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

866--A

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. DIAZ, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- 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:

Section 1. The public health law is amended by adding a new section 2808-e to read as follows:

S 2808-E. USE OF ENVIRONMENTALLY-SENSITIVE CLEANING AND MAINTENANCE PRODUCTS IN NURSING HOMES. 1. FOR THE PURPOSES OF THIS SECTION THE FOLLOWING TERMS SHALL MEAN:

(A) "NURSING HOME" MEANS A FACILITY PROVIDING THEREIN NURSING CARE TO SICK, INVALID, INFIRM, DISABLED OR CONVALESCENT PERSONS IN ADDITION TO LODGING AND BOARD OR HEALTH-RELATED SERVICE, OR ANY COMBINATION OF THE FOREGOING, AND IN ADDITION THERETO, PROVIDING NURSING CARE AND HEALTH-RELATED SERVICE, OR EITHER OF THEM, TO PERSONS WHO ARE NOT OCCUPANTS OF THE FACILITY.

(B) "RESIDENTIAL HEALTH CARE FACILITY" MEANS A NURSING HOME OR A FACILITY PROVIDING HEALTH-RELATED SERVICE.

(C) "ADULT HOME" MEANS AN ADULT CARE FACILITY ESTABLISHED AND OPERATED FOR THE PURPOSE OF PROVIDING LONG-TERM RESIDENTIAL CARE, ROOM, BOARD, HOUSEKEEPING, PERSONAL CARE, (EITHER DIRECTLY OR INDIRECTLY), AND SUPERVISION TO FIVE OR MORE ADULTS UNRELATED TO THE OPERATOR.

(D) "SENIOR CENTER" MEANS A FACILITY THAT PROVIDES SERVICES TO SENIOR CITIZENS ON A REGULAR BASIS, INCLUDING BUT NOT LIMITED TO MEALS, RECREATION AND COUNSELING.

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

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2. THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONERS OF ENVIRONMENTAL CONSERVATION AND LABOR, SHALL ESTABLISH AND FROM TIME TO TIME AMEND GUIDELINES AND SPECIFICATIONS FOR ENVIRONMENTALLY-SENSITIVE CLEANING AND MAINTENANCE PRODUCTS FOR USE IN NURSING HOMES, RESIDENTIAL HEALTH CARE FACILITIES, SENIOR CENTERS AND ADULT HOMES. FOR THE PURPOSE OF DEVELOPING APPROPRIATE CRITERIA FOR SUCH GUIDELINES AND SPECIFICATIONS, SUCH COMMISSIONERS SHALL REVIEW AND EVALUATE EXISTING RESEARCH REGARDING ENVIRONMENTALLY-SENSITIVE CLEANING AND MAINTENANCE PRODUCTS, INCLUDING BUT NOT LIMITED TO, RESEARCH AND GUIDANCE ISSUED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND THE OFFICE OF THE FEDERAL ENVIRONMENTAL EXECUTIVE. IN DEVELOPING SUCH GUIDELINES, THE COMMISSIONER SHALL PROVIDE PUBLIC NOTICE AND AN OPPORTUNITY TO COMMENT. SUCH GUIDELINES SHALL BE FOLLOWED BY NURSING HOMES, RESIDENTIAL HEALTH CARE FACILITIES, SENIOR CENTERS, AND ADULT HOMES TO IDENTIFY AND PROCURE ENVIRONMENTALLY-SENSITIVE CLEANING AND MAINTENANCE PRODUCTS WHICH ARE AVAILABLE IN THE FORM, FUNCTION AND UTILITY GENERALLY USED BY NURSING HOMES, RESIDENTIAL HEALTH CARE FACILITIES, SENIOR CENTERS, AND ADULT HOMES IN THEIR FACILITIES.

3. THE COMMISSIONER SHALL DISSEMINATE TO ALL NURSING HOMES, RESIDENTIAL HEALTH CARE FACILITIES, SENIOR CENTERS, AND ADULT HOMES GUIDELINES AND SPECIFICATIONS FOR THE PURCHASE AND USE OF ENVIRONMENTALLY-SENSITIVE CLEANING AND MAINTENANCE PRODUCTS IN NURSING HOMES, RESIDENTIAL HEALTH CARE FACILITIES, SENIOR CENTERS, AND ADULT HOMES FOR USE IN THEIR FACILITIES. THE COMMISSIONER SHALL ALSO PREPARE AND DISSEMINATE TO ALL NURSING HOMES, RESIDENTIAL HEALTH CARE FACILITIES, SENIOR CENTERS, AND ADULT HOMES A SAMPLE LIST OF SUCH ENVIRONMENTALLY-SENSITIVE CLEANING AND MAINTENANCE PRODUCTS THAT MEET THESE GUIDELINES OR SPECIFICATIONS. THE COMMISSIONER SHALL PROVIDE ASSISTANCE AND GUIDANCE TO NURSING HOMES, RESIDENTIAL HEALTH CARE FACILITIES, SENIOR CENTERS, AND ADULT HOMES IN CARRYING OUT THE REQUIREMENTS OF THIS SECTION. NURSING HOMES, RESIDENTIAL HEALTH CARE FACILITIES, SENIOR CENTERS, AND ADULT HOMES SHALL FOLLOW SUCH GUIDELINES, SPECIFICATIONS AND SAMPLE LIST WHEN PURCHASING CLEANING AND MAINTENANCE PRODUCTS FOR USE IN THEIR FACILITIES.

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

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

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

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