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

7906

I N S E N A T E

May 24, 2016

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, the education law and the social services law, in relation to water testing in school buildings, child day care centers and day care 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 1110 to read as follows:

S 1110. WATER TESTING IN SCHOOL BUILDINGS, CHILD DAY CARE CENTERS AND DAY CARE HOMES. 1. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "WATER DISTRICTS" MEANS ALL COMMUNITY WATER SYSTEMS AND NON-TRANSIENT, NON-COMMUNITY WATER SYSTEMS SERVING FIFTEEN OR MORE SERVICE CONNECTIONS OR SERVING TWENTY-FIVE OR MORE PERSONS; AND

(B) "LEAD ACTION LEVEL" MEANS THE CONCENTRATION OF LEAD IN MORE THAN TEN PERCENT OF ONE LITER FIRST-DRAW TAP WATER SAMPLES COLLECTED DURING ANY MONITORING PERIOD EXCEEDS 0.015 MILLIGRAMS PER LITER.

2. ALL WATER DISTRICTS SHALL TEST THE WATER IN EACH SCHOOL BUILDING, CHILD DAY CARE CENTER, GROUP FAMILY DAY CARE HOME AND FAMILY DAY CARE HOME, AS DEFINED IN SECTION THREE HUNDRED NINETY OF THE SOCIAL SERVICES LAW, WITHIN THE WATER DISTRICT FOR LEAD CONTAMINATION EVERY THREE YEARS.

3. IF THE LEAD ACTION LEVEL IS EXCEEDED AT A SCHOOL BUILDING, CHILD DAY CARE CENTER, GROUP FAMILY DAY CARE HOME OR FAMILY DAY CARE HOME, THE WATER DISTRICT SHALL NOTIFY THE CHILD DAY CARE CENTER, GROUP FAMILY DAY CARE HOME, FAMILY DAY CARE HOME OR THE SCHOOL DISTRICT IN WHICH THE SCHOOL BUILDING IS LOCATED. THE PARENTS OF CHILDREN ATTENDING SUCH AFFECTED SCHOOL BUILDING, CHILD DAY CARE CENTER, GROUP FAMILY DAY CARE HOME OR FAMILY DAY CARE HOME SHALL BE NOTIFIED AND A REMEDIATION PLAN SHALL BE DEVELOPED IN ACCORDANCE WITH SECTION FOUR HUNDRED NINE-L OF THE EDUCATION LAW OR SECTION THREE HUNDRED NINETY-K OF THE SOCIAL SERVICES LAW.

S 2. The education law is amended by adding a new section 409-l to read as follows:

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

LBD14747-03-6

S 409-L. WATER TESTING IN SCHOOL BUILDINGS. 1. WHEN THE WATER IN ANY SCHOOL BUILDING IN A SCHOOL DISTRICT IS FOUND TO EXCEED THE LEAD ACTION LEVEL PURSUANT TO SECTION ELEVEN HUNDRED TEN OF THE PUBLIC HEALTH LAW, SUCH SCHOOL DISTRICT SHALL, WITHIN THIRTY DAYS OF BEING NOTIFIED OF THE TEST RESULTS, PROVIDE PARENTS OF STUDENTS ATTENDING THE AFFECTED SCHOOL WITH WRITTEN NOTIFICATION OF THE TEST RESULTS.

2. WHEN THE WATER IN ANY SCHOOL BUILDING IN A SCHOOL DISTRICT IS FOUND TO EXCEED THE LEAD ACTION LEVEL PURSUANT TO SECTION ELEVEN HUNDRED TEN OF THE PUBLIC HEALTH LAW, THE SCHOOL DISTRICT SHALL HIRE A LICENSED ENGINEERING FIRM TO DEVELOP A REMEDIATION PLAN TO REMOVE THE SOURCE OF THE LEAD CONTAMINATION. SUCH PLAN SHALL BE SENT TO THE COUNTY DEPARTMENT OF HEALTH AND/OR THE DEPARTMENT OF HEALTH AS SPECIFIED BY THE COMMISSIONER OF HEALTH PURSUANT TO REGULATION.

3. THE RESULTS OF ALL TESTS PERFORMED AT EACH SCHOOL BUILDING WITHIN A SCHOOL DISTRICT PURSUANT TO SECTION ELEVEN HUNDRED TEN OF THE PUBLIC HEALTH LAW SHALL BE POSTED IN AN ELECTRONIC FORMAT ON SUCH SCHOOL DISTRICT'S WEBSITE.

S 3. The social services law is amended by adding a new section 390-k to read as follows:

S 390-K. WATER TESTING IN CHILD DAY CARE CENTERS AND DAY CARE HOMES. 1. WHEN THE WATER IN ANY CHILD DAY CARE CENTER, GROUP FAMILY DAY CARE HOME OR FAMILY DAY CARE HOME IS FOUND TO EXCEED THE LEAD ACTION LEVEL PURSUANT TO SECTION ELEVEN HUNDRED TEN OF THE PUBLIC HEALTH LAW, SUCH CHILD DAY CARE CENTER, GROUP FAMILY DAY CARE HOME OR FAMILY DAY CARE HOME SHALL, WITHIN THIRTY DAYS OF BEING NOTIFIED OF THE TEST RESULTS, PROVIDE PARENTS OF CHILDREN ATTENDING THE AFFECTED CHILD DAY CARE CENTER, GROUP FAMILY DAY CARE HOME OR FAMILY DAY CARE HOME WITH WRITTEN NOTIFICATION OF THE TEST RESULTS.

2. WHEN THE WATER IN ANY CHILD DAY CARE CENTER, GROUP FAMILY DAY CARE HOME OR FAMILY DAY CARE HOME IS FOUND TO EXCEED THE LEAD ACTION LEVEL PURSUANT TO SECTION ELEVEN HUNDRED TEN OF THE PUBLIC HEALTH LAW, SUCH CHILD DAY CARE CENTER, GROUP FAMILY DAY CARE HOME OR FAMILY DAY CARE HOME SHALL HIRE A LICENSED ENGINEERING FIRM TO DEVELOP A REMEDIATION PLAN TO REMOVE THE SOURCE OF THE LEAD CONTAMINATION. SUCH PLAN SHALL BE SENT TO THE COUNTY DEPARTMENT OF HEALTH AND/OR THE DEPARTMENT OF HEALTH AS SPECIFIED BY THE COMMISSIONER OF HEALTH PURSUANT TO REGULATION.

3. THE RESULTS OF ALL TESTS PERFORMED AT A CHILD DAY CARE CENTER, GROUP FAMILY DAY CARE HOME OR FAMILY DAY CARE HOME PURSUANT TO SECTION ELEVEN HUNDRED TEN OF THE PUBLIC HEALTH LAW SHALL BE POSTED IN AN ELECTRONIC FORMAT ON SUCH CHILD DAY CARE CENTER'S, GROUP FAMILY DAY CARE HOME'S OR FAMILY DAY CARE HOME'S WEBSITE OR BE AVAILABLE UPON REQUEST IF SUCH CHILD DAY CARE CENTER, GROUP FAMILY DAY CARE HOME OR FAMILY DAY CARE HOME DOES NOT HAVE A WEBSITE.

S 4. This act shall take effect immediately.