

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:

1 Section 1. Subdivision 1 of section 201 of the public health law is
2 amended by adding a new paragraph (t) to read as follows:
3 (T) PURSUANT TO SUBDIVISION THREE-E OF SECTION TWENTY-EIGHT HUNDRED
4 TWO OF THIS CHAPTER, ANNUALLY PROVIDE ALL NECESSARY INFORMATION TO
5 HOSPITALS, REGARDING EXISTING AND KNOWN LOCATIONS OF ENVIRONMENTAL
6 HAZARDS SUCH AS RADON, LEAD AND OTHER TOXIC CONTAMINANTS. WHENEVER A
7 HOSPITAL REQUESTS SUCH INFORMATION FROM THE DEPARTMENT SUCH INFORMATION
8 SHALL BE PROVIDED WITHIN THIRTY DAYS OF RECEIPT OF SUCH REQUEST;
9 S 2. Section 2802 of the public health law is amended by adding two
10 new subdivisions 3-d and 3-e to read as follows:
11 3-D. THE COMMISSIONER SHALL NOT APPROVE AN APPLICATION FOR THE
12 CONSTRUCTION OF A HOSPITAL UNLESS SUCH APPLICATION SHALL PROVIDE FOR THE
13 FOLLOWING WHERE APPLICABLE: HEATING, VENTILATION AND AIR CONDITIONING
14 SYSTEMS CONSTRUCTED, MAINTAINED OR UPGRADED TO MEET CURRENTLY ACCEPTED
15 INDUSTRY VENTILATION STANDARDS; PLACEMENT OF AIR INTAKE VENTS SO AS TO
16 MAXIMIZE HEALTHFUL INDOOR AIR QUALITY; DESIGN PRACTICES THAT MINIMIZE
17 INGRESS OF AND CONDITIONS FAVORABLE TO PEST POPULATIONS; CONSTRUCTION
18 TECHNIQUES AND VENTILATION SYSTEMS DESIGNED TO CONTROL RADON LEVELS IN
19 INDOOR AIR; AND LIGHTING, SANITATION, STORM DRAINAGE, AND HEALTH, FIRE
20 AND ACCIDENT PROTECTION ADEQUATE TO MAINTAIN HEALTHFUL, SAFE AND
21 COMFORTABLE CONDITIONS THEREIN.
22 3-E. EVERY APPLICATION FOR THE CONSTRUCTION OF A HOSPITAL SHALL DEMON-
23 STRATE 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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1 THE CONSTRUCTION OF SUCH HOSPITAL TAKEN INTO CONSIDERATION THE PROXIMITY
2 OF SUCH SITE OR SITES TO EXISTING AND KNOWN ENVIRONMENTAL HAZARDS,
3 INCLUDING INDUSTRIAL FACILITIES, COMBUSTION FACILITIES, INACTIVE HAZARD-
4 OUS WASTE SITES, MUNICIPAL LANDFILLS AND OTHER ENVIRONMENTAL HAZARDS AS
5 DETERMINED BY THE DEPARTMENT AND THE DEPARTMENT OF ENVIRONMENTAL CONSER-
6 VATION, AND AVOIDANCE OF SUCH WHERE PRUDENT.

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

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

10 PURSUANT TO SUBDIVISION THREE-E OF SECTION TWENTY-EIGHT HUNDRED TWO OF
11 THE PUBLIC HEALTH LAW, THE DEPARTMENT SHALL ANNUALLY PROVIDE ALL NECES-
12 SARY INFORMATION TO THE DEPARTMENT OF HEALTH, REGARDING EXISTING AND
13 KNOWN LOCATIONS OF INDUSTRIAL FACILITIES, COMBUSTION FACILITIES, INAC-
14 TIVE HAZARDOUS WASTE SITES, MUNICIPAL LANDFILLS AND OTHER ENVIRONMENTAL
15 HAZARDS. WHENEVER A HOSPITAL REQUESTS SUCH INFORMATION FROM THE DEPART-
16 MENT, SUCH INFORMATION SHALL BE PROVIDED WITHIN THIRTY DAYS OF RECEIPT
17 OF SUCH REQUEST.

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