

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.

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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

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

3 § 2576-b. Vaping detectors. Notwithstanding the requirements of
4 section twenty-five hundred seventy-six-a of this title, beginning with
5 the school year commencing after the effective date of this title,
6 covered entities that have one thousand or more students enrolled may
7 install and monitor vaping detectors within the covered entity. Vaping
8 detectors may be installed in all student bathrooms and common areas in
9 such covered entities, in addition to any other location that the
10 covered entity may determine is appropriate.

11 § 2576-c. Indoor air quality monitors. Notwithstanding the require-
12 ments of section twenty-five hundred seventy-six-a of this title, begin-
13 ning with the school year commencing after the effective date of this
14 title, covered entities that have one thousand or more students enrolled
15 may install and monitor fixed indoor air quality monitors within the
16 covered entity. Indoor air quality monitors, as defined in section twen-
17 ty-five hundred seventy-six of this title may be fixed and installed in
18 all student classrooms and common areas in such covered entities, in
19 addition to any other location that the covered entity may determine is
20 appropriate.

21 § 2576-d. Best practices. The department, in consultation with the
22 department of environmental conservation, may distribute a guidance
23 document of best practices for continuous indoor air quality monitoring
24 systems for managing and measuring indoor air quality at covered enti-
25 ties as described in this title. The department may use a manual on
26 indoor air quality in covered entities developed by federal health or
27 environmental agencies or another state. The department, as deemed
28 necessary by the commissioner, may periodically review and revise such
29 guidance document to assure that the document continues to represent
30 best practices and minimum standards available to covered entities.

31 § 2576-e. Rules and regulations. The commissioner may promulgate rules
32 and regulations in consultation with the commissioner of environmental
33 conservation and the state education commissioner to effectuate the
34 requirements of this title.

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

37 ii. Cooperate with the department of health to complete the require-
38 ments of title four-A of article twenty-five of the public health law.

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

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

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

51 6-j. a. Building aid for vaping detection and continuous indoor air
52 quality monitoring. In addition to the apportionments payable to a
53 school district pursuant to subdivision six of this section, the commis-
54 sioner is hereby authorized to apportion to any school district addi-
55 tional building aid pursuant to this subdivision for its approved
56 expenditures in the base year for the purchase of vaping detectors and

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

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

23 § 5. This act shall take effect immediately.