

# 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:

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

3 § 1110. School potable water testing and standards. 1. In addition to  
4 school districts already classified as a public water system under parts  
5 141 and 142 of title 40 of the code of federal regulations, as such  
6 regulations may, from time to time, be amended, every school district  
7 and board of cooperative educational services shall conduct triennial  
8 first-drawn tap testing of potable water systems to monitor for lead  
9 contamination in each occupied school building under its jurisdiction as  
10 required by regulations promulgated pursuant to this section. The test-  
11 ing shall be conducted and the results analyzed by an entity or entities  
12 approved by the commissioner.

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

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

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

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

18 5. Each school district and board of cooperative educational services  
19 conducting testing pursuant to subdivision one of this section and each  
20 school district classified as a public water system under parts 141 and  
21 142 of title 40 of the code of federal regulations, as such regulations  
22 may, from time to time, be amended, shall make a copy of the results of  
23 all such testing, including laboratory reports, and [~~any lead remedi-~~  
24 ~~ation~~] filter-first drinking water management plans, as defined pursuant  
25 to subdivision seven of this section, available to the public on its  
26 website and any additional means as chosen by such district. A copy of  
27 the results of all testing shall also be immediately transmitted to the  
28 department and state education department in a format to be determined  
29 by the commissioner and to the county department of health in the local  
30 jurisdiction of the school building. The commissioner of education, in  
31 conjunction with the commissioner, shall publish a report triennially  
32 based on the findings from the tap water testing conducted according to  
33 the provisions of this section. Such report shall be sent to the commis-  
34 sioner, the governor, the temporary president of the senate, and the  
35 speaker of the assembly and shall be made available on the department's  
36 and state education department's websites.

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

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

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

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

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

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

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

20 (e) the posting of a conspicuous sign near each water outlet indicat-  
21 ing whether or not the outlet is intended to provide water for human  
22 consumption.

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

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

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