STATE OF NEW YORK

9345

IN SENATE

May 13, 2024

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

AN ACT to amend the public health law, in relation to lead service line identification

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 1114-c to read as follows:

§ 1114-c. Lead service line identification. 1. For the purposes of this section:

(a) "Covered water system" means (i) a public water system that serves at least fifteen service connections used by year-round residents or regularly serves at least twenty-five year-round residents; or (ii) a public water system that regularly serves at least twenty-five of the same people, four hours or more per day, for four or more days per week, for twenty-six or more weeks per year.

(b) "Service line" means any piping connecting a water main to a building inlet.

(c) "Galvanized service line" means iron or steel piping that has been dipped in zinc to prevent corrosion and rusting.

(d) "Gooseneck, pigtail, or connector" means a short section of piping, typically not exceeding two feet, which can be bent and used for connections between rigid service piping, typically connecting the service line to the water main.

(e) "Lead service line" means a service line made of lead or where a portion of the service line is made of lead. A gooseneck, pigtail, or connector made of lead shall be considered a lead service line, regardless of length and regardless of the material of the service line to which such gooseneck, pigtail, or connector is attached. A galvanized service line shall be considered a lead service line if it is currently or ever was downstream of a lead service line or is currently downstream in the direction of flow of a lead status unknown service line. If the covered water system is unable to demonstrate that the galvanized

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

LBD15575-01-4

service line was never downstream of a lead service line, the galvanized service line shall be considered a lead service line.

(f) "Customer" means an owner of real property served by the covered public water system.

(g) "Property" means real property served by the covered public water system.

(h) "Non-owner adult occupant" means a person, age eighteen or older, other than the customer that is occupying, with the consent of the customer, real property served by the covered water system, including but not limited to tenants and occupants as defined in section two hundred thirty-five-f of the real property law.

(i) "Locally adopted code" means any local law, local ordinance, or covered water system rule or regulation.

2. When consent and access to a property cannot be readily obtained by a covered water system for the purpose of conducting a free service line inspection in order to determine the presence of a lead service line, the covered water system shall give notice to the customer of such property requesting consent and access. Any request to a customer shall include a notification that failure to respond within thirty days shall result in a non-owner adult occupant being authorized to consent to such request. All customers must respond within thirty days to such a request by a covered water system.

3. If a customer fails to respond within thirty days to such a request, a covered water system may notify any non-owner adult occupant of such outstanding request and accept the consent and access provided by any non-owner adult occupant of the property in order to conduct a free service line inspection.

4. If the consent and access of a customer or non-owner adult occupant of a property is refused or cannot be readily obtained within thirty days after notice has been given, the covered water system may take actions consistent with its locally adopted code to secure such consent and access.

5. Free service line inspections must occur within sixty days after a customer or non-owner adult occupant has consented to an inspection request by a covered water system.

6. This section shall not modify any existing liabilities or obligations for any party in connection to conducting a service line inspection, provided however that a non-owner adult occupant shall not be liable for any actions resulting from consenting to and providing access to conduct a service line inspection as authorized under this section.

§ 2. This act shall take effect immediately.