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2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. ENGLEBRIGHT, COLTON -- Multi-Sponsored by -- M. of A. BRENNAN, CAHILL, CLARK, COOK, DINOWITZ, HOOPER, JACOBS, MILLMAN, ORTIZ, PERRY, 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:

1 Section 1. The public health law is amended by adding a new section
2 2803-t to read as follows:
3 S 2803-T. NOTIFICATION OF ENVIRONMENTAL HEALTH AND SAFETY HAZARDS. TO
4 ENSURE THAT EACH PATIENT AND HOSPITAL EMPLOYEE HAS ACCESS TO INFORMATION
5 ABOUT ENVIRONMENTAL HEALTH ISSUES AND HAZARDS IN THE HOSPITAL, THE
6 FOLLOWING ACTIONS SHALL BE TAKEN BY EACH HOSPITAL:
7 1. EACH HOSPITAL SHALL APPOINT AN ENVIRONMENTAL HEALTH AND SAFETY
8 INFORMATION ACCESS CONTACT PERSON;
9 2. ANNUALLY, EACH HOSPITAL SHALL INFORM AND EDUCATE ALL HOSPITAL
10 EMPLOYEES THAT THEY HAVE A RIGHT TO ALL INFORMATION ABOUT HEALTH AND
11 SAFETY CONDITIONS IN THE HOSPITAL INCLUDING, BUT NOT LIMITED TO, HAZARD-
12 OUS SUBSTANCES USED, STORED OR PRESENT IN THE HOSPITAL; CONSTRUCTION AND
13 REHABILITATION ACTIVITIES; AIR OR WATER QUALITY SAMPLING RESULTS AND
14 PROBLEMS; PROCEDURES FOR INFORMATION ACCESS; IDENTIFICATION OF THE ENVI-
15 RONMENTAL HEALTH AND SAFETY INFORMATION ACCESS CONTACT PERSON; REQUIRE-
16 MENTS FOR TIMELY RESPONSE TO INFORMATION REQUESTS; AND SUCH OTHER PROCE-
17 DURES WHICH ENSURE ACCESS TO SUCH INFORMATION;
18 3. EACH HOSPITAL SHALL INFORM AND EDUCATE EVERY PATIENT, AS SOON AFTER
19 THE PATIENT'S ADMISSION TO THE HOSPITAL AS IS REASONABLY POSSIBLE WITH-
20 OUT JEOPARDIZING THE PATIENT'S HEALTH, THAT THEY HAVE A RIGHT TO ALL
21 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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1 ING, BUT NOT LIMITED TO, HAZARDOUS SUBSTANCES USED, STORED OR PRESENT IN
2 THE HOSPITAL; CONSTRUCTION AND REHABILITATION ACTIVITIES; AIR OR WATER
3 QUALITY SAMPLING RESULTS AND PROBLEMS; PROCEDURES FOR INFORMATION
4 ACCESS; IDENTIFICATION OF THE ENVIRONMENTAL HEALTH AND SAFETY INFORMA-
5 TION ACCESS CONTACT PERSON; REQUIREMENTS FOR TIMELY RESPONSE TO INFORMA-
6 TION REQUESTS; AND SUCH OTHER PROCEDURES WHICH ENSURE ACCESS TO SUCH
7 INFORMATION;

8 4. EACH HOSPITAL SHALL:

9 (A) ANNUALLY INVENTORY ALL HAZARDOUS SUBSTANCES USED, STORED OR PRES-
10 ENT, AND MAKE SUCH INVENTORY AVAILABLE TO THE PUBLIC,

11 (B) DEVELOP WRITTEN PLANS TO MINIMIZE THE USE AND PRESENCE OF HAZARD-
12 OUS SUBSTANCES, INCLUDING A TIMETABLE FOR THE COMPLETION OF THE COMPO-
13 NENTS OF SUCH PLANS, AND

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

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

23 "NOTICE OF HOSPITAL ACTIVITIES INVOLVING HAZARDOUS SUBSTANCES

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

27 HOSPITAL NAME:

28 HOSPITAL ADDRESS:

29 PROPOSED ACTIVITY:

30 LOCATION OF PROPOSED ACTIVITY:

31 HAZARDOUS SUBSTANCES UTILIZED:

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

34 DATE/TIME AND DURATION OF PROPOSED ACTIVITY:

35 CONTACT PERSON/LOCATION FOR FURTHER INFORMATION:".

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