STATE OF NEW YORK

4541--A

2025-2026 Regular Sessions

IN SENATE

February 6, 2025

Introduced by Sen. FERNANDEZ -- 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, the environmental conservation law and the education law, in relation to air quality in schools and student health

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

Section 1. Article 25 of the public health law is amended by adding a new title 4-A to read as follows:

TITLE 4-A

INDOOR AIR QUALITY AND VAPING IN SCHOOLS

Section 2576. Definitions.
2576-a. Indoor air quality inspection, measurement and evaluation program.
2576-b. Vaping detectors.
2576-c. Indoor air quality monitors.
2576-d. Best practices.
2576-e. Rules and regulations.

§ 2576. Definitions. As used in this title, the following terms shall have the following meanings, unless the context clearly requires otherwise:

1. "Covered entity" means a facility used for (a) instruction of elementary or secondary students by any school district, including a special act school district and a city school district in a city having a population of one hundred twenty-five thousand inhabitants or more, and (b) pre-kindergarten programs.

2. "Hazardous substances" means any substance listed as a substance hazardous to the public health, safety or the environment in regulations promulgated pursuant to article thirty-seven of the environmental

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

LBD09035-02-5

conservation law and shall include lead, radon, asbestos, formaldehyde, and volatile organic compounds exceeding a specified amount as designated by the commissioner.

3. "Vaping" means the act of inhaling and exhaling the aerosol, often referred to as vapor, which is produced by an e-cigarette or similar device.

4. "Vaping detector" means a device capable of detecting vapor from vaping devices and which alerts people to the presence of vapor from vaping devices.

5. "Indoor air quality monitor" refers to equipment that shall continuously measure in real time the indoor air quality in schools using a series of fixed sensors that are neither handheld nor mobile and able to measure at a minimum particulate matter levels from 0.3 - 10 micron, total volatile organic compounds, temperature, humidity and carbon dioxide, that has been awarded performance validation by an ISO 17065 accredited certifying body in an ISO 17025 accredited laboratory.

§ 2576-a. Indoor air quality inspection, measurement and evaluation program. 1. Within one year of the effective date of this title, the department may establish an indoor air quality inspection, measurement and evaluation program.

2. The indoor air quality inspection, measurement and evaluation program established pursuant to subdivision one of this section may require the department to:

(a) promulgate regulations for continuous measurement of indoor air quality, inspections, evaluations, notifications and best practices to improve indoor air quality in covered entities;

(b) enter into any necessary interagency agreements to coordinate the indoor air quality program;

(c) inspect and measure the indoor air quality and vaping detectors in the covered entity, upon their own initiative or upon complaint to the department regarding the quality of air in the covered entity, unless the issue or condition raised in such complaint has been the subject of a previous inspection by the department and is considered to be satisfactorily resolved or such issue or condition has already been made aware to the department and an inspection has already been scheduled or completed;

(d) provide results of air quality data collected by the monitors to the building and district leader;

(e) assist the covered entity in developing a reasonable plan to improve air quality conditions found in the inspection; and

(f) develop and implement public education and community outreach programs on indoor air quality and risk reduction.

3. After inspection, the department may prepare a report that:

(a) describes the department's findings;

(b) describes whether the test results exceed the indoor air guidelines established by the department or the occupational safety and health administration guidelines for indoor air quality;

(c) identifies any conditions that are contributing or could contribute to poor indoor air quality at the covered entity including, but not limited to, carbon dioxide levels; humidity; evidence of mold or water damage; evidence of hazardous substances; and excess dust; and

(d) provides guidance on steps the covered entity may take to improve indoor air quality.

4. A complaint regarding the indoor air quality of a covered entity may be in writing and sent to the department. The department may inspect

such covered entity pursuant to paragraph (c) of subdivision two of this section.

§ 2576-b. Vaping detectors. Notwithstanding the requirements of section twenty-five hundred seventy-six-a of this title, beginning with the school year commencing after the effective date of this title, covered entities that have one thousand or more students enrolled may install and monitor vaping detectors within the covered entity. Vaping detectors may be installed in all student bathrooms and common areas in such covered entities, in addition to any other location that the covered entity may determine is appropriate.

§ 2576-c. Indoor air quality monitors. Notwithstanding the requirements of section twenty-five hundred seventy-six-a of this title, beginning with the school year commencing after the effective date of this title, covered entities that have one thousand or more students enrolled may install and monitor fixed indoor air quality monitors within the covered entity. Indoor air quality monitors, as defined in section twenty-five hundred seventy-six of this title may be fixed and installed in all student classrooms and common areas in such covered entities, in addition to any other location that the covered entity may determine is appropriate.

§ 2576-d. Best practices. The department, in consultation with the department of environmental conservation, may distribute a guidance document of best practices for continuous indoor air quality monitoring systems for managing and measuring indoor air quality at covered entities as described in this title. The department may use a manual on indoor air quality in covered entities developed by federal health or environmental agencies or another state. The department, as deemed necessary by the commissioner, may periodically review and revise such guidance document to assure that the document continues to represent best practices and minimum standards available to covered entities.

§ 2576-e. Rules and regulations. The commissioner may promulgate rules and regulations in consultation with the commissioner of environmental conservation and the state education commissioner to effectuate the requirements of this title.

§ 2. Subdivision 1 of section 3-0301 of the environmental conservation law is amended by adding a new paragraph ii to read as follows:

ii. Cooperate with the department of health to complete the requirements of title four-A of article twenty-five of the public health law.

§ 3. Section 305 of the education law is amended by adding a new subdivision 63 to read as follows:

63. The commissioner may collaborate with the department of health to develop guidance consistent with the requirements of title four-A of article twenty-five of the public health law and may disseminate such guidance to every school district. The commissioner may also require that each school district verify that covered entities, as defined in title four-A of article twenty-five of the public health law, are installing and maintaining vaping detectors and indoor air quality monitoring.

§ 4. Section 3602 of the education law is amended by adding a new subdivision 6-j to read as follows:

6-j. a. Building aid for vaping detection and continuous indoor air quality monitoring. In addition to the apportionments payable to a school district pursuant to subdivision six of this section, the commissioner is hereby authorized to apportion to any school district additional building aid pursuant to this subdivision for its approved expenditures in the base year for the purchase of vaping detectors and

continuous indoor air quality monitors required pursuant to section twenty-five hundred seventy-six-b of the public health law and as defined in section twenty-five hundred seventy-six of the public health law, or other air quality, health and safety devices approved by the commissioner. The commissioner may annually prescribe a special cost allowance for such vaping detectors and continuous indoor air quality monitoring systems, and the approved expenditures may not exceed such cost allowance.

b. For projects authorized to receive additional building aid pursuant to this subdivision for the purchase, installation and maintenance of vaping detectors and indoor air quality monitoring on or after the first day of July next succeeding the date this subdivision takes effect, such additional aid may equal the product of (i) the building aid ratio computed for use in the current year pursuant to paragraph c of subdivision six of this section plus ten percent, except that in no case may this amount exceed one hundred percent, and (ii) the actual approved expenditures incurred in the base year pursuant to this subdivision, provided that the limitations on cost allowances prescribed by paragraph a of subdivision six of this section may not apply. The commissioner may annually prescribe a special cost allowance for vaping detectors and indoor air quality monitoring and the approved expenditures may not exceed such cost allowance.

§ 5. This act shall take effect immediately.