STATE OF NEW YORK

7777

2025-2026 Regular Sessions

IN SENATE

May 6, 2025

Introduced by Sen. HARCKHAM -- 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 school potable water testing

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

Section 1. Section 1110 of the public health law, as amended by chapter 130 of the laws of 2022, is amended to read as follows:

§ 1110. School potable water testing and standards. 1. In addition to school districts already classified as a public water system under parts 141 and 142 of title 40 of the code of federal regulations, as such regulations may, from time to time, be amended, every school district and board of cooperative educational services shall conduct triennial first-drawn tap testing of potable water systems to monitor for lead contamination in each occupied school building under its jurisdiction as required by regulations promulgated pursuant to this section. The testing shall be conducted and the results analyzed by an entity or entities approved by the commissioner.

2. Where a finding of lead contamination **in exceedance of the action level** is made, the affected school district shall: (a) continue first-drawn tap water testing **and implementation of the filter-first drinking water management plan required by subdivision six of this section** pursuant to regulations promulgated pursuant to this section; (b) provide school occupants with an adequate supply of safe, free to the school occupants, potable water for drinking as required by rules and regulations of the department until **remediation is completed and** future tests indicate lead levels pursuant to regulations promulgated pursuant to this section; and (c) provide parents or persons in parental relation to a child attending said school with written notification of test results.

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

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3. The commissioner, in consultation with the commissioner of education, shall promulgate regulations to carry out the provisions of this section. Notwithstanding any other provision of law to the contrary, the regulations promulgated with regard to lead levels shall be consistent with the requirements for those school districts classified as a public water system under parts 141 and 142 of title 40 of the code of federal regulations as such regulations may, from time to time, be amended; provided, however, that the lead action level is exceeded if the concentration of lead is greater than 0.005 milligrams per liter.

4. The commissioner may grant a waiver from the testing requirements of this section for certain school buildings, provided that the school district has substantially complied with the testing requirements**, has installed filtered bottle-filling stations or filtered faucets, as the case may be, pursuant to the filter-first drinking water management plan required by subdivision six of this section,** and has been found to be below lead levels as determined by regulations promulgated pursuant to this section, as amended, for such buildings.

5. Each school district and board of cooperative educational services conducting testing pursuant to subdivision one of this section and each school district classified as a public water system under parts 141 and 142 of title 40 of the code of federal regulations, as such regulations may, from time to time, be amended, shall make a copy of the results of all such testing, including laboratory reports, and [~~any lead remediation~~] **filter-first drinking water management** plans**, as defined pursuant to subdivision seven of this section,** available to the public on its website and any additional means as chosen by such district. A copy of the results of all testing shall also be immediately transmitted to the department and state education department in a format to be determined by the commissioner and to the county department of health in the local jurisdiction of the school building. The commissioner of education, in conjunction with the commissioner, shall publish a report triennially based on the findings from the tap water testing conducted according to the provisions of this section. Such report shall be sent to the commissioner, the governor, the temporary president of the senate, and the speaker of the assembly and shall be made available on the department's and state education department's websites.

6. Prior to December thirty-first, two thousand twenty-six, each school district and board of cooperative educational services conducting testing pursuant to subdivision one of this section and each school district classified as a public water system under parts 141 and 142 of title 40 of the code of federal regulations, as such regulations may, from time to time, be amended, shall implement a filter-first drinking water management plan as required by regulations promulgated pursuant to this section.

7. For the purposes of this section, a "filter-first drinking water management plan" is defined as a drinking water management plan that includes, at a minimum:

(a) the installation and maintenance of at least one filtered bottle-filling station for every one hundred occupants of the school, not including visitors or individuals attending special events. As used in this section "filtered bottle-filling station" means an apparatus that: (i) is connected to customer site piping, (ii) filters water and is certified to meet NSF/ANSI standard 53 for lead reduction and NSF/ANSI standard 42 for particulate removal, (iii) has a flow rate through the station that is paired to the specified flow rate of the filter cartridge, (iv) has a light or other device to indicate filter cartridge

replacement status, (v) is designed to fill drinking bottles or other containers for personal water consumption, and (vi) includes a drinking fountain. As used in this section "drinking fountain" means a plumbing fixture that is connected to the potable water distribution system and drainage system that allows a user to obtain a drink directly from a stream of flowing water without the use of any accessory;

(b) the installation and maintenance of filtered faucets only when the installation of a filtered bottle-filling station is not feasible but a water outlet for human consumption is necessary, including, but not limited to, kitchens, nurses' stations, and teachers' lounges. As used in this section "filtered faucet" means a faucet that, at the point of use, includes a filter that is certified to meet NSF/ANSI standard 53 for lead reduction and NSF/ANSI standard 42 for particulate removal;

(c) a schedule for the regular replacement of the filter cartridge for each filtered bottle-filling station and filtered faucet in compliance with the manufacturer instructions or recommendations of the department;

(d) the shutting off or rendering permanently inoperable any water outlet providing water for human consumption that is not a filtered bottle-filling station or filtered faucet; and

(e) the posting of a conspicuous sign near each water outlet indicating whether or not the outlet is intended to provide water for human consumption.

8. Beginning twelve months after the effective date of the chapter of the laws of two thousand twenty-five that amended this section, each school district and board of cooperative educational services conducting testing pursuant to subdivision one of this section and each school district classified as a public water system under parts 141 and 142 of title 40 of the code of federal regulations, as such regulations may, from time to time, be amended, shall not install a faucet intended for human consumption or a drinking fountain or bottle-filling station unless it is a filtered faucet or a filtered bottle-filling station.

9. Expenses [~~for remediation~~] incurred under this section and any regulations promulgated thereto shall be fully reimbursable from funds appropriated through the department of environmental conservation for clean water infrastructure projects.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.