

5724

2009-2010 Regular Sessions

I N S E N A T E

June 1, 2009

Introduced by Sen. DIAZ -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to the use of environmentally-sensitive cleaning and maintenance products in nursing homes, residential care facilities and adult homes

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 2808-e to read as follows:
3 S 2808-E. USE OF ENVIRONMENTALLY-SENSITIVE CLEANING AND MAINTENANCE
4 PRODUCTS IN NURSING HOMES. 1. FOR THE PURPOSES OF THIS SECTION THE
5 FOLLOWING TERMS SHALL MEAN:
6 (A) "NURSING HOME" MEANS A FACILITY PROVIDING THEREIN NURSING CARE TO
7 SICK, INVALID, INFIRM, DISABLED OR CONVALESCENT PERSONS IN ADDITION TO
8 LODGING AND BOARD OR HEALTH-RELATED SERVICE, OR ANY COMBINATION OF THE
9 FOREGOING, AND IN ADDITION THERETO, PROVIDING NURSING CARE AND
10 HEALTH-RELATED SERVICE, OR EITHER OF THEM, TO PERSONS WHO ARE NOT OCCU-
11 PANTS OF THE FACILITY.
12 (B) "RESIDENTIAL HEALTH CARE FACILITY" MEANS A NURSING HOME OR A
13 FACILITY PROVIDING HEALTH-RELATED SERVICE.
14 (C) "ADULT HOME" MEANS AN ADULT CARE FACILITY ESTABLISHED AND OPERATED
15 FOR THE PURPOSE OF PROVIDING LONG-TERM RESIDENTIAL CARE, ROOM, BOARD,
16 HOUSEKEEPING, PERSONAL CARE, (EITHER DIRECTLY OR INDIRECTLY), AND SUPER-
17 VISION TO FIVE OR MORE ADULTS UNRELATED TO THE OPERATOR.
18 (D) "SENIOR CENTER" MEANS A FACILITY THAT PROVIDES SERVICES TO SENIOR
19 CITIZENS ON A REGULAR BASIS, INCLUDING BUT NOT LIMITED TO MEALS, RECRE-
20 ATION AND COUNSELING.
21 2. THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONERS OF ENVI-
22 RONMENTAL CONSERVATION AND LABOR, SHALL ESTABLISH AND FROM TIME TO TIME
23 AMEND GUIDELINES AND SPECIFICATIONS FOR ENVIRONMENTALLY-SENSITIVE CLEAN-
24 ING AND MAINTENANCE PRODUCTS FOR USE IN NURSING HOMES, RESIDENTIAL

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

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1 HEALTH CARE FACILITIES, SENIOR CENTERS AND ADULT HOMES. FOR THE PURPOSE
2 OF DEVELOPING APPROPRIATE CRITERIA FOR SUCH GUIDELINES AND SPECIFICA-
3 TIONS, SUCH COMMISSIONERS SHALL REVIEW AND EVALUATE EXISTING RESEARCH
4 REGARDING ENVIRONMENTALLY-SENSITIVE CLEANING AND MAINTENANCE PRODUCTS,
5 INCLUDING BUT NOT LIMITED TO, RESEARCH AND GUIDANCE ISSUED BY THE UNITED
6 STATES ENVIRONMENTAL PROTECTION AGENCY AND THE OFFICE OF THE FEDERAL
7 ENVIRONMENTAL EXECUTIVE. IN DEVELOPING SUCH GUIDELINES, THE COMMISSION-
8 ER SHALL PROVIDE PUBLIC NOTICE AND AN OPPORTUNITY TO COMMENT. SUCH
9 GUIDELINES SHALL BE FOLLOWED BY NURSING HOMES, RESIDENTIAL HEALTH CARE
10 FACILITIES, SENIOR CENTERS, AND ADULT HOMES TO IDENTIFY AND PROCURE
11 ENVIRONMENTALLY-SENSITIVE CLEANING AND MAINTENANCE PRODUCTS WHICH ARE
12 AVAILABLE IN THE FORM, FUNCTION AND UTILITY GENERALLY USED BY NURSING
13 HOMES, RESIDENTIAL HEALTH CARE FACILITIES, SENIOR CENTERS, AND ADULT
14 HOMES IN THEIR FACILITIES.

15 3. THE COMMISSIONER SHALL DISSEMINATE TO ALL NURSING HOMES, RESIDEN-
16 TIAL HEALTH CARE FACILITIES, SENIOR CENTERS, AND ADULT HOMES GUIDELINES
17 AND SPECIFICATIONS FOR THE PURCHASE AND USE OF ENVIRONMENTALLY-SENSITIVE
18 CLEANING AND MAINTENANCE PRODUCTS IN NURSING HOMES, RESIDENTIAL HEALTH
19 CARE FACILITIES, SENIOR CENTERS, AND ADULT HOMES FOR USE IN THEIR FACIL-
20 ITIES. THE COMMISSIONER SHALL ALSO PREPARE AND DISSEMINATE TO ALL NURS-
21 ING HOMES, RESIDENTIAL HEALTH CARE FACILITIES, SENIOR CENTERS, AND ADULT
22 HOMES A SAMPLE LIST OF SUCH ENVIRONMENTALLY-SENSITIVE CLEANING AND MAIN-
23 TENANCE PRODUCTS THAT MEET THESE GUIDELINES OR SPECIFICATIONS. THE
24 COMMISSIONER SHALL PROVIDE ASSISTANCE AND GUIDANCE TO NURSING HOMES,
25 RESIDENTIAL HEALTH CARE FACILITIES, SENIOR CENTERS, AND ADULT HOMES IN
26 CARRYING OUT THE REQUIREMENTS OF THIS SECTION. NURSING HOMES, RESIDEN-
27 TIAL HEALTH CARE FACILITIES, SENIOR CENTERS, AND ADULT HOMES SHALL
28 FOLLOW SUCH GUIDELINES, SPECIFICATIONS AND SAMPLE LIST WHEN PURCHASING
29 CLEANING AND MAINTENANCE PRODUCTS FOR USE IN THEIR FACILITIES.

30 4. NURSING HOMES, RESIDENTIAL HEALTH CARE FACILITIES, SENIOR CENTERS,
31 AND ADULT HOMES SHALL NOTIFY THEIR PERSONNEL OF THE AVAILABILITY OF SUCH
32 GUIDELINES, SPECIFICATIONS AND SAMPLE LIST.

33 5. ON OR BEFORE JUNE FIRST, TWO THOUSAND ELEVEN, THE DEPARTMENT SHALL
34 ISSUE A REPORT PROVIDING AN ANALYSIS OF THE IMPACT OF SUCH GUIDELINES
35 AND SPECIFICATIONS ON THE PURCHASING, PROCUREMENT AND USE OF ENVIRONMEN-
36 TALLY-SENSITIVE CLEANING AND MAINTENANCE PRODUCTS BY NURSING HOMES,
37 RESIDENTIAL HEALTH CARE FACILITIES, SENIOR CENTERS, AND ADULT HOMES.
38 NOTHING IN THIS SECTION SHALL PRECLUDE NURSING HOMES, RESIDENTIAL HEALTH
39 CARE FACILITIES, SENIOR CENTERS, AND ADULT HOMES FROM DEPLETING EXISTING
40 CLEANING AND MAINTENANCE SUPPLY STORES PURCHASED PRIOR TO THE EFFECTIVE
41 DATE OF THIS SECTION.

42 6. THE COMMISSIONER SHALL MAINTAIN AND MAKE AVAILABLE A LIST OF
43 CONTRACTORS WHICH PRODUCE OR MANUFACTURE OR OFFER FOR SALE ENVIRONMEN-
44 TALLY-SENSITIVE CLEANING AND MAINTENANCE PRODUCTS IN THE FORM, FUNCTION
45 AND UTILITY GENERALLY USED BY NURSING HOMES, RESIDENTIAL HEALTH CARE
46 FACILITIES, SENIOR CENTERS, AND ADULT HOMES.

47 S 2. This act shall take effect on the first of September next
48 succeeding the date on which it shall have become a law, provided that
49 the commissioner of health is authorized to promulgate any and all rules
50 and regulations and take any other measures necessary to implement the
51 provisions of this act on or before its effective date.