

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

2096--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 13, 2011

Introduced by M. of A. GIBSON, N. RIVERA, BARRON -- Multi-Sponsored by -- M. of A. AUBRY, BOYLAND, GABRYSZAK, P. RIVERA -- read once and referred to the Committee on Health -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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.

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

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

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

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

37 5. ON OR BEFORE JUNE FIRST, TWO THOUSAND FOURTEEN, THE DEPARTMENT
38 SHALL ISSUE A REPORT PROVIDING AN ANALYSIS OF THE IMPACT OF SUCH GUIDE-
39 LINES AND SPECIFICATIONS ON THE PURCHASING, PROCUREMENT AND USE OF ENVI-
40 RONMENTALLY-SENSITIVE CLEANING AND MAINTENANCE PRODUCTS BY NURSING
41 HOMES, RESIDENTIAL HEALTH CARE FACILITIES, SENIOR CENTERS, AND ADULT
42 HOMES. NOTHING IN THIS SECTION SHALL PRECLUDE NURSING HOMES, RESIDEN-
43 TIAL HEALTH CARE FACILITIES, SENIOR CENTERS, AND ADULT HOMES FROM
44 DEPLETING EXISTING CLEANING AND MAINTENANCE SUPPLY STORES PURCHASED
45 PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

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

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