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

2154

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. ENGLEBRIGHT, COLTON, EDDINGTON, ESPAILLAT, CARROZZA -- Multi-Sponsored by -- M. of A. BRADLEY, BRENNAN, CAHILL, CLARK, COOK, DINOWITZ, GREENE, HOOPER, JACOBS, KOON, MAYERSOHN, MILLMAN, ORTIZ, PERRY, PHEFFER, J. RIVERA, WEISENBERG -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to employee and patient notification of environmental health and safety hazards in hospitals

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

Section 1. The public health law is amended by adding a new section 2803-s to read as follows:

S 2803-S. NOTIFICATION OF ENVIRONMENTAL HEALTH AND SAFETY HAZARDS. TO ENSURE THAT EACH PATIENT AND HOSPITAL EMPLOYEE HAS ACCESS TO INFORMATION ABOUT ENVIRONMENTAL HEALTH ISSUES AND HAZARDS IN THE HOSPITAL, THE FOLLOWING ACTIONS SHALL BE TAKEN BY EACH HOSPITAL:

1. EACH HOSPITAL SHALL APPOINT AN ENVIRONMENTAL HEALTH AND SAFETY INFORMATION ACCESS CONTACT PERSON;

2. ANNUALLY, EACH HOSPITAL SHALL INFORM AND EDUCATE ALL HOSPITAL EMPLOYEES THAT THEY HAVE A RIGHT TO ALL INFORMATION ABOUT HEALTH AND SAFETY CONDITIONS IN THE HOSPITAL INCLUDING, BUT NOT LIMITED TO, HAZARDOUS SUBSTANCES USED, STORED OR PRESENT IN THE HOSPITAL; CONSTRUCTION AND REHABILITATION ACTIVITIES; AIR OR WATER QUALITY SAMPLING RESULTS AND PROBLEMS; PROCEDURES FOR INFORMATION ACCESS; IDENTIFICATION OF THE ENVIRONMENTAL HEALTH AND SAFETY INFORMATION ACCESS CONTACT PERSON; REQUIREMENTS FOR TIMELY RESPONSE TO INFORMATION REQUESTS; AND SUCH OTHER PROCEDURES WHICH ENSURE ACCESS TO SUCH INFORMATION;

3. EACH HOSPITAL SHALL INFORM AND EDUCATE EVERY PATIENT, AS SOON AFTER THE PATIENT'S ADMISSION TO THE HOSPITAL AS IS REASONABLY POSSIBLE WITHOUT JEOPARDIZING THE PATIENT'S HEALTH, THAT THEY HAVE A RIGHT TO ALL INFORMATION ABOUT HEALTH AND SAFETY CONDITIONS IN THE HOSPITAL INCLUD-

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

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ING, BUT NOT LIMITED TO, HAZARDOUS SUBSTANCES USED, STORED OR PRESENT IN THE HOSPITAL; CONSTRUCTION AND REHABILITATION ACTIVITIES; AIR OR WATER QUALITY SAMPLING RESULTS AND PROBLEMS; PROCEDURES FOR INFORMATION ACCESS; IDENTIFICATION OF THE ENVIRONMENTAL HEALTH AND SAFETY INFORMATION ACCESS CONTACT PERSON; REQUIREMENTS FOR TIMELY RESPONSE TO INFORMATION REQUESTS; AND SUCH OTHER PROCEDURES WHICH ENSURE ACCESS TO SUCH INFORMATION;

4. EACH HOSPITAL SHALL:

(A) ANNUALLY INVENTORY ALL HAZARDOUS SUBSTANCES USED, STORED OR PRESENT, AND MAKE SUCH INVENTORY AVAILABLE TO THE PUBLIC,

(B) DEVELOP WRITTEN PLANS TO MINIMIZE THE USE AND PRESENCE OF HAZARDOUS SUBSTANCES, INCLUDING A TIMETABLE FOR THE COMPLETION OF THE COMPONENTS OF SUCH PLANS, AND

(C) PREPARE WRITTEN REPORTS ON THE RESULTS OF ALL SAMPLING, EVALUATION AND REMEDIATION ACTIVITIES, AND MAKE SUCH REPORTS AVAILABLE TO THE PUBLIC; AND

5. NOT LESS THAN TWO DAYS PRIOR TO ANY MAJOR FACILITY CONSTRUCTION, DEMOLITION, MAINTENANCE OR RENOVATION, OR ANY OTHER ACTIVITY WITH THE POTENTIAL TO RESULT IN EXPOSURE, TO INDOOR OR OUTDOOR HAZARD THAT MAY HAVE A SIGNIFICANT EFFECT ON THE HEALTH OF THE OCCUPANTS OF A HOSPITAL, SUCH HOSPITAL SHALL PROMINENTLY POST THE FOLLOWING WARNING NOTICE AT EACH ENTRY POINT TO THE HOSPITAL:

"NOTICE OF HOSPITAL ACTIVITIES INVOLVING HAZARDOUS SUBSTANCES

THE PURPOSE OF THIS NOTICE IS TO ENSURE THAT EMPLOYEES AND PATIENTS ARE NOTIFIED THAT THE FOLLOWING ACTIVITIES WILL BE OCCURRING IN THIS HOSPITAL

HOSPITAL NAME:

HOSPITAL ADDRESS:

PROPOSED ACTIVITY:

LOCATION OF PROPOSED ACTIVITY:

HAZARDOUS SUBSTANCES UTILIZED:

MATERIAL DATA SAFETY SHEETS ARE AVAILABLE FROM THE CONTACT PERSON LISTED BELOW:

DATE/TIME AND DURATION OF PROPOSED ACTIVITY:

CONTACT PERSON/LOCATION FOR FURTHER INFORMATION:".

S 2. This act shall take effect on the ninetieth day after it shall have become a law.