STATE OF NEW YORK

5753--B

2017-2018 Regular Sessions

IN SENATE

April 28, 2017

Introduced by Sens. LANZA, ALCANTARA, AVELLA, BAILEY, GALLIVAN, GOLDEN, LATIMER, LITTLE, RITCHIE, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law, in relation to requiring annual radon testing of facilities, department facilities, hospitals, schools, community residences, supervised living facilities, supportive living facilities and residential care centers for adults

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 16.11 of the mental hygiene law is amended by adding a new subdivision (g) to read as follows:

(g) The commissioner shall require annual radon testing of each facility, department facility, hospital, school, community residence, supervised living facility, supportive living facility and residential care center for adults. Such testing shall be performed by a trained and certified, independent entity.

(1) Where radon levels exceed 4 pCi/L, corrective actions shall be taken within thirty days by trained and certified specialists to successfully reduce the radon level below 4 pCi/L.

(2) Where radon levels exceed 8 pCi/L, corrective action shall be taken within fourteen days by trained and certified specialists to successfully reduce the radon level below 4 pCi/L.

(3) Each facility, department facility, hospital, school, community residence, supervised living facility, supportive living facility and residential care center for adults shall post their annual test results online. Results shall be posted prior to and following any actions taken

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

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to reduce radon are completed. If no corrective actions are necessary, proof of such shall be posted.

(4) A comprehensive report including the test results from all facilities, department facilities, hospitals, schools, community residences, supervised living facilities, supportive living facilities and residential care centers for adults shall be provided to the governor, the temporary president of the senate, and the speaker of the assembly no later than the fifteenth of January each year and shall be posted online by the same date.

§ 2. The mental hygiene law is amended by adding a new section 31.39 to read as follows:

§ 31.39 Annual radon testing.

The commissioner shall require annual radon testing of each facility, department facility, hospital, community residence, supervised living facility, supportive living facility and residential care center for adults. Such testing shall be performed by a trained and certified, independent entity.

(a) Where radon levels exceed 4 pCi/L, corrective actions shall be taken within thirty days by trained and certified specialists to successfully reduce the radon level below 4 pCi/L.

(b) Where radon levels exceed 8 pCi/L, corrective action shall be taken within fourteen days by trained and certified specialists to successfully reduce the radon level below 4 pCi/L.

(c) Each facility, department facility, hospital, school, community residence, supervised living facility, supportive living facility and residential care center for adults shall post their annual test results online. Results shall be posted prior to and following any actions taken to reduce radon are completed. If no corrective actions are necessary, proof of such shall be posted.

(d) A comprehensive report including the test results from all facilities, department facilities, hospitals, schools, community residences, supervised living facilities, supportive living facilities and residential care centers for adults shall be provided to the governor, the temporary president of the senate, and the speaker of the assembly no later than the fifteenth of January each year and shall be posted online by the same date.

§ 3. Within 120 days of the effective date of this act, all facilities, department facilities, hospitals, schools, community residences, supervised living facilities, supportive living facilities and residential care centers for adults as defined in section 1.03 of the mental hygiene law, shall have had their first annual radon test completed.

§ 4. This act shall take effect immediately.