

# STATE OF NEW YORK

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3698--A

2019-2020 Regular Sessions

## IN SENATE

February 12, 2019

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Introduced by Sen. GIANARIS -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to potable water testing at schools and state and local parks

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

1 Section 1. Subdivisions 1 and 2 of section 1110 of the public health  
2 law, as added by chapter 296 of the laws of 2016, are amended to read as  
3 follows:

4 1. In addition to school districts already classified as a public  
5 water system under parts 141 and 142 of title 40 of the code of federal  
6 regulations, as such regulations may, from time to time, be amended,  
7 every school district and board of cooperative educational services  
8 shall conduct periodic first-drawn tap testing of potable water systems  
9 to monitor for lead contamination in each occupied school building under  
10 its jurisdiction as required by regulations promulgated pursuant to this  
11 section. The testing shall be conducted and the results analyzed by an  
12 entity or entities approved by the commissioner. Such periodic first-  
13 drawn tap testing shall occur at least once every three years.

14 2. Where a finding of lead contamination is made, the affected school  
15 district shall: (a) continue first-drawn tap water testing pursuant to  
16 regulations promulgated pursuant to this section; (b) provide school  
17 occupants with an adequate supply of safe, potable water for drinking as  
18 required by rules and regulations of the department until future tests  
19 indicate lead levels pursuant to regulations promulgated pursuant to  
20 this section; ~~and~~ (c) provide parents or persons in parental relation  
21 to a child attending said school with written notification of test  
22 results as well as posting such test results on the school district's

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

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1 website; and (d) notwithstanding any provision of law to the contrary,  
2 abate such contamination within ninety days.

3 § 2. The public health law is amended by adding a new section 1110-a  
4 to read as follows:

5 § 1110-a. Park potable water testing and standards. 1. The person,  
6 officer, board or commission having the management and control of the  
7 potable water supply of any state or local park shall conduct periodic  
8 first-drawn tap testing of potable water systems to monitor for lead  
9 contamination in each park under his or her jurisdiction as required by  
10 regulations promulgated pursuant to this section. The testing shall be  
11 conducted and the results analyzed by an entity or entities approved by  
12 the commissioner. Such periodic first-drawn tap testing shall occur at  
13 least once every three years.

14 2. Where a finding of lead contamination is made, the person, officer,  
15 board or commission having the management and control of the potable  
16 water supply of such park shall: (a) continue first-drawn tap water  
17 testing pursuant to regulations promulgated pursuant to this section;  
18 (b) provide park visitors with an adequate supply of safe, potable water  
19 for drinking as required by rules and regulations of the department  
20 until future tests indicate lead levels pursuant to regulations promul-  
21 gated pursuant to this section; (c) conspicuously post warnings to park  
22 visitors the form and content of such warnings to be promulgated by the  
23 commissioner, as well as posting such warnings and test results on the  
24 park's website; (d) notwithstanding any provision of law to the contra-  
25 ry, abate such contamination within ninety days; and (e) immediately  
26 transmit a copy of the results of all such testing and any lead remedi-  
27 ation plans to the commissioner of parks, recreation and historic pres-  
28 ervation in a format to be determined by such commissioner.

29 3. The commissioner, in consultation with the commissioner of parks,  
30 recreation and historic preservation, shall promulgate regulations to  
31 carry out the provisions of this section.

32 4. The commissioner of parks, recreation and historic preservation  
33 shall make a copy of the results of all such testing and any lead reme-  
34 diation plans available to the public on the office of parks, recreation  
35 and historic preservation's website and any additional means as chosen  
36 by such commissioner. A copy of the results of all testing shall also be  
37 immediately transmitted to the department in a format to be determined  
38 by the commissioner. The commissioner of parks, recreation and historic  
39 preservation, in conjunction with the commissioner, shall publish a  
40 report biennially based on the findings from the tap water testing  
41 conducted according to the provisions of this section. Such report shall  
42 be sent to the commissioner, the governor, the temporary president of  
43 the senate, and the speaker of the assembly and shall be made available  
44 on the department's and office of parks, recreation and historic preser-  
45 vation's websites.

46 § 3. This act shall take effect on the ninetieth day after it shall  
47 have become a law. Effective immediately, the addition, amendment  
48 and/or repeal of any rule or regulation necessary for the implementation  
49 of this act on its effective date are authorized and directed to be made  
50 and completed on or before such effective date.