STATE OF NEW YORK

6601--C

2021-2022 Regular Sessions

IN SENATE

May 10, 2021

Introduced by Sens. COONEY, RIVERA -- 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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to requiring COVID-19 testing of certain employees at nursing homes, residential health care facilities, assisted living facilities and enhanced assisted living facilities; and providing for the repeal of such provisions upon expiration thereof

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 2805-aa to read as follows:

§ 2805-aa. COVID-19 testing. 1. Every nursing home and residential health care facility shall, once a week, test every employee whose scope of employment includes contact with residents at such nursing home or residential health care facility for COVID-19. If such employee has not received the full set of vaccinations for COVID-19, such testing shall occur twice a week.

2. Every nursing home and residential health care facility shall, once a month, test every employee whose scope of employment does not include contact with residents at such nursing home or residential health care facility for COVID-19. If such employee has not received the full set of vaccinations for COVID-19, such testing shall occur twice a month.

3. The commissioner may, at his or her discretion, set testing standards which are less frequent than those provided in this section.

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

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§ 2. Section 4656 of the public health law, as added by chapter 2 of the laws of 2004, is amended by adding a new subdivision 9 to read as follows:

9. a. Every assisted living operator shall, once a week, test every employee whose scope of employment includes contact with residents at such assisted living residence for COVID-19. If such employee has not received the full set of vaccinations for COVID-19, such testing shall occur twice a week.

b. Every assisted living operator shall, once a month, test every employee whose scope of employment does not include contact with residents at such assisted living residence for COVID-19. If such employee has not received the full set of vaccinations for COVID-19, such testing shall occur twice a month.

c. The commissioner may, at his or her discretion, set testing standards which are less frequent than those provided in this subdivision.

§ 3. This act shall take effect immediately; provided that the provisions of this act shall expire and be deemed repealed upon the expiration of the declared state of disaster emergency relating to the novel coronavirus (COVID-19); and provided, further, that the commissioner of health shall notify the legislative bill drafting commission upon the occurrence of the expiration of the state disaster emergency declared by executive order number 202 and any further amendments or modifications, and as may be further extended pursuant to section 28 of the executive law, in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.