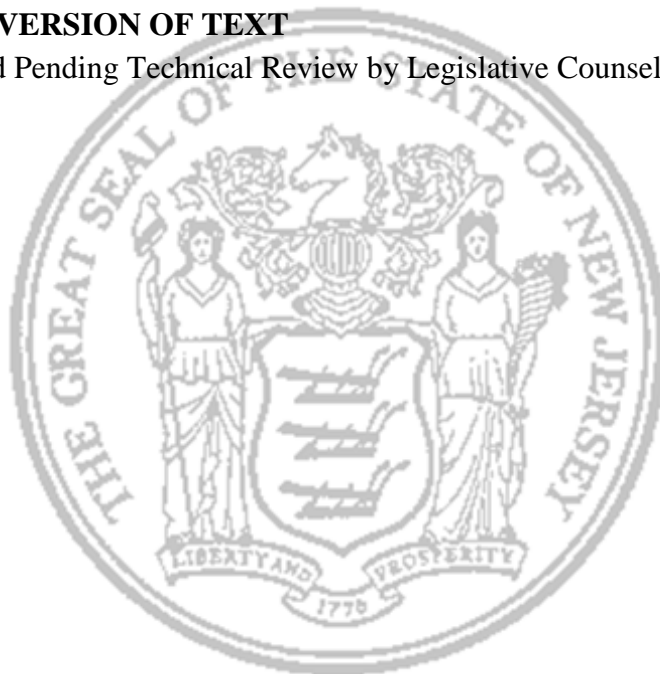
Assemblymen Freiman, DeAngelo, Assemblywomen Murphy, McKnight, Lopez, Timberlake, Assemblymen Conaway, Calabrese and Assemblywoman Jimenez

SYNOPSIS

Requires telecommunications, cable television, and Internet service providers to allow service recipients to terminate service contracts following physician's referral to long-term care facility.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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1 AN ACT allowing certain telecommunications service recipients to
2 terminate service contracts following a physician's referral to
3 certain long-term care facilities and supplementing Title 56 of
4 the Revised Statutes.

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

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9 1. a. A service provider doing business in this State shall allow
10 a service recipient to terminate a contract for telecommunications
11 service, cable television service, or Internet connection service
12 pursuant to subsection b. of this section.

13 b. (1) A service provider shall permit a service recipient to
14 terminate, without incurring an early termination fee, the contract for
15 those services after the service recipient receives a physician's order,
16 or develops a plan of care in collaboration with a physician responsible
17 for the care of the service recipient, to relocate the service recipient to
18 a long-term care facility for a period of at least 90 days, if the service
19 recipient relocates to a long-term care facility that meets the
20 description in the physician's order or the plan of care.

21 (2) The service recipient shall, unless waived or not required by
22 the service provider, provide the service provider with no less than 45
23 days' notice prior to the requested date of the contract termination or
24 cancellation; provided, however, a service provider shall waive the
25 notice requirement and permit the termination within 48 hours if a
26 physician's order requires immediate relocation to a long-term care
27 facility.

28 (3) A service provider may require written proof of a service
29 recipient's relocation to a long-term facility. If the service provider
30 requires written proof, then the delivery of a written notice to the
31 service provider of the requested contract termination and a letter
32 signed by the service recipient's physician, no later than 45 days prior
33 to the requested date of termination, attesting that the requirements
34 established pursuant to this subsection are met, shall be deemed
35 sufficient proof.

36 (4) Nothing in P.L. , c. (C.) (pending before the
37 Legislature as this bill) shall relieve a service recipient of an obligation
38 to return equipment to the service provider or to be charged a lawful
39 unreturned equipment charge nor shall a service recipient be relieved
40 from any amounts owed for any equipment purchased by the service
41 recipient.

42 c. For purposes of this section:

43 "Assisted living facility" means an assisted living residence or
44 comprehensive personal care home licensed pursuant to P.L.1971,
45 c.136 (C.26:2H-1 et seq.).

46 "Cable television company" and "cable television service" shall
47 have the same meaning as provided in section 3 of P.L.1972, c.186
48 (C.48:5A-3).

1 "Certified mail" shall have same meaning as provided in R.S.1:1-2.

2 "Dementia care home" means a community residential facility
3 which: (1) provides services to residents with special needs, including,
4 but not limited to, persons with Alzheimer's disease and related
5 disorders or other forms of dementia; (2) is subject to the licensure
6 authority of the Department of Health as a health care facility pursuant
7 to P.L.1971, c.136 (C.26:2H-1 et seq.); (3) and meets the requirements
8 of section 19 of P.L.2015, c.125 (C.26:2H-150).

9 "Internet service provider" shall have same meaning as provided in
10 section 3 of P.L.2007, c.272 (C.56:8-170).

11 "Long-term care facility" means a nursing home, assisted living
12 residence, comprehensive personal care home, residential health care
13 facility, or dementia care home licensed pursuant to P.L.1971, c.136
14 (C.26:2H-1 et seq.).

15 "Physician" means a physician authorized by law to practice
16 medicine in this or any other state and any other person authorized by
17 law to treat sick and injured human beings in this or any other state.

18 "Service provider" means a telecommunications service provider, a
19 cable television company, or an Internet service provider.

20 "Service recipient" means any individual who resides in this State
21 who receives telecommunications service, cable television service, or
22 Internet service from a service provider through equipment that is
23 located in this State.

24 "Telecommunications service provider" means any person,
25 business or organization qualified to do business in this State that
26 provides a telecommunications service that is subject to regulation by
27 the Board of Public Utilities pursuant to Title 48 of the Revised
28 Statutes.

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30 2. This act shall take effect on the first day of the 12th month next
31 following enactment.

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STATEMENT

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36 This bill requires telecommunications, cable television, and
37 Internet service providers (service providers) to allow service
38 recipients to terminate service contracts following a physician's
39 referral to a long-term care facility

40 Under the bill, a service provider doing business in this State is
41 required to allow a service recipient to terminate the contract in
42 accordance with the bill. The bill requires a service provider to permit
43 a service recipient to terminate, without incurring an early termination
44 fee, the contract for those services as provided in the bill.

45 The bill requires a service recipient to provide, unless waived or
46 not required by the service provider, the service provider with no less
47 than with 45 days' notice prior to the contract termination or
48 cancellation; provided, however, a service provider is to waive the

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1 notice requirement and permit the termination within 48 hours if a
2 physician's order requires immediate relocation to a long-term care
3 facility. A service provider may require written proof of a service
4 recipient's relocation to a long-term facility. If the service provider
5 requires written proof, then the delivery of a written notice to the
6 service provider of the contract termination and a letter signed by the
7 service recipient's physician, no later than 45 days prior to the
8 scheduled date of termination, is deemed sufficient proof.

9 The bill further provides that nothing in the bill is to relieve a
10 service recipient of an obligation to return equipment to the service
11 provider or to be charged a lawful unreturned equipment charge, nor is
12 a service recipient relieved from any amounts owed for any equipment
13 purchased by the service recipient.