

STATE OF NEW YORK

8467

2025-2026 Regular Sessions

IN ASSEMBLY

May 16, 2025

Introduced by M. of A. P. CARROLL -- read once and referred to the
Committee on Health

AN ACT to amend the public health law, in relation to notice to fire
departments when oxygen is in use at a residence

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Section 3656 of the public health law is renumbered section
2 3657 and a new section 3656 is added to read as follows:

3 § 3656. Notification to fire department by provider of medical oxygen
4 or oxygen delivery system of oxygen use at residence. 1. A medical
5 equipment service agency that has supplied oxygen or an oxygen delivery
6 system to a patient on an order from a licensed health care provider
7 shall notify the appropriate fire department or company serving the
8 municipality in which the patient resides of the name, address, and age
9 of the patient and the existence of the oxygen or oxygen delivery system
10 at the patient's residence within twenty-four hours of delivery of such
11 home medical equipment.

12 2. (a) Prior to notification, the medical equipment service agency
13 shall inform the patient of the notification requirements of this
14 section and obtain written informed consent from the patient for the
15 notification. If the patient is legally incapacitated, medical equipment
16 service agency shall inform an authorized representative of the patient
17 of the notification requirements of this section and obtain the written
18 informed consent from the authorized representative.

19 (b) Written informed consent shall consist of a statement, on a form
20 or in a manner to be determined by the commissioner, signed by the
21 patient or by an authorized representative of the patient, which
22 acknowledges that the medical equipment service agency has provided the
23 patient with information regarding the notification requirements of this
24 section and that the patient or authorized representative of the patient
25 consents to the notification.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (c) If the patient or the patient's authorized representative declines
2 to give informed consent for the notification, the medical equipment
3 service agency is required to inform the patient or the patient's
4 authorized representative that the patient or the patient's authorized
5 representative is obligated to notify the appropriate fire department or
6 company of the patient's name, address, age, and of the existence of
7 oxygen or an oxygen delivery system at the patient's residence. The
8 medical equipment service agency also shall inform the patient or the
9 patient's authorized representative that the patient or such represen-
10 tative is obligated to notify the appropriate fire department or company
11 whenever the supplying of oxygen or the providing of an oxygen delivery
12 system to the patient is terminated and the oxygen or oxygen delivery
13 system is removed from the patient's residence.

14 3. If the patient or the patient's authorized representative declines
15 to give informed consent, the medical equipment service agency is exempt
16 from the requirement to make the notification and is permitted to supply
17 the oxygen or oxygen delivery system as directed by the licensed health
18 care provider's order.

19 4. A copy of the written informed consent shall be attached to the
20 order for the oxygen or oxygen delivery system or otherwise included in
21 the patient's record or, if written consent is not given, the medical
22 equipment service agency shall note on the order or in the patient's
23 record that informed consent was not given.

24 5. A medical equipment service agency that complies with the
25 provisions of this section shall be immune from civil liability if the
26 patient fails to notify the appropriate fire department or company of
27 the patient's name, address, age, and the existence of oxygen or an
28 oxygen delivery system at the patient's residence.

29 6. Whenever the supplying of oxygen or the providing of an oxygen
30 delivery system to a patient is terminated and the oxygen or oxygen
31 delivery system is removed from the patient's residence, the medical
32 equipment service agency shall so notify the appropriate fire department
33 or company. Notice shall be given in a manner, form, and within a time
34 frame prescribed by the commissioner. If the patient or the patient's
35 authorized representative notified the fire department or company of the
36 existence of oxygen or an oxygen delivery system at the patient's resi-
37 dence pursuant to subdivision two of this section, the patient or the
38 patient's authorized representative shall notify the fire department or
39 company that the supplying of oxygen or the providing of an oxygen
40 delivery system is terminated and that the oxygen or oxygen delivery
41 system has been removed from the patient's residence. Such notification
42 shall be provided within ten days of removal.

43 § 2. This act shall take effect immediately.