

STATE OF NEW YORK

2438--A

Cal. No. 1046

2025-2026 Regular Sessions

IN SENATE

January 17, 2025

Introduced by Sens. GIANARIS, JACKSON, KAVANAGH, LIU, MAY, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public health law, in relation to potable water testing at state and local parks

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

1 Section 1. The public health law is amended by adding a new section
2 1110-a to read as follows:

3 § 1110-a. Park potable water testing and standards. 1. The person,
4 officer, board or commission having the management and control of the
5 potable water supply of any state or local park shall conduct periodic
6 first-drawn tap testing of potable water systems to monitor for lead
7 contamination in each park under their jurisdiction. The testing shall
8 be conducted and the results analyzed by an entity or entities approved
9 by the commissioner. Such periodic first-drawn tap testing shall occur
10 at least once every three years.

11 2. Where a finding of lead contamination is made, the person, officer,
12 board or commission having the management and control of the potable
13 water supply of such park shall: (a) continue first-drawn tap water
14 testing; (b) provide park visitors with an adequate supply of safe,
15 potable water for drinking at no charge until future tests indicate lead
16 levels are below the action level; (c) immediately take out of service
17 such potable water outlet if it is intended for drinking or cooking; (d)
18 conspicuously post warnings to park visitors, the form and content of
19 such warnings to be determined by the commissioner, at any outlet where

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

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1 lead contamination was found, regardless of whether such outlets are
2 intended for drinking or cooking, and post such warnings and test
3 results on the park's website; and (e) immediately transmit a copy of
4 the results of all such testing, including laboratory reports, and any
5 lead remediation plans to the commissioner and the commissioner of
6 parks, recreation and historic preservation in a format to be determined
7 by such commissioners.

8 3. The commissioner, in consultation with the commissioner of parks,
9 recreation and historic preservation, shall make regulations to carry
10 out the provisions of this section.

11 4. The commissioner of parks, recreation and historic preservation
12 shall make a copy of the results of all such testing and any lead reme-
13 diation plans available to the public on the office of parks, recreation
14 and historic preservation's website and any additional means as chosen
15 by such commissioner. A copy of the results of all testing shall also be
16 immediately transmitted to the department in a format to be determined
17 by the commissioner. The commissioner, in conjunction with the commis-
18 sioner of parks, recreation and historic preservation, shall publish a
19 report biennially based on the findings from the tap water testing
20 conducted according to the provisions of this section. Such report shall
21 be sent to the governor, the temporary president of the senate, and the
22 speaker of the assembly and shall be made available on the department's
23 and office of parks, recreation and historic preservation's websites.

24 5. For the purposes of this section, "lead action level" shall mean a
25 concentration of lead that is greater than 0.005 milligrams per liter.

26 6. The provisions of this section shall not apply to any park under
27 the management or control of the New York city department of parks and
28 recreation, provided that such department implements a potable water
29 testing program for such parks.

30 § 2. This act shall take effect on the one hundred eightieth day after
31 it shall have become a law. Effective immediately, the addition, amend-
32 ment and/or repeal of any rule or regulation necessary for the implemen-
33 tation of this act on its effective date are authorized to be made and
34 completed on or before such effective date.