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

8381

2015-2016 Regular Sessions

I N A S S E M B L Y

September 11, 2015

Introduced by M. of A. ABINANTI -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to requiring the periodic inspection and maintenance of heating and cooling systems for the purpose of preventing and detecting the presence of legionella bacteria

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

Section 1. Article 13 of the public health law is amended by adding a new title 13-A to read as follows:

TITLE XIII-A

PREVENTING AND DETECTING THE PRESENCE OF LEGIONELLA BACTERIA

S 1389-AAA. THE PERIODIC INSPECTION AND MAINTENANCE OF HEATING AND COOLING SYSTEMS FOR THE PURPOSE OF PREVENTING AND DETECTING THE PRESENCE OF LEGIONELLA BACTERIA. 1. THE DEPARTMENT SHALL ISSUE REGULATIONS AND STANDARDS FOR THE PERIODIC INSPECTION AND MAINTENANCE OF HEATING AND COOLING SYSTEMS FOR THE PURPOSE OF PREVENTING AND DETECTING THE PRESENCE OF LEGIONELLA BACTERIA.

2. SAID REGULATIONS AND STANDARDS SHALL BE APPLICABLE TO HEATING, VENTILATING AND AIR CONDITIONING SYSTEMS IN MULTIPLE DWELLING RESIDENCES AND COMMERCIAL BUILDINGS, INCLUDING BUT NOT LIMITED TO COOLING TOWERS, EVAPORATIVE CONDENSERS AND HUMIDIFIERS; AND ANY OTHER WATER SYSTEM THAT THE DEPARTMENT DEEMS NECESSARY TO INSPECT FOR THE PRESENCE OF LEGIONELLA BACTERIA.

3. SAID REGULATIONS AND STANDARDS SHALL INCLUDE, BUT NOT BE LIMITED TO, REQUIREMENTS THAT EACH OWNER: DEVELOP AND IMPLEMENT A MAINTENANCE PROGRAM AND PLAN; KEEP A COPY OF THE PLAN AVAILABLE FOR REVIEW BY THE DEPARTMENT UPON REQUEST; HAVE THE HEATING AND COOLING SYSTEM INSPECTED AT LEAST SEMI-ANNUALLY BY A PERSON QUALIFIED TO EVALUATE SUCH SYSTEM FOR THE PRESENCE OF LEGIONELLA BACTERIA ACCORDING TO INDUSTRY STANDARDS; UPON A DETERMINATION OF THE PRESENCE OF CONTAMINANTS TAKE ALL NECESSARY

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

LBD11844-04-5

STEPS TO APPROPRIATELY CLEAN AND DISINFECT THE SYSTEM AND IMMEDIATELY NOTIFY THE DEPARTMENT; AND PERMIT DEPARTMENT PERSONNEL TO ENTER UPON AND INSPECT ANY SUCH SYSTEM.

4. THIS SECTION SHALL NOT SUPERSEDE OR PREEMPT ANY MUNICIPALITY WITH STRONGER RULES, REGULATIONS, CODES, STATUTES OR ORDINANCES WITH REGARD TO DETECTING AND PREVENTING THE PRESENCE OF LEGIONELLA BACTERIA.

5. THE DEPARTMENT SHALL IMPOSE A CIVIL PENALTY FOR A VIOLATION OF THIS SECTION IN AN AMOUNT NOT TO EXCEED ONE THOUSAND DOLLARS FOR THE FIRST OFFENSE AND TWO THOUSAND DOLLARS FOR EACH ADDITIONAL OFFENSE.

S 2. This act shall take effect immediately.