STATE OF NEW YORK

3110

2023-2024 Regular Sessions

IN SENATE

January 27, 2023

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

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

5. (a) The office shall prepare and submit a report within one year of the effective date of this section and annually thereafter to the governor, the temporary president of the senate, the speaker of the assembly, minority leader of the senate, minority leader of the assembly, chair of the senate committee on health and the chair of the assembly health committee of its policy recommendations based on the results from wastewater surveillance.

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

§ 1181. Grant program. The commissioner shall establish and administer a grant program that shall assist labs established pursuant to this article in conducting wastewater testing.

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

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

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

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

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

(e) any topics deemed essential by the commissioner.

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

(a) microbiologist;

(b) chemist;

(c) environmental engineer;

(d) epidemiologist; and

(e) geographer.

3. Membership on the advisory council shall be geographically representative of the state. The members shall serve three-year terms. The chairperson shall be selected by majority vote of the members of the council. The council shall meet at the call of the commissioner, but no less than four times per year. A majority of the members shall constitute a quorum.

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

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

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

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

§ 2. The sum of one million five hundred thousand dollars ($1,500,000), or so much thereof as may be available, is hereby appropriated to the department of health from any moneys in the state treasury in the general fund to the credit of the state purposes account, not otherwise appropriated, and made immediately available, for the purposes of establishing the office of wastewater surveillance and for the creation of the grant program with an annual appropriation thereafter to be determined by the commissioner of health. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner of health in the manner prescribed by law.

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