

STATE OF NEW YORK

4541

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

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:

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

3 TITLE 4-A

4 INDOOR AIR QUALITY AND VAPING IN SCHOOLS

5 Section 2576. Definitions.

6 2577. Indoor air quality inspection, measurement and evaluation
7 program.

8 2578. Vaping detectors.

9 2579. Indoor air quality monitors.

10 2580. Best practices.

11 2581. Rules and regulations.

12 § 2576. Definitions. As used in this title, the following terms shall
13 have the following meanings, unless the context clearly requires other-
14 wise:

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

20 2. "Hazardous substances" means any substance listed as a substance
21 hazardous to the public health, safety or the environment in regulations
22 promulgated pursuant to article thirty-seven of the environmental
23 conservation law and shall include lead, radon, asbestos, formaldehyde,

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

LBD09035-01-5

1 and volatile organic compounds exceeding a specified amount as desig-
2 nated by the commissioner.

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

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

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

16 § 2577. Indoor air quality inspection, measurement and evaluation
17 program. 1. Within one year of the effective date of this title, the
18 department shall establish an indoor air quality inspection, measurement
19 and evaluation program.

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

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

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

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

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

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

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

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

43 (a) describes the department's findings;

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

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

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

53 4. A complaint regarding the indoor air quality of a covered entity
54 shall be in writing and sent to the department. The department shall
55 inspect such covered entity pursuant to paragraph (c) of subdivision two
56 of this section.

1 § 2578. Vaping detectors. Notwithstanding the requirements of section
2 twenty-five hundred seventy-seven of this title, beginning with the
3 school year commencing after the effective date of this title, covered
4 entities that have one thousand or more students enrolled shall install
5 and monitor vaping detectors within the covered entity. Vaping detectors
6 shall be installed in all student bathrooms and common areas in such
7 covered entities, in addition to any other location that the covered
8 entity may determine is appropriate.

9 § 2579. Indoor air quality monitors. Notwithstanding the requirements
10 of section twenty-five hundred seventy-seven of this title, beginning
11 with the school year commencing after the effective date of this title,
12 covered entities that have one thousand or more students enrolled must
13 install and monitor fixed indoor air quality monitors within the covered
14 entity. Indoor air quality monitors, as defined in section twenty-five
15 hundred seventy-six of this title shall be fixed and installed in all
16 student classrooms and common areas in such covered entities, in addi-
17 tion to any other location that the covered entity may determine is
18 appropriate.

19 § 2580. Best practices. The department, in consultation with the
20 department of environmental conservation, shall distribute a guidance
21 document of best practices for continuous indoor air quality monitoring
22 systems for managing and measuring indoor air quality at covered enti-
23 ties as described in this title. The department may use a manual on
24 indoor air quality in covered entities developed by federal health or
25 environmental agencies or another state. The department, as deemed
26 necessary by the commissioner, shall periodically review and revise such
27 guidance document to assure that the document continues to represent
28 best practices and minimum standards available to covered entities.

29 § 2581. Rules and regulations. The commissioner shall promulgate rules
30 and regulations in consultation with the commissioner of environmental
31 conservation and the state education commissioner to effectuate the
32 requirements of this title.

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

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

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

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

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

49 6-j. a. Building aid for vaping detection and continuous indoor air
50 quality monitoring. In addition to the apportionments payable to a
51 school district pursuant to subdivision six of this section, the commis-
52 sioner is hereby authorized to apportion to any school district addi-
53 tional building aid pursuant to this subdivision for its approved
54 expenditures in the base year for the purchase of vaping detectors and
55 continuous indoor air quality monitors required pursuant to section
56 twenty-five hundred seventy-eight of the public health law and as

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

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

21 § 5. This act shall take effect immediately.