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 Assembly, do enact as follows:

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

§ 3656. Notification to fire department by provider of medical oxygen or oxygen delivery system of oxygen use at residence. 1. A medical equipment service agency that 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, address, and age of the patient and the existence of the oxygen or oxygen delivery system at the patient's residence within twenty-four hours of delivery of such home medical equipment.

2. (a) Prior to notification, the medical equipment service agency shall inform the patient of the notification requirements of this section and obtain written informed consent from the patient for the notification. If the patient is legally incapacitated, medical equipment service agency shall inform an authorized representative of the patient of the notification requirements of this section 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 commissioner, signed by the patient or by an authorized representative of the patient, which acknowledges that the medical equipment service agency has provided the patient with information regarding the notification requirements of this section and that the patient or authorized representative of the patient consents to the notification.

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

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(c) If the patient or the patient's authorized representative declines to give informed consent for the notification, the medical equipment service agency is required to inform the patient or the patient's authorized representative that the patient or the patient's authorized representative is obligated to notify the appropriate fire department or company of the patient's name, address, age, and of the existence of oxygen or an oxygen delivery system at the patient's residence. The medical equipment service agency also shall inform the patient or the patient's authorized representative that the patient or such representative is obligated to notify the appropriate fire department or company whenever the supplying of oxygen or the providing of an oxygen delivery system to the patient is terminated and the oxygen or oxygen delivery system is removed from the patient's residence.

3. If the patient or the patient's authorized representative declines to give informed consent, the medical equipment service agency 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.

4. 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 medical equipment service agency shall note on the order or in the patient's record that informed consent was not given.

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

6. Whenever the supplying of oxygen or the providing of an oxygen delivery system to a patient is terminated and the oxygen or oxygen delivery system is removed from the patient's residence, the medical equipment service agency shall so notify the appropriate fire department or company. Notice shall be given in a manner, form, and within a time frame prescribed by the commissioner. If the patient or the patient's authorized representative notified the fire department or company of the existence of oxygen or an oxygen delivery system at the patient's residence pursuant to subdivision two of this section, the patient or the patient's authorized representative shall notify the fire department or company that the supplying of oxygen or the providing of an oxygen delivery system is terminated and that the oxygen or oxygen delivery system has been removed from the patient's residence. Such notification shall be provided within ten days of removal.

§ 2. This act shall take effect immediately.