S T A T E O F N E W Y O R K

1670

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. ENGLEBRIGHT, EDDINGTON, ROBINSON -- Multi-Sponsored by -- M. of A. CLARK, CYMBROWITZ, JACOBS, MAYERSOHN, McENENY, NOLAN, PERRY -- read once and referred to the Committee on Health

AN ACT to amend the public health law and the environmental conservation law, in relation to plans and specifications for hospitals

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 1 of section 201 of the public health law is amended by adding a new paragraph (t) to read as follows:

(T) PURSUANT TO SUBDIVISION THREE-E OF SECTION TWENTY-EIGHT HUNDRED TWO OF THIS CHAPTER, ANNUALLY PROVIDE ALL NECESSARY INFORMATION TO HOSPITALS, REGARDING EXISTING AND KNOWN LOCATIONS OF ENVIRONMENTAL HAZARDS SUCH AS RADON, LEAD AND OTHER TOXIC CONTAMINANTS. WHENEVER A HOSPITAL REQUESTS SUCH INFORMATION FROM THE DEPARTMENT SUCH INFORMATION SHALL BE PROVIDED WITHIN THIRTY DAYS OF RECEIPT OF SUCH REQUEST;

S 2. Section 2802 of the public health law is amended by adding two new subdivisions 3-d and 3-e to read as follows:

3-D. THE COMMISSIONER SHALL NOT APPROVE AN APPLICATION FOR THE CONSTRUCTION OF A HOSPITAL UNLESS SUCH APPLICATION SHALL PROVIDE FOR THE FOLLOWING WHERE APPLICABLE: HEATING, VENTILATION AND AIR CONDITIONING SYSTEMS CONSTRUCTED, MAINTAINED OR UPGRADED TO MEET CURRENTLY ACCEPTED INDUSTRY VENTILATION STANDARDS; PLACEMENT OF AIR INTAKE VENTS SO AS TO MAXIMIZE HEALTHFUL INDOOR AIR QUALITY; DESIGN PRACTICES THAT MINIMIZE INGRESS OF AND CONDITIONS FAVORABLE TO PEST POPULATIONS; CONSTRUCTION TECHNIQUES AND VENTILATION SYSTEMS DESIGNED TO CONTROL RADON LEVELS IN INDOOR AIR; AND LIGHTING, SANITATION, STORM DRAINAGE, AND HEALTH, FIRE AND ACCIDENT PROTECTION ADEQUATE TO MAINTAIN HEALTHFUL, SAFE AND COMFORTABLE CONDITIONS THEREIN.

3-E. EVERY APPLICATION FOR THE CONSTRUCTION OF A HOSPITAL SHALL DEMONSTRATE THAT THE APPLICANT HAS IN ITS SELECTION OF THE SITE OR SITES FOR

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

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THE CONSTRUCTION OF SUCH HOSPITAL TAKEN INTO CONSIDERATION THE PROXIMITY OF SUCH SITE OR SITES TO EXISTING AND KNOWN ENVIRONMENTAL HAZARDS, INCLUDING INDUSTRIAL FACILITIES, COMBUSTION FACILITIES, INACTIVE HAZARDOUS WASTE SITES, MUNICIPAL LANDFILLS AND OTHER ENVIRONMENTAL HAZARDS AS DETERMINED BY THE DEPARTMENT AND THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, AND AVOIDANCE OF SUCH WHERE PRUDENT.

S 3. The environmental conservation law is amended by adding a new section 3-0319 to read as follows:

S 3-0319. INFORMATION FOR DEPARTMENT OF HEALTH AND HOSPITALS.

PURSUANT TO SUBDIVISION THREE-E OF SECTION TWENTY-EIGHT HUNDRED TWO OF THE PUBLIC HEALTH LAW, THE DEPARTMENT SHALL ANNUALLY PROVIDE ALL NECESSARY INFORMATION TO THE DEPARTMENT OF HEALTH, REGARDING EXISTING AND KNOWN LOCATIONS OF INDUSTRIAL FACILITIES, COMBUSTION FACILITIES, INACTIVE HAZARDOUS WASTE SITES, MUNICIPAL LANDFILLS AND OTHER ENVIRONMENTAL HAZARDS. WHENEVER A HOSPITAL REQUESTS SUCH INFORMATION FROM THE DEPARTMENT, SUCH INFORMATION SHALL BE PROVIDED WITHIN THIRTY DAYS OF RECEIPT OF SUCH REQUEST.

S 4. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided that any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be promulgated on or before such date.