

# STATE OF NEW YORK

8178

2021-2022 Regular Sessions

## IN ASSEMBLY

July 9, 2021

Introduced by M. of A. HYNDMAN -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the public health law, in relation to establishing the office of wastewater surveillance and creating a grant program; and making an appropriation therefor

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

Section 1. Article 11 of the public health law is amended by adding a new title V to read as follows:

### TITLE V

#### WASTEWATER SURVEILLANCE

#### Section 1180. Office of wastewater surveillance.

##### 1181. Grant program.

##### 1182. Advisory council.

§ 1180. Office of wastewater surveillance. 1. The commissioner in conjunction with the commissioner of environmental conservation shall establish an office within the department that shall monitor wastewater surveillance including the testing and analysis of wastewater for public health.

2. The office shall partner and coordinate with:

(a) labs established pursuant to this article that as of the effective date of this section, are engaged in COVID-19 wastewater testing, in order to expand testing to include other pathogens; and

(b) the state university of New York and other institutions of higher learning that as of the effective date of this section, are engaged in wastewater surveillance.

3. The office shall create a standardized system for labs to report wastewater test results and shall provide incentives for such labs to report accurate wastewater test results.

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

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1 4. The office shall create an online public-facing dashboard where  
2 data from wastewater surveillance are published and such dashboard shall  
3 comply with the health insurance portability and accountability act.

4 5. (a) The office shall prepare and submit a report within one year of  
5 the effective date of this section and annually thereafter to the gover-  
6 nor, the temporary president of the senate, the speaker of the assembly,  
7 minority leader of the senate, minority leader of the assembly, chair of  
8 the senate committee on health and the chair of the assembly health  
9 committee of its policy recommendations based on the results from waste-  
10 water surveillance.

11 (b) In the event that wastewater surveillance shows an abnormally high  
12 level of pathogens which is indicative of a possible community wide  
13 infection of such pathogen, the office shall notify and make policy  
14 recommendations to the governor, the temporary president of the senate,  
15 the speaker of the assembly, minority leader of the senate, minority  
16 leader of the assembly, chair of the senate committee on health and the  
17 chair of the assembly health committee as soon as practicable.

18 § 1181. Grant program. The commissioner shall establish and adminis-  
19 ter a grant program that shall assist labs established pursuant to this  
20 article in conducting wastewater testing.

21 § 1182. Advisory council. 1. The commissioner in conjunction with the  
22 commissioner of environmental conservation shall establish an advisory  
23 council, which shall provide advice on:

24 (a) best practices for wastewater sampling, wastewater testing and  
25 analysis of wastewater test results;

26 (b) the creation of standards and systems of reporting on wastewater  
27 surveillance;

28 (c) the creation of the dashboard established pursuant to subdivision  
29 four of section eleven hundred eighty of this title;

30 (d) integrating wastewater surveillance for COVID-19 into the office  
31 of wastewater surveillance established pursuant to section eleven  
32 hundred eighty of this title; and

33 (e) any topics deemed essential by the commissioner.

34 2. The advisory council shall consist of a minimum of five members and  
35 no more than nine members with such members coming from public and  
36 private institutions of higher learning with experience in wastewater  
37 surveillance who shall be appointed by the commissioner in conjunction  
38 with the commissioner of environmental conservation. Such members shall  
39 include, but not be limited to persons who have a background and/or  
40 experience in the following fields:

41 (a) microbiologist;

42 (b) chemist;

43 (c) environmental engineer;

44 (d) epidemiologist; and

45 (e) geographer.

46 3. Membership on the advisory council shall be geographically repre-  
47 sentative of the state. The members shall serve three-year terms. The  
48 chairperson shall be selected by majority vote of the members of the  
49 council. The council shall meet at the call of the commissioner, but no  
50 less than four times per year. A majority of the members shall consti-  
51 tute a quorum.

52 4. The members of the advisory council shall receive no compensation  
53 for their services as members of the council, but each of them shall be  
54 allowed the necessary and actual expenses which he or she shall incur in  
55 the performance of his or her duties under this section. The department

1 shall provide staff and support necessary for the advisory council to  
2 carry out its duties and responsibilities.

3 5. The advisory council shall convene its first meeting within forty-  
4 five days of the effective date of this section.

5 6. The advisory council shall report its findings to the office of  
6 wastewater surveillance established pursuant to section eleven hundred  
7 eighty of this title within one year of its first meeting and annually  
8 thereafter.

9 § 2. The sum of one million five hundred thousand dollars  
10 (\$1,500,000), or so much thereof as may be available, is hereby appro-  
11 priated to the department of health from any moneys in the state treas-  
12 ury in the general fund to the credit of the state purposes account, not  
13 otherwise appropriated, and made immediately available, for the purposes  
14 of establishing the office of wastewater surveillance and for the  
15 creation of the grant program with an annual appropriation thereafter to  
16 be determined by the commissioner of health. Such moneys shall be paya-  
17 ble on the audit and warrant of the comptroller on vouchers certified or  
18 approved by the commissioner of health in the manner prescribed by law.

19 § 3. This act shall take effect immediately; provided, however, that  
20 sections eleven hundred eighty and eleven hundred eighty-one of the  
21 public health law as added by section one of this act shall take effect  
22 on the one hundred eightieth day after this act shall have become a law.  
23 Effective immediately, the addition, amendment and/or repeal of any rule  
24 or regulation necessary for the implementation of this act on its effec-  
25 tive date are authorized to be made on or before such date.