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Categories:

[Coronavirus Response Team](#)

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Got PPE? You May Want to Start Taking Inventory

On March 26, 2020, New Jersey Governor Phil Murphy ordered many businesses with personal protective equipment (“PPE”), ventilators, respirators, or anesthesia machines “that are not required for the provision of critical health care services” to submit a description of their inventory to the state by 5 p.m. on March 27, 2020. You can read the full text of [executive order no. 109 here](#). Businesses are asked to [report their inventory here](#).

Complying with the Order

The order requires any “business or non-hospital health care facility” to comply. It lists the following examples of businesses that might be in possession of PPE:

- Dental facilities
- Construction facilities
- Research facilities
- Office-based healthcare or veterinary practices
- Institutions of higher learning

However, the list is not intended to be exhaustive and exempts only “non-hospital health care” facilities from those businesses that are expected to account for their PPE inventory. Penalties for violating the order may be imposed under N.J.S.A. App. A:9–49 and 50 and include possible imprisonment for up to 6 months or a fine of up to \$1,000. The Alliance of Automotive Service Providers of New Jersey’s Executive Director Charles Bryant [told reporters on Thursday](#) that shops around the state were already donating extra equipment, but also said repairers have little left to give.

Many businesses, including Facebook, Apple, and Tesla, have already made headlines for their donations of surplus PPE inventory to support COVID-19 treatment efforts across the country.

Which States Will Be Next?

While New Jersey is the first state to require its businesses to provide an accounting of PPE inventory, it will probably not be the last. Two weeks ago, very few governors had imposed statewide restrictions to suppress the spread of the coronavirus. However, since then businesses across the country have been ordered to dramatically reduce operations. Which governors will be next to request PPE inventory remains to be seen, but companies with multi-state operations and excess PPE should take note and prepare accordingly.

Frost Brown Todd has been closely monitoring the rapidly changing landscape of federal, state, and local legislation across the country. For more information please contact [Charles Galvin](#) or any attorney in Frost Brown Todd's [Government Services](#) practice group.

To provide guidance and support to clients as this global public-health crisis unfolds, Frost Brown Todd has created a [Coronavirus Response Team](#). Our attorneys are on hand to answer your questions and provide guidance on how to proactively prepare for and manage any coronavirus-related threats to your business operations and workforce.

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